

FLOOR REFERENCE

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

Figure: 30 TAC §37.201(f)(1)

$$\text{Next payment} = \frac{\text{CE} - \text{CV}}{Y}$$

Where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

Figure 1: 30 TAC §37.301(a)

TRUST AGREEMENT

TRUST AGREEMENT, the "Agreement," entered into as of (date) by and between (name of the owner or operator), a (name of State) (insert "corporation," "partnership," "association," or "proprietorship"), the "Grantor," and (name of corporate trustee), (insert "incorporated in the State of _____" or "a national bank"), the "Trustee."

Whereas, the Texas Natural Resource Conservation Commission, "TNRCC," an agency of the State of Texas, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a facility(ies) shall provide assurance that funds will be available when needed for closure of the facility.

Whereas, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facility(ies) identified herein,

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

Now, therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

(c) Facility or activity means any "facility" or any other facility or activity that is subject to regulation under 30 TAC Chapter 37.

Section 2. Identification of Facilities and Cost Estimates. This Agreement pertains to the facilities and cost estimates identified on attached Schedule A (on Schedule A, for each facility list the TNRCC registration or permit number, name, address, and the current closure cost estimate, or portions thereof, for which financial assurance is demonstrated by this Agreement.

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of TNRCC. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by TNRCC.

Section 4. Payment for Closure. The Trustee shall make payments from the Fund as the TNRCC executive director shall direct, in writing, to provide for the payment of the costs of closure of the facilities covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the TNRCC executive director from the Fund for closure expenditures in such amounts as the TNRCC executive director shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the TNRCC executive director specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like use, in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2(a), shall not be acquired or held unless they are securities or other obligations of the Federal or a State government;

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered or permitted under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuations. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the TNRCC executive director a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the TNRCC executive director shall constitute a conclusively binding assent by the Grantor barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement of any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the TNRCC executive director, and the present Trustee by certified mail ten days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the TNRCC executive director to the Trustee shall be in writing, signed by his designee, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or TNRCC hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or TNRCC, except as provided for herein.

Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor and the TNRCC executive director, by certified mail within ten days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during

that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the TNRCC executive director, or by the Trustee and the TNRCC executive director if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the TNRCC executive director, or by the Trustee and the TNRCC executive director if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the TNRCC executive director issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of Texas.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in 30 Texas Administrative Code §37.301(a) as such regulations were constituted on the date first above written.

(Signature of Grantor)

By (Title)
Attest:

(Title)

(Seal)

(Signature of Trustee)

By (Title)
Attest:

(Title)

(Seal)

Figure 2: 30 TAC §37.301(b)

CERTIFICATION OF ACKNOWLEDGMENT

State of _____
County of _____

On this (date), before me personally came (owner or operator) to me known, who, being by me duly sworn, did depose and say that she/he resides at (address), that she/he is (title) of (corporation), the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order to the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

(signature of Notary Public)

PAYMENT BOND FOR CLOSURE

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Texas Natural Resource Conservation Commission (hereinafter called TNRCC), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the appropriate program, to comply with registration or permit requirements in order to own or operate each facility identified above, and

Whereas said Principal is required to provide financial assurance for closure as a condition of the registration or permit, and

Now, Therefore, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of final closure of each facility identified above, fund into the standby trust fund as directed by the TNRCC executive director the amount(s) identified above for the facility,

Or if the Principal shall fund into the standby trust fund as directed by the TNRCC executive director in such amount(s) within 15 days after a final order to begin closure is issued by the TNRCC executive director or a U.S. district court or other court of competent jurisdiction,

Or if the Principal shall provide alternate financial assurance and obtain the TNRCC executive director's written approval of such assurance, within 30 days after the date notice of cancellation is received by both the Principal and the TNRCC executive director from the Surety(ies), then the obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the TNRCC executive director that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the TNRCC executive director.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the TNRCC executive director provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the TNRCC executive director, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the TNRCC executive director.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new closure amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of

the TNRCC executive director.

In Witness Whereof, the Principal and Surety(ies) have executed this Payment Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute the surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 30 Texas Administrative Code §37.311 as such regulations were constituted on the date this bond was executed.

Principal

(Signature(s)) _____
(Name(s)) _____
(Title(s)) _____
(Corporate seal) _____

Corporate Surety(ies)

(Name and address and State of Incorporation:) _____

Liability limit:\$ _____

(Signature(s)) _____

(Name(s) and title(s)) _____

(Corporate Seal)

(For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.)

Bond premium: \$ _____

Date bond executed: _____

Effective Date: _____

Principal: (legal name and business address of owner and operator).

Type of Organization: (insert "individual," "joint venture," "partnership," or "corporation,")

State of Incorporation: _____

Surety(ies): (name(s) and business address(es))

TNRCC registration or permit number, name, address, and closure amount(s) for each facility guaranteed by this bond (indicate closure amounts for each facility):

Total penal sum of bond: \$ _____

Surety's bond number: _____

PERFORMANCE BOND FOR CLOSURE

Date bond executed: _____.
Effective date: _____.
Principal: (legal name and business address of owner or operator).
Type of organization: (insert "individual," "joint venture," "partnership," or "corporation").
State of incorporation: _____.
Surety(ies): (name(s) and business address(es))

TNRCC registration or permit number, name, address, and closure amounts(s) for each facility guaranteed by this bond (indicate closure amounts for each facility):

Total penal sum of bond: \$ _____.
Surety's bond number: _____.

Know All Persons By These Presents. That We, the Principal and Surety(ies) hereto are firmly bound to the Texas Natural Resource Conservation Commission (hereinafter called TNRCC), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the appropriate program, to comply with registration or permit requirements in order to own or operate each facility identified above, and

Whereas said Principal is required to provide financial assurance for closure as a condition of the registration or permit to operate under authorization, and

Now, therefore, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of each facility for which this bond guarantees closure, in accordance with the closure requirements of the registration or permit for operating under authorization as may be amended, pursuant to all applicable laws, statutes, rules and regulations, as such laws, statutes, rules, and regulations may be amended,

Or, if the Principal shall provide alternate financial assurance and obtain the TNRCC executive director's written approval of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the TNRCC executive director from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by an TNRCC executive director that the Principal has been found in violation of the closure requirements for a facility which this bond guarantees performances of closure, the

Surety(ies) shall either perform closure in accordance with the closure requirements for operating under authorization or place the amount guaranteed for the facility in the standby trust fund as directed by the TNRCC executive director.

Upon notification by an TNRCC executive director that the Principal has failed to provide alternate financial assurance and obtain written approval of such assurance from the TNRCC executive director during the 90 days following receipt by both the Principal and the TNRCC executive director of a notice of cancellation of the bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into an account as directed by the TNRCC executive director.

The surety(ies) hereby waive(s) notification of amendments to closure requirements, registration or permits, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the owner and operator and to the TNRCC executive director provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the TNRCC executive director, as evidenced by the return receipts.

The principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the TNRCC executive director.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new closure amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the TNRCC executive director.

In Witness Whereof, The Principal and Surety(ies) have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording on this surety bond is identical to the wording specified in 30 Texas Administrative Code §37.321 as such regulation was constituted on the date this bond was executed.

Principal.
(Signature(s))
(Name(s))
(Title(s))
(Corporate seal)
(Corporate Surety(ies))
(Name and address)
State of incorporation:

Liability limit: \$ _____.
(Signature(s))
(name(s) and title(s))
Corporate seal:
(For every co-surety, provide signature(s), corporate seal, and other information in the same manner as
for Surety above.)
Bond premium: \$ _____.

Figure: 30 TAC §37.331

IRREVOCABLE STANDBY LETTER OF CREDIT FOR CLOSURE

Executive Director
Texas Natural Resource Conservation Commission

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of (owner's or operator's name and address) up to the aggregate amount of (in words) U.S. dollars \$ _____, available upon presentation of

(1) Your sight draft, bearing reference to this letter of credit No. _____, and
(2) Your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the 30 Texas Administrative Code Chapter 37."

This letter of credit is effective as of (date) and shall expire on (date at least 1 year later), but such expiration date shall be automatically extended for a period of (at least 1 year) on (date) and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and (owner's or operator's name) by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and (owner's or operator's name), as shown on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us.

We certify that the wording of this letter of credit is identical to the wording specified in 30 Texas Administrative Code §37.331 as such regulations were constituted on the date shown immediately below.

(Signature(s) and title(s) of official(s) of issuing institution)
(Date)

This credit is subject to (insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," or "the Uniform Commercial Code").

CERTIFICATE OF INSURANCE FOR CLOSURE

Name and Address of Insurer (herein called the "insurer"):

Name and Address of Insured (herein called the "insured"):

Facilities covered: (list for each facility: The TNRCC registration or permit number, name, address, and the amount of insurance for closure (these amounts for all facilities covered must total the face amount shown below).)

Face Amount: _____

Policy Number: _____

Effective Date: _____

The insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for closure for the facilities identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of 30 TAC Chapter §37.241 of this title (relating to Insurance for Closure), as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Whenever requested by the executive director of the Texas Natural Resource Conservation Commission ("TNRCC"), the Insurer agrees to furnish to the executive director a duplicate original of the policy listed above, including all endorsements thereon.

I hereby certify that the wording of this certificate is identical to the wording specified in 30 Texas Administrative Code §37.341 as such regulations were constituted on the date shown immediately below.

(Authorized signature of Insurer)

(Name of person signing)

(Title of person signing)

(Signature of witness or notary:)

(Date)

Figure: 30 TAC §37.351

FINANCIAL TEST FOR CLOSURE

LETTER FROM CHIEF FINANCIAL OFFICER

(Address to TNRCC executive director)

I am the Chief Financial Officer of (name and address of firm.) This letter is in support of this firm's use of the financial test to demonstrate financial assurance for closure as specified in 30 Texas Administrative Code (TAC) Chapter 37.

(Fill out the following paragraphs regarding facilities and associated cost estimates. If your firm has no facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, include its TNRCC registration or permit number, name, address, and closure cost estimate.)

1. This firm is the owner or operator of the following facilities for which financial assurance for closure is being demonstrated through the financial test specified in 30 TAC §37.251 of this title (relating to Financial Test for Closure). The closure cost estimate covered by the test is shown for each facility: _____.
2. This firm guarantees, through the corporate guarantee specified in 30 TAC §37.261 of this title (relating to Corporate Guarantee for Closure), the closure cost of the following facilities owned or operated by the guaranteed party. The current cost estimates for the closure so guaranteed are shown for each facility: _____. The firm identified above is the direct or higher-tier parent corporation of the owner or operator.
3. In States where TNRCC is not administering the financial requirements of 30 TAC Chapter 37, this firm, as owner, operator, or guarantor, is demonstrating financial assurance for the closure of the following facilities through the use of a test equivalent or substantially equivalent to the financial test specified in 30 TAC §37.251 of this title (relating to Financial Test for Closure). The current closure cost estimates covered by such a test are shown for each facility: _____.
4. The firm identified above owns or operates the following facilities for which financial assurance for closure or, if a disposal facility, post-closure cost, is not demonstrated either to TNRCC, a federal agency or a State through the financial test or any other financial assurance mechanisms specified in 30 TAC Chapter 37 or equivalent or substantially equivalent State mechanisms. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility: _____.
5. This firm is the owner or operator or guarantor of the following UIC facilities for which financial assurance for plugging and abandonment is required under 40 CFR 144 and 30 TAC 331 and is assured through a financial test. The current closure cost estimates as required by 40 CFR 144.62 and 30 TAC 331.142 are shown for each facility: _____.

This firm (insert "is required" or "is not required") to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year. The fiscal year of this firm ends on (month, day). The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed (12 months) fiscal year, ended (date).

(Fill in Alternative I if the criteria of 30 TAC §37.251(b)(1) are used. Fill in Alternative II if the criteria of 30 TAC §37.251(b)(2) are used.)

ALTERNATIVE I

- 1. (a) Current closure cost for subjected facility(ies) \$ _____
- (b) Sum of corrective action, closure and post-closure costs, liability coverage, and plugging and abandonment costs covered by a financial test and/or guarantee \$ _____
- (c) Total of lines (a) and (b) \$ _____
- *2. Total liabilities (if any portion of the closure cost or liability coverage is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4) \$ _____
- *3. Tangible net worth \$ _____
- *4. Net Worth \$ _____
- *5. Current assets \$ _____
- *6. Current liabilities \$ _____
- *7. Net working capital (line 5 minus line 6) \$ _____
- *8. The sum of net income plus depreciation, depletion and amortization \$ _____
- *9. Total assets in U. S. (required only if less than 90% of firm's assets are located in U.S.) \$ _____

Circle either "yes" or "no" to the following questions.

- 10. Is line 3 at least \$10 million? yes/no
- 11. Is line 3 at least 6 times line 1(c)? yes/no
- 12. Is line 7 at least 6 times line 1(c)? yes/no
- *13. Are at least 90% of firm's assets located in the U.S.? yes/no
If not, complete line 14
- 14. Is line 9 at least 6 times line 1(c)? yes/no
- 15. Is line 2 divided by line 4 less than 2.0? yes/no
- 16. Is line 8 divided by line 2 greater than 0.1? yes/no
- 17. Is line 5 divided by line 6 greater than 1.5? yes/no

ALTERNATIVE II

- 1. (a) Current closure cost for subjected facility(ies) \$ _____
- (b) Sum of corrective action, closure and post-closure costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee \$ _____
- (c) Total of lines (a) and (b) \$ _____
- 2. Current bond rating of most recent issuance of this firm and name of rating service _____
- 3. Date of issuance of bond _____
- 4. Date of maturity of bond _____
- *5. Tangible net worth (if any portion of the closure cost estimate(s) or liability coverage requirements is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line) \$ _____
- *6. Total assets in U.S. (required only if less than 90% of firm's assets are located in U.S.)

\$ _____

Circle either "yes" or "no" to the following questions.

- | | | |
|-----|--|--------|
| 7. | Is line 5 at least \$10 million? | yes/no |
| 8. | Is line 5 at least 6 times line 1(c)? | yes/no |
| *9. | Are at least 90% of the firm's assets located in the U.S.? | yes/no |
| | If not, complete line 10 | |
| 10. | Is line 6 at least 6 times line 1(c)? | yes/no |

I hereby certify that the wording of this letter is identical to the wording specified in 30 Texas Administrative Code §37.351 as such regulations were constituted on the date shown immediately below.

(Signature)

(Name)

(Title)

(Date)

CORPORATE GUARANTEE FOR CLOSURE

Guarantee made this ____ day of _____, 19____, by (name of guaranteeing entity), a business corporation organized under the laws of the State of _____, herein referred to as guarantor to the Texas Natural Resource Conservation Commission (TNRCC), obligee, on behalf of (owner or operator) of (business address).

RECITALS

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in 30 Texas Administrative Code (TAC) §37.251 of this title (relating to Financial Test for Closure) and §37.261 of this title (relating to Corporate Guarantee for Closure).
2. (Owner or operator) owns or operates the following facility(ies) covered by this guarantee: (List for each facility: TNRCC registration or permit number, name, and address.)
3. "Closure requirements" as used below refers to the closure cost estimate maintained as required for the closure of facilities as identified above.
4. For value received from (owner or operator), guarantor guarantees to TNRCC that in the event that (owner or operator) fails to perform closure of the above facility(ies) in accordance with the closure requirements when required to do so, the guarantor will do so as specified in 30 Texas Administrative Code §37.251 of this title (relating to Financial Test for Closure) in the name of (owner or operator) in the amount of the adjusted closure cost estimates prepared.
5. Guarantor agrees that, if at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor will send within 30 days, by certified mail, notice to the TNRCC executive director and to (owner or operator) that he intends to provide alternate financial assurance by selecting one of the mechanisms as specified in Subchapter C of 30 TAC Chapter 37. Within 30 days after sending such notice, the guarantor will establish such financial assurance if (owner or operator) has not done so.
6. The guarantor agrees to notify the TNRCC executive director, by certified mail, of a voluntary or involuntary case under Title 11, U.S. Code, naming guarantor as debtor, within 10 days after its commencement.
7. Guarantor agrees that within 30 days after being notified by the TNRCC executive director of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of closure, he will establish alternate financial assurance by selecting one of the mechanisms as specified in Subchapter C of 30 TAC Chapter 37, in the name of (owner or operator) if (owner or operator) has not done so.
8. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the closure cost estimates, the extension or reduction of the time of performance of closure or any other modification or alteration of an obligation of the owner or operator.
9. Guarantor agrees to remain bound under this guarantee for so long as (owner or operator) must comply with the applicable financial assurance requirements for the above-listed facilities, except that guarantor may cancel this guarantee by sending notice by certified mail, to the TNRCC executive director and to (owner or operator), such cancellation to become effective no earlier than 120 days after actual receipt of such notice by both TNRCC and (owner or operator)

as evidenced by the return receipts.

10. Guarantor agrees that if (owner or operator) fails to provide alternate financial assurance and obtain written approval of such assurance from the TNRCC executive director within 90 days after a notice of cancellation by the guarantor is received by both the TNRCC executive director and (owner or operator), guarantor will provide alternate financial assurance by selecting one of the mechanisms as specified in Subchapter C of 30 TAC Chapter 37, in the name of the (owner or operator).
11. Guarantor expressly waives notice of acceptance of this guarantee by the Texas Natural Resource Conservation Commission or by (owner or operator). Guarantor also expressly waives notice of amendments or modifications of the closure cost estimates.

I hereby certify that the wording of this guarantee is identical to the wording specified in 30 Texas Administrative Code §37.361.

Effective date: _____.

(Name of guarantor)

(Authorized signature for guarantor)

(Type name of person signing)

(Title of person signing)

Signature of witness or notary: _____

graphic

Figure 1: 30 TAC §37.601(a)

TRUST AGREEMENT

TRUST AGREEMENT, the "Agreement," entered into as of (date) by and between (name of the owner or operator), a (name of State) (insert "corporation," "partnership," "association," or "proprietorship"), the "Grantor," and (name of corporate trustee), (insert "incorporated in the State of _____" or "a national bank"), the "Trustee."

Whereas, the Texas Natural Resource Conservation Commission, "TNRCC," an agency of the State of Texas, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a facility(ies) must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities.

Whereas, the Grantor has elected to establish a trust to assure all or part of such financial responsibility for the facility(ies) identified herein,

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

Now, therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

(c) Facility or activity means any "facility" or any other facility or activity that is subject to regulation under 30 TAC Chapter 37.

Section 2. Identification of Facilities and Cost Estimates. This Agreement pertains to the facilities and cost estimates identified on attached Schedule A (on Schedule A, for each facility list the TNRCC registration or permit number, name, address, and the amount of liability coverage, or portions thereof, if more than one instrument affords combined coverage as demonstrated by this Agreement).

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, hereinafter the "Fund," for the benefit of any and all third parties injured or damaged by sudden accidental occurrences arising from operation of the facility(ies) covered by this guarantee, in the amounts of up to (in words) U.S. dollars \$ _____ per occurrence and up to (in words) U.S. dollars \$ _____ annual aggregate for sudden accidental occurrences, except that the Fund is not established for the benefit of third parties for the following:

(a) Bodily injury or property damage for which (insert Grantor) is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that (insert Grantor) would be obligated to pay in the absence of the contract or agreement.

(b) Any obligation of (insert Grantor) under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.

(c) Bodily injury to:

(1) An employee of (insert Grantor) arising from, and in the course of, employment by (insert Grantor); or

(2) The spouse, child, parent, brother, or sister of that employee as a consequence of, or arising from, and the course of employment by (insert Grantor).

This exclusion applies:

(A) Whether (insert Grantor) may be liable as an employer or in any other capacity; and

(B) To any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in paragraphs (1) and (2).

(d) Bodily injury or property damage arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle or watercraft.

(e) Property damage to:

(1) Any property owned, rented, or occupied by (insert Grantor);

(2) Premises that are sold, given away or abandoned by (insert Grantor) if the property damage arises out of any part of those premises;

(3) Property loaned to (insert Grantor);

(4) Personal property in the care, custody or control of (insert Grantor);

(5) That particular part of real property on which (insert Grantor) or any contractors or subcontractors working directly or indirectly on behalf of (insert Grantor) are performing operations, if the property damage arises out of these operations.

In the event of combination with another mechanism for liability coverage, the fund shall be considered (insert "primary" or "excess") coverage.

The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by TNRCC.

Section 4. Payment for Bodily Injury or Property Damage. The Trustee shall satisfy a third party liability claim by making payments from the Fund only upon receipt of one of the following documents:

(a) Certification from the Grantor and the third party claimant(s) that the liability claim should be paid. The certification must be worded as follows, except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

CERTIFICATION OF VALID CLAIM

The undersigned, as parties (insert Grantor) and (insert name and address of third party claimant(s)), hereby certify that the claim of bodily injury and/or property damage caused by a sudden accidental occurrence arising from operating (Grantor's) facility(ies) should be paid in the amount of \$().

(Signatures)

Grantor

(Signatures)

Claimant(s)

(b) A valid final court order establishing a judgment against the Grantor for bodily injury or property damage caused by sudden accidental occurrences arising from the operation of the Grantor's facility(ies).

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may

communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like use, in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2(a), shall not be acquired or held unless they are securities or other obligations of the Federal or a State government;

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered or permitted under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund.

All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuations. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the TNRCC executive director a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the TNRCC executive director shall constitute a conclusively binding assent by the Grantor barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement of any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the TNRCC executive director, and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the TNRCC executive director to the Trustee shall be in writing, signed by his designee, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or TNRCC hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or TNRCC, except as provided for herein.

Section 15. Notice of Nonpayment. If a payment for bodily injury or property damage is made under Section 4 of this trust, the Trustee shall notify the Grantor of such payment and the amount(s) thereof within five (5) working days. The Grantor shall, on or before the anniversary date of the establishment of the Fund following such notice, either make payments to the Trustee in amounts sufficient to cause the trust to return to its value immediately prior to the payment of claims under Section 4, or shall provide written proof to the Trustee that other financial assurance for liability

coverage has been obtained equaling the amount necessary to return the trust to its value prior to the payment of claims. If the Grantor does not either make payments to the Trustee or provide the Trustee with such proof, the Trustee shall within 10 working days after the anniversary date of the establishment of the Fund provide a written notice of nonpayment to the TNRCC executive director.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the TNRCC executive director, or by the Trustee and the TNRCC executive director if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the TNRCC executive director, or by the Trustee and the TNRCC executive director if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the TNRCC executive director issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of Texas.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in 30 Texas Administrative Code §37.601(a) as such regulations were constituted on the date first above written.

(Signature of Grantor)

By _____ (Title)
Attest:

(Title)

(Seal)

(Signature of Trustee)

By _____
Attest:

(Title)

(Seal)

Figure 2: 30 TAC §37.601(b)

CERTIFICATION OF ACKNOWLEDGMENT

State of _____

County of _____

On this (date), before me personally came (owner or operator) to me known, who, being by me duly sworn, did depose and say that she/he resides at (address), that she/he is (title) of (corporation), the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order to the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.
(signature of Notary Public)

Figure: 30 TAC §37.611

PAYMENT BOND FOR LIABILITY

Surety Bond No. (Insert Number)

Parties (Insert name and address of owner or operator), Principal, incorporated in (insert State of incorporation) of (Insert city and State of principal place of business) and (Insert name and address of surety company(ies), Surety Company(ies), of (Insert surety(ies) place of business).

TNRCC Permit or Registration Number, name, and address for each facility guaranteed by this bond: _____

	Sudden accidental Occurrences
Penal Sum Per Occurrence.	<u>(Insert amount)</u>
Annual Aggregate	<u>(Insert amount)</u>

Purpose: This is an agreement between the Surety(ies) and the Principal under which the Surety(ies), its(their) successors and assignees, agree to be responsible for the payment of claims against the Principal for bodily injury and/or property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities in the sums prescribed herein; subject to the governing provisions and the following conditions.

Governing Provisions: Rules and regulations of 30 Texas Administrative Code Chapter 37.

Conditions:

(a) The Principal is subject to the applicable governing provisions that require the Principal to have and maintain liability coverage for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. Such obligation does not apply to any of the following:

(1) Bodily injury or property damage for which (insert principal) is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that (insert principal) would be obligated to pay in the absence of the contract or agreement.

(2) Any obligation of (insert principal) under a worker's compensation, disability benefits, or unemployment compensation law or similar law.

(3) Bodily injury to:

(A) An employee of (insert principal) arising from, and in the course of, employment by (insert principal); or

(B) The spouse, child, parent, brother or sister of that employee as a consequence of, or arising from, and in the course of employment by (insert principal). This exclusion applies:

(i) Whether (insert principal) may be liable as an employer or in any other capacity; and

(ii) To any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in paragraphs (1) and (2).

(4) Bodily injury or property damage arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle or watercraft.

(5) Property damage for:

(A) Any property owned, rented, or occupied by (insert principal);

(B) Premises that are sold, given away or abandoned by (insert principal) if the property damage arises out of any part of those premises;

(C) Property loaned to (insert principal);

(D) Personal property in the care, custody or control of (insert principal);

(E) That particular part of real property on which (insert principal) or any contractors or subcontractors working directly or indirectly on behalf of (insert principal) are performing operations, if the property damage arises out of those operations.

(b) This bond assures that the Principal will satisfy valid third party liability claims, as described in condition 1.

(c) If the Principal fails to satisfy a valid third party liability claim, as described above, the Surety(ies) becomes liable on this bond obligation.

(d) The Surety(ies) shall satisfy a third party liability claim only upon the receipt of one of the following documents:

(1) Certification from the Principal and the third party claimant(s) that the liability claim should be paid. The certification must be worded as follows, except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

Certification of Valid Claim

The undersigned, as parties (insert name of Principal) and (insert name and address of third party claimant(s)), hereby certify that the claim of bodily injury and/or property damage caused by a sudden accidental occurrence arising from operating (Principal's) facility(ies) should be paid in the amount of \$(_____).

(Signature)

Principal

(Notary) Date

(Signature(s))

Claimant(s)

(Notary) Date

or (b) A valid final court order establishing a judgment against the Principal for bodily injury or property damage caused by sudden accidental occurrences arising from the operations of the Principal's facility or group of facilities.

(5) In the event of combination of this bond with another mechanism for liability coverage, this bond will be considered (insert "primary" or "excess") coverage.

(6) The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety(ies) hereunder exceed the amount of said annual aggregate penal sum, provided that the Surety(ies) furnish(es) notice to the TNRCC executive director forthwith of all claims filed and payments made by the Surety(ies) under this bond.

(7) The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and the TNRCC executive director, provided, however, that cancellation shall not occur during the

120 days beginning on the date of receipt of the notice of cancellation by the Principal and the TNRCC executive director, as evidenced by the return receipt.

(8) The Principal may terminate this bond by sending notice of cancellation by certified mail to the Surety(ies) and the TNRCC executive director, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by the Surety(ies) and the TNRCC executive director, as evidenced by the return receipt.

(9) The Surety(ies) hereby waive(s) notification of amendments to applicable laws, statutes, rules and regulations and agree(s) that no such amendment shall in any way alleviate its (their) obligation on this bond.

(10) This bond is effective from (insert date) (12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described above.

In Witness Whereof, the Principal and Surety(ies) have executed this Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 30 Texas Administrative Code §37.611, as such regulations were constituted on the date this bond was executed.

Principal

(Signature(s))

(Name(s))

(Title(s))

(Corporate Seal)

Corporate Surety(ies)

(Name and address)

State of incorporation: _____

Liability Limit: \$ _____

(Signature(s))

(Name(s) and title(s))

(Corporate seal)

(For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.)

Bond premium: \$ _____

IRREVOCABLE STANDBY LETTER OF CREDIT FOR LIABILITY

Name and Address of Issuing Institution

Executive Director
Texas Natural Resource Conservation Commission

Dear Sir or Madam: We hereby establish our Irrevocable Standby Letter of Credit No. _____ in the favor of any and all third-party liability claimants, at the request and for the account of (owner's or operator's name and address) for third-party liability awards or settlements up to (in words) U.S. dollars \$ _____ per occurrence and the annual aggregate amount of (in words) U.S. dollars \$ _____, for sudden accidental occurrences available upon presentation of a sight draft bearing reference to this letter of credit No. _____, and (insert the following:

(1) a signed certificate reading as follows:

CERTIFICATE OF VALID CLAIM

The undersigned, as parties (insert principal) and (insert name and address of third party claimant(s)), hereby certify that the claim of bodily injury and/or property damage caused by a sudden accidental occurrence arising from operations of (principal's) facility(ies) should be paid in the amount of \$ _____. We hereby certify that the claim does not apply to any of the following:

- (a) Bodily injury or property damage for which (insert principal) is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that (insert principal) would be obligated to pay in the absence of the contract or agreement.
- (b) Any obligation of (insert principal) under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.
- (c) Bodily injury to:
 - (1) An employee of (insert principal) arising from, and in the course of, employment by (insert principal); or
 - (2) The spouse, child, parent, brother or sister of that employee as a consequence of, or arising from, and in the course of employment by (insert principal).This exclusion applies:
 - (A) Whether (insert principal) may be liable as an employer or in any other capacity; and
 - (B) To any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in paragraphs (1) and (2).
- (d) Bodily injury or property damage arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle or watercraft.
- (e) Property damage to:
 - (1) Any property owned, rented, or occupied by (insert principal);
 - (2) Premises that are sold, given away or abandoned by (insert principal) if the property damage arises out of any part of those premises;
 - (3) Property loaned to (insert principal);

- (4) Personal property in the care, custody or control of (insert principal);
- (5) That particular part of real property on which (insert principal) or any contractors or subcontractors working directly or indirectly on behalf of (insert principal) are performing operations, if the property damage arises out of these operations.

(Signatures) _____

Principal _____

(Signatures) _____

Claimant(s) _____

or

- (2) a valid final court order establishing a judgment against the Principal for bodily injury or property damage caused by a sudden accidental occurrence arising from operation of the Principal's facility or group of facilities.

This letter of credit is effective as of (date) and shall expire on (date at least one year later), but such expiration date shall be automatically extended for a period of (at least one year) on (date) and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify you, the TNRCC executive director, and (owner's or operator's name) by certified mail that we have decided not to extend this letter of credit beyond the current expiration date.

Whenever this letter or credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us.

In the event that this letter of credit is used in combination with another mechanism for liability coverage, this letter of credit shall be considered (insert "primary coverage" or "excess coverage").

We certified that the wording of this letter of credit is identical to the wording specified in 30 Texas Administrative Code §37.621 as such regulations were constituted on the date shown immediately below.
(Signature(s) and title(s) of official(s) of issuing institution) (Date).

This credit is subject to (insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code").

CERTIFICATE OF INSURANCE FOR LIABILITY

1. (Name of Insurer), the "Insurer", of (address of Insurer) hereby certifies that it has issued liability insurance covering bodily injury and property damage to (name of insured), the "Insured", of (address of Insured) in connection with the insured's obligation to demonstrate financial responsibility under 30 TAC §37.401 of this title (relating to Liability Requirements for Sudden Accidental Occurrences). The coverage applies at (list facility identification or registration number, name, and address for each facility) for sudden accidental occurrences; if coverage is for multiple facilities and the coverage is different for different facilities, indicate which facilities are insured for sudden accidental occurrences. The limits of liability are (insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's liability), exclusive of legal defense costs. The coverage is provided under policy number _____, issued on (date). The effective date of said policy is (date).

2. The Insurer further certifies the following with respect to the insurance described in Paragraph 1:

- (a) Bankruptcy or insolvency of the Insured shall not relieve the Insurer of its obligations under the policy.
- (b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the Insured for any such payment made by the Insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in 30 TAC §37.541 of this title (relating to Financial Test for Liability).
- (c) Whenever required by the TNRCC executive director, the Insurer agrees to furnish to the executive director a signed duplicate original of the policy and all endorsements.
- (d) Cancellation of the insurance, whether by the Insurer, the Insured, or a parent corporation providing insurance coverage for its subsidiary, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the TNRCC executive director.
- (e) Any other termination of the insurance will be effective only upon written notice and only after the expiration of 30 days after a copy of such written notice is received by the TNRCC executive director.

I hereby certify that the wording of this instrument is identical to the wording specified in 30 TAC §37.631 as such regulation was constituted on the date first above written, and that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

(Signature of authorized representative of Insurer)
(Type name)
(Title), Authorized Representative of (Name of Insurer)
(Address of Representative)

ENDORSEMENT FOR LIABILITY

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering bodily injury and property damage in connection with the insured's obligation to demonstrate financial responsibility under 30 TAC §37.401 of this title (relating to Liability Requirements for Sudden Accidental Occurrences). The coverage applies at (list facility identification or registration number, name, and address for each facility) for sudden accidental occurrences; if coverage is for multiple facilities and the coverage is different for different facilities, indicate which facilities are insured for sudden accidental occurrences. The limits of liability are (insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's liability), exclusive of legal defense costs.

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with subsections (a) through (e) of this Paragraph 2 are hereby amended to conform with subsection (a) through (e):

- (a) Bankruptcy or insolvency of the insured shall not relieve the Insurer of its obligations under the policy to which this endorsement is attached.
- (b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in 30 TAC §37.541 of this title (relating to Financial Test for Liability).
- (c) Whenever requested by the TNRCC executive director, the Insurer agrees to furnish to the executive director a signed duplicate original of the policy and all endorsements.
- (d) Cancellation of this endorsement, whether by the Insurer, the Insured, or a parent corporation providing insurance coverage for its subsidiary, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the TNRCC executive director.
- (e) Any other termination of this endorsement will be effective only upon written notice and only after the expiration of 30 days after a copy of such written notice is received by the TNRCC executive director.

Attached to and forming part of policy No. _____ issued by (name of Insurer), herein called the Insurer, of (address of Insurer) to (name of Insured) of (address of Insured) this ____ day of _____, 19__.

The effective date of said policy is ____ day of _____, 19__.

I hereby certify that the wording of this endorsement is identical to the wording specified in 30 TAC §37.641 as such regulation was constituted on the date first above written, and that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

(Signature of Authorized Representative of Insurer)
(Type Name)
(Title), Authorized Representative of (name of Insurer)
(Address of Representative)

Figure: 30 TAC §37.651

FINANCIAL TEST FOR LIABILITY

LETTER FROM CHIEF FINANCIAL OFFICER

(Address to TNRCC Executive Director)

I am the chief financial officer of (firms's name and address). This letter is in support of the use of the financial test to demonstrate financial responsibility for liability coverage (if applicable, insert "and closure") as specified in 30 Texas Administrative Code (TAC) Chapter 37.

(Fill out the following paragraphs regarding facilities and liability coverage. If there are no facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, include its TNRCC registration or permit number, name, and address).

The firm identified above is the owner or operator of the following facilities for which liability coverage for sudden accidental occurrences is being demonstrated through the financial test specified in 30 TAC §37.541 of this title (relating to Financial Test for Liability):_____.

The firm identified above guarantees, through the guarantee specified in 30 TAC §37.551 of this title (relating Financial Test for Liability), liability coverage for sudden accidental occurrences at the following facilities owned or operated by the following:_____. The firm identified above is the direct or higher-tier parent corporation of the owner or operator.

(If you are using the financial test to demonstrate coverage of both liability and closure, fill in the following five paragraphs regarding facilities and associated closure cost estimates. If there are no facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, include its TNRCC registration or permit number, name, address, and current closure estimates.)

1. The firm identified above owns or operates the following facilities for which financial assurance for closure or liability coverage is demonstrated through the financial test specified in 30 TAC §37.541 of this title (relating to Financial Test for Liability). The current closure cost estimate covered by the test are show for each facility:_____.
2. The firm identified above guarantees, through the guarantees specified in 30 TAC §37.551 of this title (relating to Corporate Guarantee for Liability), the closure and/or liability coverage of the following facilities owned or operated by the guaranteed party. The current cost estimates for closure so guaranteed are shown for each facility:_____.
3. In States where TNRCC is not administering the financial requirements of 30 TAC §37.541 of this title (relating to Financial Test for Liability), this firm is demonstrating financial assurance for the closure of the following facilities through the use of a test equivalent or substantially equivalent to the financial test specified in 30 TAC Chapter 37. The current closure cost estimates covered by such a test are shown for each facility:_____.
4. The firm identified above owns or operates the following facilities for which financial assurance for closure or, if a disposal facility, post-closure cost, is not demonstrated either to TNRCC, a federal agency or a State through the financial test or any other financial assurance mechanisms specified in 30 TAC Chapter 37 or equivalent or substantially equivalent State mechanisms. The current

closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility:_____.

5. This firm is the owner or operator or guarantor of the following UIC facilities for which financial assurance for plugging and abandonment is required under 40 CFR 144 and 30 TAC 331 and is assured through a financial test. The current closure cost estimates as required by 40 CFR 144.62 and 30 TAC 331.142 are shown for each facility:_____.

This firm (insert "is required" or "is not required") to file a For 10K with the Security and Exchange Commission (SEC) for the latest fiscal year. The fiscal year of this firm ends on (month, day). The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended (date).

(Fill in Part A if you are using the financial test to demonstrate assurance for only liability coverage. Or, fill in part B if you are using the financial test to demonstrate assurance for both closure and liability coverage.)

Part A. Liability Coverage for Accidental Occurrences

(Fill in Alternative I if the criteria of 30 TAC §37.541(b)(1) are used. Fill in Alternative II if the criteria of 30 TAC §37.541(b)(2) are used.)

ALTERNATIVE I

- | | | | |
|------|---|----------|--------|
| 1. | Amount of annual aggregate liability coverage to be demonstrated | \$ _____ | |
| *2. | Current assets | \$ _____ | |
| *3. | Current liabilities | \$ _____ | |
| 4. | Net working capital (line 2 minus line 3) | \$ _____ | |
| *5. | Tangible net worth | \$ _____ | |
| *6. | If less than 90% of assets are located in the U. S., give total U.S. assets | \$ _____ | |
| 7. | Is line 5 at least \$10 million? | | Yes/No |
| 8. | Is line 4 at least 6 times line 1? | | Yes/No |
| 9. | Is line 5 at least 6 times line 1? | | Yes/No |
| *10. | Are at least 90% of assets located in the U.S.? (If not, complete line 11) | | Yes/No |
| 11. | Is line 6 at least 6 times line 1? | | Yes/No |

ALTERNATIVE II

- | | | | |
|-----|---|----------|--------|
| 1. | Amount of annual aggregate liability coverage to be demonstrated | \$ _____ | |
| 2. | Current bond rating of most recent issuance and name of rating service | _____ | |
| 3. | Date of issuance of bond | _____ | |
| 4. | Date of maturity of bond | _____ | |
| *5. | Tangible net worth | \$ _____ | |
| *6. | Total assets in U.S. (Required only if less than 90% of assets are located in the U.S.) | \$ _____ | |
| 7. | Is line 5 at least \$10 million? | | Yes/No |
| 8. | Is line 5 at least 6 times line 1? | | Yes/No |

- | | | |
|-----|--|--------|
| 9. | Are at least 90% of assets located in the U.S.? (If not, complete line 10) | Yes/No |
| 10. | Is line 6 at least 6 times line 1? | Yes/No |

Part B. Closure and Liability Coverage

(Fill in Alternative I if the criteria of 30 TAC §37.251(b)(1) and 30 TAC §37.541(b)(1) are used. Fill in Alternative II if the criteria of 30 TAC §37.251(b)(2) and 30 TAC §37.541(b)(2) are used.)

ALTERNATIVE I

- | | | |
|-------|--|----------|
| 1. | Sum of current closure and post-closure cost estimates (total of all cost estimates listed above) | \$ _____ |
| 2. | Amount of annual aggregate liability coverage to be demonstrated | \$ _____ |
| 3. | Sum of lines 1 and 2 | \$ _____ |
| * 4. | Total liabilities (if any portion of your closure or post-closure cost estimates is included in your total liabilities, you may deduct that portion from this line and add that amount to lines 5 and 6) | \$ _____ |
| * 5. | Tangible net worth | \$ _____ |
| * 6. | Net worth | \$ _____ |
| * 7. | Current assets | \$ _____ |
| * 8. | Current liabilities | \$ _____ |
| 9. | Net working capital (line 7 minus line 8) | \$ _____ |
| 10. | The sum of net income plus depreciation, depletion, and amortization | \$ _____ |
| * 11. | Total assets in the United States (required only if less than 90% of assets located in the United States) | \$ _____ |
| 12. | Is line 5 at least \$10 million? | Yes/No |
| 13. | Is line 5 at least 6 times line 3? | Yes/No |
| 14. | Is line 9 at least 6 times line 3? | Yes/No |
| * 15. | Are at least 90% of assets located in the U.S.? (If not, complete line 16) | Yes/No |
| 16. | Is line 11 at least 6 times line 3? | Yes/No |
| 17. | Is line 4 divided by line 6 less than 2.0? | Yes/No |
| 18. | Is line 10 divided by line 4 greater than 0.1? | Yes/No |
| 19. | Is line 7 divided by line 8 great than 1.5? | Yes/No |

ALTERNATIVE II

- | | | |
|------|---|----------|
| 1. | Sum of current closure and post-closure cost estimates (total of all cost estimates listed above) | \$ _____ |
| 2. | Amount of annual aggregate liability coverage to be demonstrated | \$ _____ |
| 3. | Sum of lines 1 and 2 | \$ _____ |
| 4. | Current bond rating of most recent issuance and name of rating service | _____ |
| 5. | Date of issuance of bond | _____ |
| 6. | Date of maturity of bond | _____ |
| * 7. | Tangible net worth (if any portion of the closure of post-closure cost estimate is included "total liabilities" on your financial statements you may add that portion to this line) | \$ _____ |
| * 8. | Total assets in the U.S. (Required only if less than 90% of assets are located in the U.S.) | \$ _____ |

- | | | |
|------|--|--------|
| 9. | Is line 7 at least \$10 million? | Yes/No |
| 10. | Is line 7 at least 6 times line 3? | Yes/No |
| *11. | Are at least 90% of assets located in the U.S.? (If not, complete line 12) | Yes/No |
| 12. | Is line 8 at least 6 times line 3? | Yes/No |

I hereby certify that the wording of this letter is identical to the wording specified in 30 TAC §37.651 As such regulations were constituted on the date shown immediately below.

(Signature)

(Name)

(Title)

(Date)

CORPORATE GUARANTEE FOR LIABILITY

Guarantee made this (date) by (name of guaranteeing entity), a business corporation organized under the laws of (if incorporated within the United States insert "the State of _____" and insert name of State; in incorporated outside the United States insert the name of the country in which incorporated, the principal place of business within the United States, and the name and address of the registered agent in the State of the principal place of business), herein referred to as guarantor. This guarantee is made on behalf of (owner or operator) of (business address), which is our subsidiary, to any and all third parties who have sustained or may sustain bodily injury or property damage caused by sudden accidental occurrences arising from operation of the facility(ies) covered by this guarantee.

RECITALS

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in 30 Texas Administrative Code (TAC) §37.551 of this title (relating to Corporate Guarantee for Liability).
2. (Owner or operator) owns or operates the following facility(ies) covered by this guarantee: (List for each facility: TNRCC permit or registration number, name, and address; and if guarantor is incorporated outside the United States list the name and address of the guarantor's registered agent in each State.) This corporate guarantee satisfies third-party liability requirements for sudden accidental occurrences in above-named owner or operator facilities for coverage in the amount of (insert dollar amount) for each occurrence and (insert dollar amount) annual aggregate.
3. For value received from (owner or operator), guarantor guarantees to any and all third parties who have sustained or may sustain bodily injury or property damage caused by sudden accidental occurrences arising from operations of the facility(ies) covered by this guarantee that in the event that (owner or operator) fails to satisfy a judgment or award based on determination of liability for bodily injury or property damage to third parties caused by sudden accidental occurrences, arising from the operation of the above-named facilities, or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment(s), award(s) or settlement agreement(s) up to the limits of coverage identified above.
4. Such obligation does not apply to any of the following:
 - (a) Bodily injury or property damage for which (insert owner or operator) is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that (insert owner or operator) would be obligated to pay in the absence of the contract or agreement.
 - (b) Any obligation of (insert owner or operator) under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.
 - (c) Bodily injury to:
 - (1) An employee of (insert owner or operator) arising from, and in the course of, employment by (insert owner or operator); or
 - (2) The spouse, child, parent, brother, or sister of that employee as a consequence of, or arising from, and in the course of employment by (insert owner or operator). This exclusion applies:
 - (A) Whether (insert owner or operator) may be liable as an employer or in any other capacity; and

- (B) To any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in paragraphs (1) and (2).
- (d) Bodily injury or property damage arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle or watercraft.
- (e) Property damage to:
- (1) Any property owned, rented, or occupied by (insert owner or operator) ;
 - (2) Premises that are sold, given away or abandoned by (insert owner or operator) if the property damage arises out of any part of those premises;
 - (3) Property loaned to (insert owner or operator) ;
 - (4) Personal property in the care, custody or control of (insert owner or operator) ;
 - (5) That particular part of real property on which (insert owner or operator) or any contractors or subcontractors working directly or indirectly on behalf of (insert owner or operator) are performing operations, if the property damage arises out of these operations.
5. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the TNRCC executive director and to (owner or operator) that he intends to provide alternate financial assurance for liability coverage as specified in Subchapter F of 30 TAC Chapter 37, in the name of (owner or operator). Within 120 days after the end of such fiscal year, the guarantor shall establish such liability coverage unless (owner or operator) has done so.
 6. The guarantor agrees to notify the TNRCC executive director by certified mail of a voluntary or involuntary proceeding under title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.
 7. Guarantor agrees that within 30 days after being notified by the TNRCC executive director of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor, he shall establish alternate financial assurance for liability coverage as specified in Subchapter F of 30 TAC Chapter 37 in the name of (owner or operator), unless (owner or operator) has done so.
 8. Guarantor reserves the right to modify this agreement to take into account amendment or modification of the liability requirements set by 30 TAC §37.401 of this title (relating to Liability Requirements for Sudden Accidental Occurrences), provided that such modification shall become effective only if the TNRCC executive director does not disapprove the modification within 30 days of receipt of notification of the modification.
 9. Guarantor agrees to remain bound under this guarantee for so long as (owner or operator) must comply with the applicable requirements of 30 TAC §37.401 of this title (relating to Liability Requirements for Sudden Accidental Occurrences) for the above-listed facility(ies), except as provided in paragraph 10 of this agreement.
 10. Guarantor may terminate this guarantee by sending notice by certified mail to the TNRCC executive director and to (owner or operator) provided that this guarantee may not be terminated unless and until (the owner or operator) obtains, and the TNRCC executive director approves, alternate financial assurance for liability coverage complying with Subchapter F of 30 TAC Chapter 37.
 11. Guarantor hereby expressly waives notice of acceptance of this guarantee by any party.
 12. Guarantor agrees that this guarantee is in addition to and does not affect any other responsibility or liability of the guarantor with respect to the covered facilities.
 13. The Guarantor shall satisfy a third-party liability claim only on receipt of one of the following documents:
 - (a) Certification from the Principal and the third-party claimant(s) that the liability claim should be paid. The certification must be worded as follows, except that instructions in parentheses are to be

replaced with the relevant information and the parentheses deleted:

CERTIFICATION OF VALID CLAIM

The undersigned, as parties (insert Principal) and (insert name and address of third-party claimant(s)), hereby certify that the claim of bodily injury and/or property damage caused by a sudden accidental occurrence arising from operating (Principal's) facility should be paid in the amount of \$ ().

(Signature) _____
Principal _____
(Notary) Date _____
(Signature(s)) _____
Claimant(s) _____
(Notary) Date _____

- (b) A valid final court order establishing a judgment against the Principal for bodily injury or property damage caused by sudden accidental occurrences arising from the operation of the Principal's facility or group of facilities.
- 14. In the event of combination of this guarantee with another mechanism to meet liability requirements, this guarantee will be considered (insert "primary" or "excess") coverage.
I hereby certify that the wording of the guarantee is identical to the wording specified in 30 TAC §37.661 as such regulations were constituted on the date shown immediately below.

Effective date: _____
(Name of guarantor) _____
(Authorized signature for guarantor) _____
(Name of person signing) _____
(Title of person signing] _____
Signature of witness of notary: _____

Figure 1: 30 TAC §210.3

APPENDIX ONE

DRASTIC - An Approach to Ground-Water Pollution Potential Mapping

DRASTIC was developed as a tool for comparing land units on the basis of their vulnerability to ground-water pollution. Artificial classification of natural systems, including aquifers, has been used for years. A system for ranking ground-water pollution potential which took into consideration a relatively large number of parameters had not been developed, however. Through a consensus process, a group sponsored by the National Water Well Association and the Robert S. Kerr Environmental Research Laboratory developed the methodology described in limited detail here.

DRASTIC is a systematic approach for assessing the ground-water pollution potential of hydrogeologic settings. The DRASTIC system is a methodology which involves delineation of hydrogeologic settings and data analysis to develop a single index number which represents the sensitivity of that setting to ground-water pollution potential. The system to some degree depends on subjective, but skilled judgement by the user (Texas Water Commission, 1989).

Hydrogeologic settings are delineated based on seven parameters which are used to develop an index number for each setting. The parameters have been organized to create the acronym DRASTIC.

DRASTIC stands for:

- D - Depth to water
- R - Annual recharge
- A - Aquifer media
- S - Soil media
- T - Topography
- I - Vadose zone impact
- C - Hydraulic conductivity

After index numbers are developed, maps can be constructed to present a graphic display of the pollution potential. Two maps can be generated using the DRASTIC methodology, a map depicting general vulnerability to ground-water pollution and another specifically aimed at pollution from certain agricultural practices.

A generic contaminant is used for this methodology. The contaminant is introduced at the land surface as a solid or liquid and travels to the aquifer with recharge waters derived from precipitation. Mobility of the contaminant is assumed to be equal to that of groundwater and attenuation processes are assumed to go on in the soil, vadose zone and aquifer.

Parameters used in the DRASTIC system are divided into ranges with corresponding ratings. Rating values depend on the impact of the factor on contamination potential. The general and agricultural DRASTIC evaluations use the same ranges and rating values, but the weighting of parameters changes. Weighting represents an attempt to define the relative importance of each factor in its ability to affect pollution transport to and within the aquifer and it creates the differences between the general and agricultural indices (Texas Water Commission, 1989).

Two pollution potential numbers, one for generalized pollution sources and one for pollution due to agricultural activities, are derived for each hydrogeologic setting. The formula for the index number is:

$$I = (Dr \times Dw) + (Rr \times Rw) + (Ar \times Aw) + (Sr \times Sw) + (Tr \times Tw) + (Ir \times Iw) + (Cr \times Cw)$$

I = DRASTIC index number
D, R, A, S, T, I, C - parameters
r - rating
w - weight

Maps are labeled with designations for the hydrogeologic settings and pollution potential numbers and the indices are then divided into ranges for color coding of the final maps.

More detailed information may be found in *DRASTIC: A standardized system for evaluating ground water pollution potential using hydrogeologic settings*: U.S. Environmental Protection Agency, EPA/600/2-87/035, authored by L. Aller, T. Bennett, J. H. Lehr, R. J. Petty and G. Hackett.

FIGURE 1: 30 TAC §210.23(c)

DRASTIC Pollution Potential Index of 110 or Greater

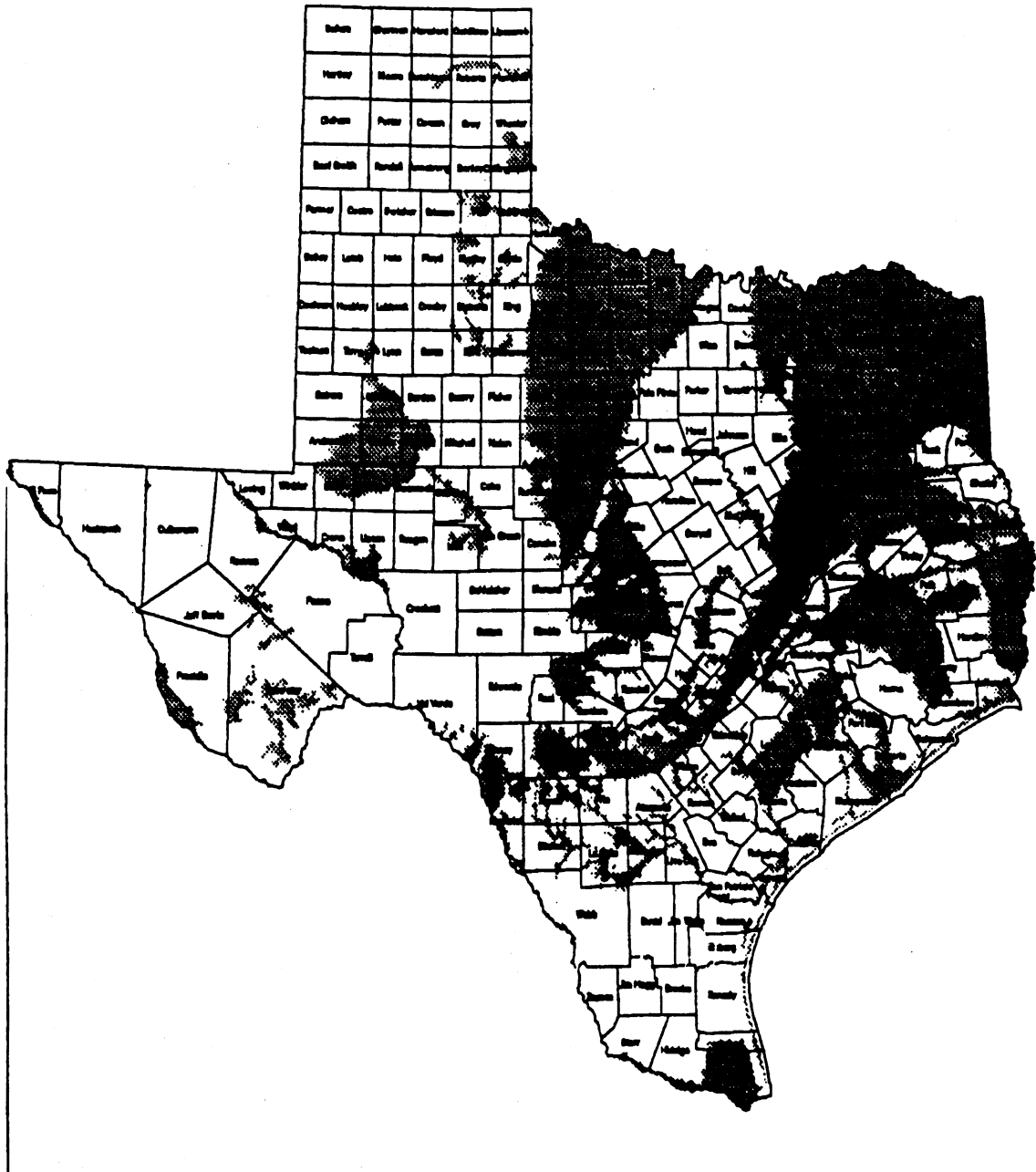


FIGURE 1: 30 TAC \$210.24(b)
 TABLE 1
 WATER BALANCE EXAMPLE
 (All Units are Inches of Water per Acre of Irrigated Area)

Month	a Average Precipitation (1)	b Average Runoff (2)	Ri Average Infiltrated Rainfall (4)	c Evapo- transpi- ration (5)	d Required Leaching (6)	Total Water Needs (5)+(6) (7)	Effluent Needed in Root Zone (7)-(4) (8)	e Evapo- ration from Reservoir Surface (9)	f Effluent to be Applied to Land (8)/K (10)	g Consumption from Reservoir (9)+(10) (11)
Jan.	2.11	0.40	1.71	0.80	0.00	0.80	0.00	0.02	0.00	0.02
Feb.	2.43	0.57	1.86	1.20	0.00	1.20	0.00	0.01	0.00	0.01
Mar.	2.02	0.36	1.66	2.80	0.20	3.00	1.34	0.09	1.58	1.67
Apr.	3.19	1.03	2.16	3.40	0.22	3.62	1.46	0.05	1.72	1.77
May	4.19	1.74	2.45	6.10	0.64	6.74	4.29	0.10	5.05	5.15
June	3.30	1.10	2.20	6.50	0.76	7.26	5.06	0.20	5.95	6.15
July	2.20	0.45	1.75	6.70	0.87	7.57	5.82	0.34	6.85	7.19
Aug.	2.12	0.41	1.71	4.60	0.51	5.11	3.40	0.34	4.00	4.34
Sept.	3.58	1.30	2.28	5.10	0.50	5.60	3.32	0.19	3.91	4.10
Oct.	3.09	0.96	2.13	4.10	0.35	4.45	2.32	0.14	2.73	2.87
Nov.	2.23	0.46	1.77	2.10	0.06	2.16	0.39	0.07	0.46	0.53
Dec.	2.34	0.52	1.82	1.00	0.00	1.00	0.00	0.03	0.00	0.03
	32.80	9.30	23.50	44.40	4.11	48.51	27.40	1.58	32.25	33.83

Table 1 Footnotes

- a. Up-to date rainfall and evaporation data sets are available from the Texas Natural Resources Information System.
- b. Runoff should be determined by an acceptable method such as the Soil Conservation Service method found in SCS Technical Releases No. 55. For calculation purposes only, a CN value of 74 was assumed for good pasture with Class "C" soils.
- c. Suggested source of values is the "Bulletin 6019, Consumptive Use of Water by Major Crops in Texas", Texas Board of Water Engineers.
- d. In low rainfall areas, this is the required leaching to avoid salinity build-up in the soil where:

$$L = \frac{Ce}{Cl - Ce} (E - Ri) \quad Ri = \text{Infiltrated rainfall}$$

Ce = Electrical conductivity of effluent Cl = Maximum Allowable Conductivity of Soil Solution (Table 3)

E = Evapotranspiration

For calculation purposes only, Ce is measured to be 1.5 millimhos/cm @ 25° and Cl is 10.0 (Bermuda Grass)

- e. Net evaporation from reservoir surface. For the purpose of calculation, an assumption must be made as to the ratio of irrigated land area to reservoir surface area. For this example problem, the necessary reservoir area was assumed to be 17% of the irrigated area. If, after all calculations are made, the reservoir dimensions do not seem reasonable, then a new assumption must be made and the calculations repeated. Values in column (9) are adjusted to be inches per irrigated acre.
- f. K is the irrigation efficiency which for this example is taken to be 0.85.
- g. The total of this column together with the expected annual volume of effluent will determine the acreage of irrigated land required.

FIGURE 1: 30 TAC §210.25(b) (3)



DO NOT DRINK THE WATER

NO TOMAR EL AGUA

Figure 1: 30 TAC §210.33(1)

BOD ₅ or CBOD ₅	5 mg/l
Turbidity	3 NTU
Fecal Coliform	20 CFU/100*
Fecal Coliform (not to exceed)	75 CFU/100 ml**

Figure 2: 30 TAC §210.33(2)(A)

BOD ₅	20 mg/l
or CBOD ₅	15 mg/l
Fecal Coliform	200 CFU/100 ml*
Fecal Coliform (not to exceed)	800 CFU/100 ml**

Figure 3: 30 TAC §210.33(2)(B)

BOD ₅	30 mg/l
Fecal Coliform	200 CFU/100 ml*
Fecal Coliform (not to exceed)	800 CFU/100 ml**

- * geometric mean
- ** single grab sample

Figure 1. 31 TAC §58.163(b)(5)(B)(ii).

Door Length	Total Net Length
3' or more but less than 4'	40'
4' or more but less than 5'	42'
5' or more but less than 6'	44'
6' or more but less than 7'	46'
7' or more but less than 8'	48'
8' or more but less than 9'	50'
9' or more but less than 10'	52'
10' or more	54'

Figure 2. 31 TAC §58.163(e)(5)(B)(ii).

Door Length	Total Net Length
3' or more but less than 4'	40'
4' or more but less than 5'	42'
5' or more but less than 6'	44'
6' or more but less than 7'	46'
7' or more but less than 8'	48'
8' or more but less than 9'	50'
9' or more but less than 10'	52'
10' or more	54'

Figure 3. 31 TAC §58.164(e)(2)(B).

Door Length	Total Net Length
3' or more but less than 4'	40'
4' or more but less than 5'	42'
5' or more but less than 6'	44'
6' or more but less than 7'	46'
7' or more but less than 8'	48'
8' or more but less than 9'	50'
9' or more but less than 10'	52'
10' or more	54'

Figure 1. 31 TAC §65.172.

The following species are hereby designated as threatened species:

Mammals

Bat, southern yellow	<i>Lasiurus ega</i>
Bat, Rafinesque's big-eared	<i>Plecotus rafinesquii</i>
Bat, spotted	<i>Euderma maculatum</i>
Dolphin, rough-toothed	<i>Steno bredanensis</i>
Dolphin, Atlantic spotted	<i>Stenella plagiodon</i>
Mouse, Palo Duro	<i>Peromyscus comanche</i>
Rat, Coues' Rice	<i>Oryzomys couesi</i>
Rat, Texas kangaroo	<i>Dipodomys elator</i>
Whale, dwarf sperm	<i>Kogia simus</i>
Whale, false killer	<i>Pseudorca crassidens</i>
Whale, goose-beaked	<i>Ziphius cavirostris</i>
Whale, Gervais' beaked	<i>Mesoplodon europaeus</i>
Whale, killer	<i>Orcinus orca</i>
Whale, short-finned pilot	<i>Globicephala macrorhynchus</i>
Whale, pygmy killer	<i>Feresa attenuata</i>
Whale, pygmy sperm	<i>Kogia breviceps</i>

Birds

Becard, rose-throated	<i>Pachyramphus aglaiae</i>
Egret, reddish	<i>Egretta rufescens</i>
Falcon, Arctic peregrine	<i>Falco peregrinus tundrius</i>
Hawk, common black-	<i>Buteogallus anthracinus</i>
Hawk, gray	<i>Buteo nitidus</i>
Hawk, white-tailed	<i>Buteo albicaudatus</i>
Hawk, zone-tailed	<i>Buteo albonotatus</i>

Ibis, white-faced

Plegadis chihi

Kite, American

swallow-tailed

Elanoides forficatus

Owl, ferruginous pygmy

Glaucidium brasilianum

Parula, tropical

Parula pitiayumi

Plover, piping

Charadrius melodus

Sparrow, Bachman's

Aimophila aestivalis

Sparrow, Botteri's

Aimophila botterii

Stork, wood

Mycteria americana

Tern, sooty

Sterna fuscata

Tyrannulet, northern

beardless-

Camptostoma imberbe

Vireo, black-capped

Vireo atricapillus

Warbler, golden-cheeked

Dendroica chrysoparia

Reptiles

Turtles:

Tortoise, Texas

Gopherus berlandieri

Turtle, alligator snapping

Macrolemys temminckii

Turtle, Atlantic green

Chelonia m. mydas

Lizards:

Gecko, reticulated

Coleonyx reticulatus

Lizard, reticulate collared

Crotaphytus reticulatus

Lizard, Texas horned

Phrynosoma cornutum

Lizard, mountain

short-horned

Phrynosoma douglassii hernandesi

Snakes:

Rattlesnake, timber

Crotalus horridus

Snake, black-striped
Snake, Big Bend blackhead
Snake, northern scarlet
Snake, Texas indigo
Snake, Texas lyre
Snake, Texas scarlet
Snake, Brazos water

Coniophanes i. imperialis
Tantilla rubra
Cemphora coccinea copei
Drymarchon corais erebennus
Trimorphodon biscutatus wilkinsonii
Cemphora coccinea lineri
Nerodia h. harteri

Amphibians

Frogs and Toads:

Frog, sheep
Toad, Mexican burrowing
Treefrog, Mexican

Hypopachus variolosus
Rhinophrynus dorsalis
Smilisca baudinii

Salamanders:

Salamander, Cascade Caverns
Salamander, Comal Blind
Salamander, San Marcos

Eurycea latitans
Eurycea tridentifera
Eurycea nana

Fishes

Blindcat, toothless
Blindcat, widemouth
Chub, Rio Grande
Chubsucker, creek
Darter, blackside
Darter, Rio Grande
Goby, river
Minnow, Devils River
Pipefish, opossum

Trogloglanis pattersoni
Satan eurystomus
Gila pandora
Erimyzon oblongus
Percina maculata
Etheostoma grahami
Awaous tajasica
Dionda diaboli
Oostethus brachyurus

Pupfish, Conchos

Pupfish, Pecos

Shiner, bluehead

Shiner, Chihuahua

Shiner, proserpine

Stoneroller, Mexican

Sucker, blue

Cyprinodon eximius

Cyprinodon pecosensis

Notropis hubbsi

Notropis chihuahua

Notropis proserpinus

Campostoma ornatum

Cycleptus elongatus

Figure 31 TAC §65.175.

Mammals

Blue whale	<i>Balaenoptera musculus</i>
Fin whale	<i>Balaenoptera physalus</i>
Black right whale	<i>Balaena glacialis</i>
Sperm whale	<i>Physeter macrocephalus</i>
Ferret, black-footed	<i>Mustela nigripes</i>
Jaguar	<i>Felis onca</i>
Jaguarundi	<i>Felis yagouaroundi</i>
Margay	<i>Felis wiedii</i>
Ocelot	<i>Felis pardalis</i>
Wolf, red	<i>Canis rufus</i>
Wolf, gray	<i>Canis lupus</i>
Bear, black	<i>Ursus americanus</i>
Coati	<i>Nasua nasua</i>
Manatee	<i>Trichechus manatus</i>

Birds

Pelican, brown	<i>Pelecanus occidentalis</i>
Eagle, bald	<i>Haliaeetus leucocephalus</i>
Falcon, Aplomado	<i>Falco femoralis</i>
Falcon, American peregrine	<i>Falco peregrinus anatum</i>
Prairie-chicken, Attwater's greater	<i>Tympanuchus cupido attwateri</i>
Crane, whooping	<i>Grus americana</i>
Curlew, Eskimo	<i>Numenius borealis</i>
Tern, interior least	<i>Sterna antillarum athalassos</i>
Woodpecker, ivory-billed	<i>Campephilus principalis</i>
Woodpecker, red-cockaded	<i>Picoides borealis</i>

Reptiles

Snakes:

Racer, speckled

Snake, Louisiana pine

Snake, Concho water

Snake, western smooth green

Snake, northern cat-eyed

Turtles:

Turtle, Big Bend mud

Ridley, Atlantic

Hawksbill, Atlantic

Leatherback

Loggerhead

Drymobius m. margaritiferus

Pituophis melanoleucus ruthveni

Nerodia harteri paucimaculata

Opheodrys vernalis blanchardi

Leptodeira s. septentrionalis

Kinosternon hirtipes murrayi

Lepidochelys kempi

Eretmochelys i. imbricata

Dermochelys coriacea

Caretta caretta

Amphibians

Salamanders:

Newt, black-spotted

Salamander, Blanco blind

Salamander, Texas blind

Siren, Rio Grande lesser

Frogs and Toads:

Toad, Houston

Frog, white-lipped

Notophthalmus meridionalis

Typhlomolge robusta

Typhlomolge rathbuni

Siren intermedia texana

Bufo houstonensis

Leptodactylus fragilis

Fishes

Paddlefish

Sturgeon, shovelnose

Gambusia, Amistad

Gambusia, blotched

Gambusia, San Marcos

Polyodon spathula

Scaphirhynchus platyrhynchus

Gambusia amistadensis

Gambusia senilus

Gambusia georgei

Gambusia, Big Bend
Gambusia, Clear Creek
Gambusia, Pecos
Pupfish, Comanche Springs
Pupfish, Leon Springs
Darter, fountain
Shiner, bluntnose
Shiner, phantom
Goby, blackfin

Gambusia gaigei
Gambusia heterochir
Gambusia nobilis
Cyprinodon elegans
Cyprinodon bovinus
Etheostoma fonticola
Notropis simus
Notropis orca
Gobionellus atripinnis

Figure 1: 34 TAC9.4011(d)(17)

Year	Actual Tax Paid, Qualified Timberland	Tax That Would Have Been Paid on Market Value of Land	Difference Between Actual Taxes and "Market Value" Taxes
1994	\$150	\$1,000	\$850
1993	\$125	\$900	\$775
1992	\$100	\$600	\$500
1991	\$90	\$550	\$460
1990	\$80	\$500	\$420
Total Rollback Tax =	\$3,005		

Figure 2: 34 TAC9.4011(d)(19)

The 1994 interest runs from October 1, 1994 to November 1, 1995, or 1 year and 32 days. The formula for calculating the interest is:

\$850.00	= Tax
\$ 59.50	= $\$850 \times .07 =$ one year's interest (Oct. 1, 1994-Sept. 30, 1995)
\$ <u>5.22</u>	= $\$850 \times .07 \times (32 \div 365) =$ 32 days interest (Oct 1, 1995-Nov 1, 1995)
\$914.72	= Total 1994 tax and interest

The 1993 interest runs from October 1, 1993 to November 1, 1995, or 2 years and 32 days. The formula for calculating the interest is:

\$775.00	= Tax
\$108.50	= $\$775 \times .07 \times 2 =$ two year's interest (Oct 1, 1993-Sept 30, 1995)
\$ <u>4.76</u>	= $\$775 \times .07 \times (32 \div 365) =$ 32 days interest (Oct 1, 1995-Nov 1, 1995)
\$888.26	= Total 1993 tax and interest

The 1992 interest runs from October 1, 1992 to November 1, 1995, or three years and 32 days. The formula for calculating the interest is:

\$500.00	= Tax
\$105.00	= $\$500 \times .07 \times 3 =$ three year's interest (Oct 1, 1992-Sept 30, 1995)
\$ <u>3.07</u>	= $\$500 \times .07 \times (32 \div 365) =$ 32 days interest (Oct 1, 1995-Nov 1, 1995)
\$608.07	= Total 1992 tax and interest

The 1991 interest runs from October 1, 1991 to November 1, 1995, or four years and 32 days. The formula for calculating the interest is:

\$460.00	= Tax
\$128.80	= $\$460 \times .07 \times 4 =$ four year's interest (Oct 1, 1991-Sept 30, 1995)
\$ <u>2.82</u>	= $\$460 \times .07 \times (32 \div 365) =$ 32 days interest (Oct 1, 1995-Nov 1, 1995)
\$591.62	= Total 1991 tax and interest

The 1990 interest runs from October 1, 1990 to November 1, 1995, or five years and 32 days. The formula for calculating the interest is:

\$420.00	= Tax
\$147.00	= $\$420 \times .07 \times 5$ = five year's interest (Oct 1, 1990-Sept 30, 1995)
\$ 2.58	= $\$420 \times .07 \times (32 \div 365)$ = 32 days interest (Oct 1, 1995-Nov 1, 1995)
\$569.58	= Total 1990 tax and interest

The rollback due amounts to \$3,572.25. (This is the sum of amounts calculated above: $\$914.72 + \$888.26 + \$608.07 + \$591.62 + \$569.58 = \$3,572.25$.)

The interest calculation for each year can also be performed using number of days only. For example, the 1990 interest would be calculated on the basis of 1,857 days (5 years = $[365 \times 5]$ + 32 days from October 1 to November 1). The interest can be computed by multiplying:

$$\$420 \times .07 \times (1,857 \div 365) = \$149.58.$$

Interest for the other years--1991, 1992, 1993 and 1994--also could be computed by using days only. The resulting amounts would need to be added to the additional taxes due in each year to arrive at the total amount due.

Figure 3: 34 TAC 9.4011(e) (25)

USDA Forest Service Site Classes	USDA NRCS Site Index Range
Over 120 cu. ft	Over 95 ft.
85-120 cu. ft.	80-95 ft.
50-84 cu. ft	60-79 ft.
Under 50 cu. ft.	Under 60 ft.

Figure 4: 34 TAC 9.4011 (e) (45)

Soil Productivity Class	Site Quality Class (cubic feet)	Site Index Range (feet)	Potential Timber Growth Per Acre Per Year (cubic feet)
Class I	Over 120	Over 95	163
Class II	85-120	80-95	123
Class III	50-84	60-79	85
Class IV	Under 50	Under 60	60

Figure 5: 34 TAC 9.4011(e) (58)

Forest Type	Soil Productivity Classes			
	I	II	III	IV
Hardwood	0.75	0.60	0.45	0.30
Pine	1.20	1.10	1.00	0.90
Mixed	1.00	0.90	0.80	0.70

Figure 1. Forest Regions in Texas

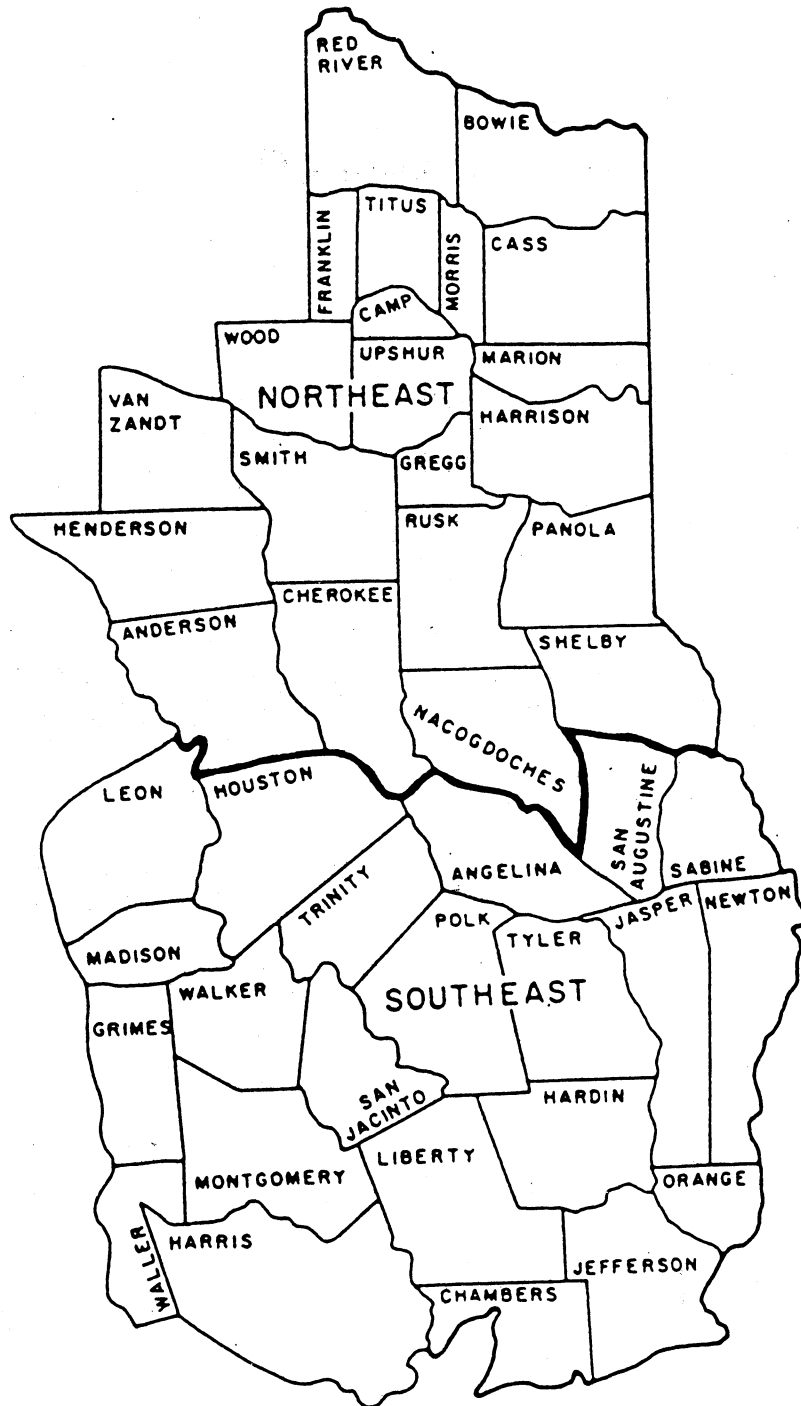


Figure 7: 34 TAC 9.4011(g)

TABLE 1. NET AVERAGE ANNUAL GROWTH PER ACRE BY REGION, FOREST TYPE, AND SITE CLASS FOR PRIVATE TIMBERLAND IN EAST TEXAS

Region	Forest Type	Site Class	Number Of Plots	Average Pine		Average Hardwood		Average Pine		Average Hardwood	
				Sawtimber Growth/Acre (Board Feet) *	Growth/Acre (Board Feet) *	Sawtimber Growth/Acre (Board Feet) *	Growth/Acre (Cubic Feet)	Pulpwood Growth/Acre (Cubic Feet)	Pulpwood Growth/Acre (Cubic Feet)		
Northeast	Pine	120 +	95	478.13	23.50	71.59	7.50	12.58	4.04		
		85 - 120	90	280.00	16.57	27.26	11.27	42.52	5.36		
		50 - 85	37	244.83	22.11	36.77	10.22	36.31	5.90		
		< 50	1	0.00	0.00	23.78	5.20	0.00	0.00	0.00	
Mixed	Mixed	120 +	66	287.34	71.59	7.50	12.58	4.04			
		85 - 120	66	189.20	27.26	11.27	42.52	5.36			
		50 - 85	34	121.60	36.77	10.22	36.31	5.90			
		< 50	2	31.16	23.78	5.20	0.00	0.00			
Hardwood	Hardwood	120 +	106	93.46	132.97	2.36	12.85				
		85 - 120	143	54.99	95.08	1.53	13.58				
		50 - 85	134	32.82	80.94	1.67	12.17				
		< 50	37	5.87	57.07	2.06	18.14				
Southeast	Pine	120 +	125	391.31	15.26	24.51	2.84				
		85 - 120	210	294.45	12.45	37.41	2.65				
		50 - 85	88	163.48	2.12	29.89	1.89				
		< 50	7	60.11	-2.32	14.03	-0.71				
Mixed	Mixed	120 +	65	230.12	67.65	13.24	6.75				
		85 - 120	130	187.28	42.67	8.50	6.34				
		50 - 85	37	158.77	25.68	14.59	1.86				
		< 50	2	238.00	-20.04	20.48	5.04				
Hardwood	Hardwood	120 +	110	123.29	126.75	1.92	8.09				
		85 - 120	127	88.79	65.21	3.55	10.65				
		50 - 85	113	24.19	60.43	3.88	9.20				
		< 50	49	5.96	57.95	0.49	8.65				

* Board feet are expressed in terms of International 1/4 inch log rule.
 Source: Texas Forest Service, from the U.S. Department of Agriculture Forest Service 1992 survey of Texas timber, updated Mar 1995.

TABLE 2A. CALCULATION OF AVERAGE ANNUAL GROWTH, PER ACRE, BY FOREST TYPE AND FOREST PRODUCT IN NORTHEAST TEXAS

FOREST TYPE: PINE			
Forest Product: Pine Sawtimber		Forest Product: Pine Pulpwood	
Site Class	Number of Plots	Average Growth/Acre (board feet)	Average Growth/Acre (cubic feet)
120 +	95	478.13	12.58
85-120	90	280.00	42.52
50-84	37	244.83	36.31
<50	1	0.00	0.00
Totals	223	79,681.06	6,365.37
		79,681.06 / 223 =	28.54 cu. ft.
			357.31 bd. ft.

FOREST TYPE: PINE			
Forest Product: Hardwood Sawtimber		Forest Product: Hardwood Pulpwood	
Site Class	Number of Plots	Average Growth/Acre (board feet)	Average Growth/Acre (cubic feet)
120 +	95	23.50	4.04
85-120	90	16.57	5.36
50-84	37	22.11	5.90
<50	1	0.00	0.00
Totals	223	4,541.87	1,084.50
		4,541.87 / 223 =	4.86 cu. ft.
			20.37 bd. ft.

* Board feet are expressed in terms of International 1/4 inch log rule.

TABLE 2A. CALCULATION OF AVERAGE ANNUAL GROWTH, PER ACRE, BY FOREST TYPE AND FOREST PRODUCT IN NORTHEAST TEXAS (continued)

FOREST TYPE: MIXED			
Forest Product: Pine Sawtimber			Forest Product: Pine Pulpwood
Site Class	Number of Plots	Average Growth/Acre (board feet) * per Site Class	Average Growth/Acre (cubic feet) per Site Class
120 +	66	287.34	7.50
85-120	66	189.20	11.27
50-84	34	121.60	10.22
<50	2	31.16	5.20
Totals	168	35,648.36	1,596.70
		35,648.36 / 168 =	9.50 cu.ft.
		212.19 bd. ft.	

Forest Product: Hardwood Sawtimber			Forest Product: Hardwood Pulpwood
Site Class	Number of Plots	Average Growth/Acre (board feet) * per Site Class	Average Growth/Acre (cubic feet) per Site Class
120 +	66	71.59	12.72
85-120	66	27.26	6.75
50-84	34	36.77	4.28
<50	2	23.78	36.87
Totals	168	7,821.84	1,504.28
		7,821.84 / 168 =	8.95 cu.ft.
		46.56 bd. ft.	

* Board feet are expressed in terms of International 1/4 inch log rule.

TABLE 2A. CALCULATION OF AVERAGE ANNUAL GROWTH, PER ACRE, BY FOREST TYPE AND FOREST PRODUCT IN NORTHEAST TEXAS (continued)

FOREST TYPE: HARDWOOD

Forest Product: Pine Sawtimber				Forest Product: Pine Pulpwood			
Site Class	Number of Plots	Average Growth/Acre (board feet) *	Total Growth per Site Class	Site Class	Number of Plots	Average Growth/Acre (cubic feet)	Total Growth per Site Class
120 +	106	93.46	9,906.76	120 +	106	2.36	250.16
85-120	143	54.99	7,863.57	85-120	143	1.53	218.79
50-84	134	32.82	4,397.88	50-84	134	1.67	223.78
<50	37	5.87	217.19	<50	37	2.06	76.22
Totals	420		22,385.40	Totals	420		768.95
			22,385.40 / 420 =				0,768.95 / 420 =
			53.30 bd. ft.				1.83 cu.ft.

Forest Product: Hardwood Sawtimber				Forest Product: Hardwood Pulpwood			
Site Class	Number of Plots	Average Growth/Acre (board feet) *	Total Growth per Site Class	Site Class	Number of Plots	Average Growth/Acre (cubic feet)	Total Growth per Site Class
120 +	106	132.97	14,094.82	120 +	106	12.85	1,362.10
85-120	143	95.08	13,596.44	85-120	143	13.58	1,941.94
50-84	134	80.94	10,845.96	50-84	134	12.17	1,630.78
<50	37	57.07	2,111.59	<50	37	18.14	671.18
Totals	420		40,648.81	Totals	420		5,606.00
			40,648.81 / 420 =				5,606.00 / 420 =
			96.78 bd. ft.				13.35 cu.ft.

* Board feet are expressed in terms of International 1/4 inch log rule.

TABLE 2B. CALCULATION OF AVERAGE ANNUAL GROWTH, PER ACRE, BY FOREST TYPE AND FOREST PRODUCT IN SOUTHEAST TEXAS

FOREST TYPE: PINE			
Forest Product: Pine Sawtimber		Forest Product: Pine Pulpwood	
Site Class	Number of Plots	Average Growth/Acre (board feet)	Total Growth per Site Class
120 +	125	391.31	48,913.75
85-120	210	294.45	61,834.50
50-84	88	163.48	14,386.24
<50	7	60.11	420.77
Totals	430		125,555.26
			125,555.26 / 430 = 291.99 bd. ft.

FOREST TYPE: PINE			
Forest Product: Hardwood Sawtimber		Forest Product: Hardwood Pulpwood	
Site Class	Number of Plots	Average Growth/Acre (cubic feet)	Total Growth per Site Class
120 +	125	24.51	3,063.75
85-120	210	37.41	7,856.10
50-84	88	29.89	2,630.32
<50	7	14.03	98.21
Totals	430		13,648.38
			13,648.38 / 430 = 31.74 cu.ft.

FOREST TYPE: PINE			
Forest Product: Pine Sawtimber		Forest Product: Pine Pulpwood	
Site Class	Number of Plots	Average Growth/Acre (board feet) *	Total Growth per Site Class
120 +	125	15.26	1,907.50
85-120	210	12.45	2,614.50
50-84	88	2.12	186.56
<50	7	-2.32	-16.24
Totals	430		4,692.32
			4,692.32 / 430 = 10.91 bd. ft.

FOREST TYPE: PINE			
Forest Product: Hardwood Sawtimber		Forest Product: Hardwood Pulpwood	
Site Class	Number of Plots	Average Growth/Acre (cubic feet)	Total Growth per Site Class
120 +	125	2.84	355.00
85-120	210	2.65	556.50
50-84	88	1.89	166.32
<50	7	-0.71	-4.97
Totals	430		1,072.85
			1,072.85 / 430 = 2.50 cu.ft.

* Board feet are expressed in terms of International 1/4 inch log rule.

TABLE 2B. CALCULATION OF AVERAGE ANNUAL GROWTH, PER ACRE, BY FOREST TYPE AND FOREST PRODUCT IN SOUTHEAST TEXAS (continued)

FOREST TYPE: MIXED

Forest Product: Pine Sawtimber				Forest Product: Pine Pulpwood			
Site Class	Number of Plots	Average Growth/Acre (board feet) * per Site Class	Total Growth	Number of Plots	Average Growth/Acre (cubic feet) per Site Class	Total Growth	
120 +	65	230.12	14,957.80	65	13.24	860.60	
85-120	130	187.28	24,346.40	130	8.50	1,105.00	
50-84	37	158.77	5,874.49	37	14.59	539.83	
<50	2	238.00	476.00	2	20.48	40.96	
Totals	234		45,654.69	234		2,546.39	
			45,654.69 / 234 =			2,546.39 / 234 =	10.88 cu.ft.

Forest Product: Hardwood Sawtimber				Forest Product: Hardwood Pulpwood			
Site Class	Number of Plots	Average Growth/Acre (board feet) * per Site Class	Total Growth	Number of Plots	Average Growth/Acre (cubic feet) per Site Class	Total Growth	
120 +	65	67.65	4,397.25	65	6.75	438.75	
85-120	130	42.67	5,547.10	130	6.34	824.20	
50-84	37	25.68	950.16	37	1.86	68.82	
<50	2	-20.04	-40.08	2	5.04	10.08	
Totals	234		10,854.43	234		1,341.85	
			10,854.43 / 234 =			1,341.85 / 234 =	5.73 cu.ft.

* Board feet are expressed in terms of International 1/4 inch log rule.

TABLE 2B. CALCULATION OF AVERAGE ANNUAL GROWTH, PER ACRE, BY FOREST TYPE AND FOREST PRODUCT IN SOUTHEAST TEXAS (continued)

FOREST TYPE: HARDWOOD			
Forest Product: Pine Sawtimber			
Site Class	Number of Plots	Average Growth/Acre (board feet) *	Total Growth per Site Class
120 +	110	123.29	13,561.90
85-120	127	88.79	11,276.33
50-84	113	24.19	2,733.47
<50	49	5.96	292.04
Totals	399		27,863.74
			27,863.74 / 399 = 69.83 bd. ft.

Forest Product: Pine Pulpwood			
Site Class	Number of Plots	Average Growth/Acre (cubic feet)	Total Growth per Site Class
120 +	110	1.92	211.20
85-120	127	3.55	450.85
50-84	113	3.88	438.44
<50	49	0.49	24.01
Totals	399		1,124.50
			1,124.50 / 399 = 2.82 cu.ft.

Forest Product: Hardwood Sawtimber			
Site Class	Number of Plots	Average Growth/Acre (board feet) *	Total Growth per Site Class
120 +	110	126.75	13,942.50
85-120	127	65.21	8,281.67
50-84	113	60.43	6,828.59
<50	49	57.95	2,839.55
Totals	399		31,892.31
			31,892.31 / 399 = 79.93 bd. ft.

Forest Product: Hardwood Pulpwood			
Site Class	Number of Plots	Average Growth/Acre (cubic feet)	Total Growth per Site Class
120 +	110	8.09	889.90
85-120	127	10.65	1,352.55
50-84	113	9.20	1,039.60
<50	49	8.65	423.85
Totals	399		3,705.90
			3,705.90 / 399 = 9.29 cu.ft.

* Board feet are expressed in terms of International 1/4 inch log rule.

TABLE 3. AVERAGE ANNUAL TIMBER GROWTH, MEASURED IN TERMS OF FOREST PRODUCTS, ON AN AVERAGE ACRE OF TIMBER, BY FOREST TYPE

NORTHEAST TEXAS				
Forest Type	Pine Sawtimber	Hardwood Sawtimber	Pine Pulpwood	Hardwood Pulpwood
	Board Feet* per Acre per Year	Board Feet* per Acre per Year	Cubic Feet per Acre per Year	Cubic Feet per Acre per Year
Pine	357.31	20.37	28.54	4.86
Mixed	212.19	46.56	9.50	8.95
Hardwood	53.30	96.78	1.83	13.35

SOUTHEAST TEXAS				
Forest Type	Pine Sawtimber	Hardwood Sawtimber	Pine Pulpwood	Hardwood Pulpwood
	Board Feet* per Acre per Year	Board Feet* per Acre per Year	Cubic Feet per Acre per Year	Cubic Feet per Acre per Year
Pine	291.99	10.91	31.74	2.50
Mixed	195.11	46.39	10.88	5.73
Hardwood	69.83	79.93	2.82	9.29

* Board feet are expressed in terms of International 1/4 inch log rule.

Figure 15: 34 TAC 9.4011(g)

TABLE 4A. CALCULATION OF THE WEIGHTED CONVERSION FACTORS USED TO CHANGE THE VOLUME OF SAWTIMBER MEASURED IN INTERNATIONAL 1/4 INCH LOG RULE TO DOYLE LOG RULE, NORTHEAST TEXAS

PINE						
<u>Diameter Class</u>	<u>Volume in Million bd.ft. International 1/4" Log Rule</u>	<u>Total Volume</u>	<u>Percent of Total Volume</u>		<u>Conversion Factor</u>	<u>Weighted Contribution</u>
9 - 10.9	1,708.5	/ 11,947.80	0.1430	x	0.39	= 0.05577
11 - 12.9	2,437.1	/ 11,947.80	0.2040	x	0.48	= 0.09792
13 - 14.9	2,495.4	/ 11,947.80	0.2089	x	0.57	= 0.11907
15 - 16.9	2,028.2	/ 11,947.80	0.1698	x	0.63	= 0.10697
17 - 18.9	1,304.3	/ 11,947.80	0.1092	x	0.69	= 0.07535
19 - 20.9	824.9	/ 11,947.80	0.0690	x	0.73	= 0.05037
21 - 28.9	986.4	/ 11,947.80	0.0826	x	0.85	= 0.07021
29+	163.0	/ 11,947.80	0.0136	x	0.92	= 0.01251
	<u>11,947.8</u>		<u>1.0001</u>			<u>0.58817</u>
Weighted Conversion Factor for Pine =					0.58817	

HARDWOOD						
<u>Diameter Class</u>	<u>Volume in Million bd.ft. International 1/4" Log Rule</u>	<u>Total Volume</u>	<u>Percent of Total Volume</u>		<u>Conversion Factor</u>	<u>Weighted Contribution</u>
9 - 10.9	0.0	/ 7,028.10	0.0000	x	0.39	= 0.00000
11 - 12.9	1,322.4	/ 7,028.10	0.1882	x	0.48	= 0.09034
13 - 14.9	1,450.6	/ 7,028.10	0.2064	x	0.57	= 0.11765
15 - 16.9	1,223.1	/ 7,028.10	0.1740	x	0.63	= 0.10962
17 - 18.9	1,013.4	/ 7,028.10	0.1442	x	0.69	= 0.09950
19 - 20.9	715.9	/ 7,028.10	0.1019	x	0.73	= 0.07439
21 - 28.9	1,110.9	/ 7,028.10	0.1581	x	0.85	= 0.13439
29+	191.8	/ 7,028.10	0.0273	x	0.92	= 0.02512
	<u>7,028.1</u>		<u>1.0001</u>			<u>0.65101</u>
Weighted Conversion Factor for Hardwood =					0.65101	

Figure 16: 34 TAC 9.4011(g)

TABLE 4B. CALCULATION OF THE WEIGHTED CONVERSION FACTORS USED TO CHANGE THE VOLUME OF SAWTIMBER MEASURED IN INTERNATIONAL 1/4 INCH LOG RULE TO DOYLE LOG RULE, SOUTHEAST TEXAS

PINE

<u>Diameter Class</u>	<u>Volume in Million bd.ft. International 1/4" Log Rule</u>	<u>Total Volume</u>	<u>Percent of Total Volume</u>	<u>Conversion Factor</u>	<u>Weighted Contribution</u>
9 - 10.9	2,323.9	/ 16,087.70	0.1445	x 0.39	= 0.05636
11 - 12.9	2,758.0	/ 16,087.70	0.1714	x 0.48	= 0.08227
13 - 14.9	2,869.7	/ 16,087.70	0.1784	x 0.57	= 0.10169
15 - 16.9	2,826.8	/ 16,087.70	0.1757	x 0.63	= 0.11069
17 - 18.9	2,164.0	/ 16,087.70	0.1345	x 0.69	= 0.09281
19 - 20.9	1,311.8	/ 16,087.70	0.0815	x 0.73	= 0.05950
21 - 28.9	1,642.9	/ 16,087.70	0.1021	x 0.85	= 0.08679
29 +	190.6	/ 16,087.70	0.0118	x 0.92	= 0.01086
	<u>16,087.7</u>		<u>0.9999</u>		<u>0.60097</u>

Weighted Conversion Factor for Pine = 0.60097

HARDWOOD

<u>Diameter Class</u>	<u>Volume in Million bd.ft. International 1/4" Log Rule</u>	<u>Total Volume</u>	<u>Percent of Total Volume</u>	<u>Conversion Factor</u>	<u>Weighted Contribution</u>
9 - 10.9	0.0	/ 7,406.40	0.0000	x 0.39	= 0.00000
11 - 12.9	1,106.0	/ 7,406.40	0.1493	x 0.48	= 0.07166
13 - 14.9	1,417.5	/ 7,406.40	0.1914	x 0.57	= 0.10910
15 - 16.9	1,231.4	/ 7,406.40	0.1663	x 0.63	= 0.10477
17 - 18.9	1,066.9	/ 7,406.40	0.1441	x 0.69	= 0.09943
19 - 20.9	809.7	/ 7,406.40	0.1093	x 0.73	= 0.07979
21 - 28.9	1,460.4	/ 7,406.40	0.1972	x 0.85	= 0.16762
29 +	314.5	/ 7,406.40	0.0425	x 0.92	= 0.03910
	<u>7,406.4</u>		<u>1.0001</u>		<u>0.67147</u>

Weighted Conversion Factor for Hardwood = 0.67147

Figure 17: 34 TAC 9.4011(g)

TABLE 5A. CONVERTING SAWTIMBER VOLUMES MEASURED IN INTERNATIONAL 1/4" LOG RULE TO DOYLE LOG RULE AND PULPWOOD CUBIC FOOT VOLUMES TO CORDS, BY FOREST TYPE, NORTHEAST TEXAS

FOREST TYPE: PINE

Forest Product	International 1/4" Rule Board Feet	Weighted Conversion Factor	=	Doyle Rule Board Feet	/	MBF Conversion	=	MBF (Thousands of Board Feet)
Pine Sawtimber	357.31	x 0.58817	=	210.16	/	1,000	=	0.210
Hardwood Sawtimber	20.37	x 0.65101	=	13.26	/	1,000	=	0.013
				Cord Conversion Factor		Cords		
				Cubic Feet				
				Pine Pulpwood	/	81		0.35
				Hardwood Pulpwood	/	80		0.06

FOREST TYPE: MIXED

Forest Product	International 1/4" Rule Board Feet	Weighted Conversion Factor	=	Doyle Rule Board Feet	/	MBF Conversion	=	MBF (Thousands of Board Feet)
Pine Sawtimber	212.19	x 0.58817	=	124.81	/	1,000	=	0.125
Hardwood Sawtimber	46.56	x 0.65101	=	30.31	/	1,000	=	0.030
				Cord Conversion Factor		Cords		
				Cubic Feet				
				Pine Pulpwood	/	81		0.12
				Hardwood Pulpwood	/	80		0.11

FOREST TYPE: HARDWOOD

Forest Product	International 1/4" Rule Board Feet	Weighted Conversion Factor	=	Doyle Rule Board Feet	/	MBF Conversion	=	MBF (Thousands of Board Feet)
Pine Sawtimber	53.30	x 0.58817	=	31.35	/	1,000	=	0.031
Hardwood Sawtimber	96.78	x 0.65101	=	63.01	/	1,000	=	0.063
				Cord Conversion Factor		Cords		
				Cubic Feet				
				Pine Pulpwood	/	81		0.02
				Hardwood Pulpwood	/	80		0.17

TABLE 6. AVERAGE ANNUAL TIMBER GROWTH, MEASURED IN TERMS OF FOREST PRODUCTS, ON AN AVERAGE ACRE OF TIMBER, BY FOREST TYPE

		NORTHEAST TEXAS			
	Pine Sawtimber	Hardwood Sawtimber	Pine Pulpwood	Hardwood Pulpwood	
	MBF* per Acre per Year	MBF* per Acre per Year	Cords per Acre per Year	Cords per Acre per Year	
Pine	0.210	0.013	0.35	0.06	
Mixed	0.125	0.030	0.12	0.11	
Hardwood	0.031	0.063	0.02	0.17	
SOUTHEAST TEXAS					
	Pine Sawtimber	Hardwood Sawtimber	Pine Pulpwood	Hardwood Pulpwood	
	MBF* per Acre per Year	MBF* per Acre per Year	Cords per Acre per Year	Cords per Acre per Year	
Pine	0.175	0.007	0.39	0.03	
Mixed	0.117	0.031	0.13	0.07	
Hardwood	0.042	0.054	0.03	0.12	

* MBF (thousands of board feet) are expressed in terms of Doyle log rule.

Figure 20: 34 TAC 9.4011(g)

TABLE 7A. AVERAGE STUMPAGE PRICES FOR NORTHEAST TEXAS FOREST PRODUCTS, 1990-1994

		SAWTIMBER			PULPWOOD		
Year	Pine: \$/MBF*			Hardwood: \$/MBF*			
	Unweighted Average Prices (1)	Weighted Average Prices (2)	Average of Unweighted & Weighted	Unweighted Average Prices (1)	Weighted Average Prices (2)	Average of Unweighted & Weighted	
1990	\$170.81	\$168.24	\$169.53	\$62.15	\$55.63	\$58.89	
1991	\$178.70	\$185.63	\$182.17	\$61.59	\$63.11	\$62.35	
1992	\$236.02	\$247.01	\$241.52	\$63.29	\$67.53	\$65.41	
1993	\$290.22	\$296.79	\$293.51	\$61.94	\$70.56	\$66.25	
1994	\$393.31	\$411.97	\$402.64	\$62.99	\$75.26	\$69.13	

Year	Pine: \$/Cord			Hardwood: \$/Cord		
	Unweighted Average Prices (1)	Weighted Average Prices (2)	Average of Unweighted & Weighted	Unweighted Average Prices (1)	Weighted Average Prices (2)	Average of Unweighted & Weighted
1990	\$21.12	\$21.07	\$21.10	\$5.65	\$6.30	\$5.98
1991	\$20.99	\$22.32	\$21.66	\$8.25	\$8.76	\$8.51
1992	\$22.80	\$23.87	\$23.34	\$8.72	\$9.89	\$9.31
1993	\$25.97	\$25.66	\$25.82	\$9.24	\$11.00	\$10.12
1994	\$16.17	\$16.51	\$16.34	\$9.50	\$15.73	\$12.62

*Doyle log rule.

(1) Unweighted averages are arithmetic means of reported transactions.

(2) Weighted averages are equal to the total value of reported transactions divided by the total volume of reported transactions.

Source: Texas Forest Service

Figure 21: 34 TAC 9.4011(g)

TABLE 7B. AVERAGE STUMPAGE PRICES FOR SOUTHEAST TEXAS FOREST PRODUCTS, 1990-1994

		SAWTIMBER			PULPWOOD		
		Pine: \$/MBF*			Hardwood: \$/Cord		
Year	Pine: \$/MBF*		Average of Unweighted & Weighted	Hardwood: \$/Cord		Average of Unweighted & Weighted	
	Unweighted Average Prices (1)	Weighted Average Prices (2)		Unweighted Average Prices (1)	Weighted Average Prices (2)		
1990	\$161.57	\$160.38	\$160.98	\$70.23	\$67.86	\$69.05	
1991	\$172.90	\$191.12	\$182.01	\$45.07	\$49.36	\$47.22	
1992	\$234.87	\$254.14	\$244.51	\$57.94	\$67.04	\$62.49	
1993	\$266.74	\$277.27	\$272.01	\$65.57	\$85.11	\$75.34	
1994	\$343.20	\$370.20	\$356.70	\$91.90	\$101.56	\$96.73	

*Doyle log rule.
 (1) Unweighted averages are arithmetic means of reported transactions.
 (2) Weighted averages are equal to the total value of reported transactions divided by the total volume of reported transactions.
 Source: Texas Forest Service

TABLE 8A. CALCULATION OF THE ANNUAL AVERAGE GROSS INCOME OF AN ACRE OF TIMBER GROWTH, BY FOREST TYPE, IN NORTHEAST TEXAS

<i>PINE</i>												
Year	Sawtimber Growth (MBF) *				Pulp Growth (Cords) *				Average Annual Gross Income			
	Pine	Price **	+	Hardwood x Price **	Pine	+	Hardwood x Price **	+	Hardwood x Price **	=		
1990	(0.210	x \$169.53	)+(	0.013 x \$58.89	)+(	0.35	x \$21.10	)+(	0.06	x \$5.98	) =	\$44.11
1991	(0.210	x \$182.17	)+(	0.013 x \$62.35	)+(	0.35	x \$21.66	)+(	0.06	x \$8.51	) =	\$47.15
1992	(0.210	x \$241.52	)+(	0.013 x \$65.41	)+(	0.35	x \$23.34	)+(	0.06	x \$9.31	) =	\$60.30
1993	(0.210	x \$293.51	)+(	0.013 x \$66.25	)+(	0.35	x \$25.82	)+(	0.06	x \$10.12	) =	\$72.15
1994	(0.210	x \$402.64	)+(	0.013 x \$69.13	)+(	0.35	x \$16.34	)+(	0.06	x \$12.62	) =	\$91.93

<i>MIXED</i>												
Year	Sawtimber Growth (MBF) *				Pulp Growth (Cords) *				Average Annual Gross Income			
	Pine	Price **	+	Hardwood x Price **	Pine	+	Hardwood x Price **	+	Hardwood x Price **	=		
1990	(0.125	x \$169.53	)+(	0.030 x \$58.89	)+(	0.12	x \$21.10	)+(	0.11	x \$5.98	) =	\$26.15
1991	(0.125	x \$182.17	)+(	0.030 x \$62.35	)+(	0.12	x \$21.66	)+(	0.11	x \$8.51	) =	\$28.18
1992	(0.125	x \$241.52	)+(	0.030 x \$65.41	)+(	0.12	x \$23.34	)+(	0.11	x \$9.31	) =	\$35.97
1993	(0.125	x \$293.51	)+(	0.030 x \$66.25	)+(	0.12	x \$25.82	)+(	0.11	x \$10.12	) =	\$42.89
1994	(0.125	x \$402.64	)+(	0.030 x \$69.13	)+(	0.12	x \$16.34	)+(	0.11	x \$12.62	) =	\$55.75

<i>HARDWOOD</i>												
Year	Sawtimber Growth (MBF) *				Pulp Growth (Cords) *				Average Annual Gross Income			
	Pine	Price **	+	Hardwood x Price **	Pine	+	Hardwood x Price **	+	Hardwood x Price **	=		
1990	(0.031	x \$169.53	)+(	0.063 x \$58.89	)+(	0.02	x \$21.10	)+(	0.17	x \$5.98	) =	\$10.41
1991	(0.031	x \$182.17	)+(	0.063 x \$62.35	)+(	0.02	x \$21.66	)+(	0.17	x \$8.51	) =	\$11.46
1992	(0.031	x \$241.52	)+(	0.063 x \$65.41	)+(	0.02	x \$23.34	)+(	0.17	x \$9.31	) =	\$13.66
1993	(0.031	x \$293.51	)+(	0.063 x \$66.25	)+(	0.02	x \$25.82	)+(	0.17	x \$10.12	) =	\$15.51
1994	(0.031	x \$402.64	)+(	0.063 x \$69.13	)+(	0.02	x \$16.34	)+(	0.17	x \$12.62	) =	\$19.30

* From Table 5A ** From Table 7A

TABLE 8B. CALCULATION OF THE ANNUAL AVERAGE GROSS INCOME OF AN ACRE OF TIMBER GROWTH, BY FOREST TYPE, IN SOUTHEAST TEXAS

PINE												
Year	Sawtimber Growth (MBF) *				Pulp Growth (Cords) *				Average Annual Gross Income			
	Pine	x Price **	+ Hardwood	x Price **	Pine	x Price **	+ Hardwood	x Price **	=			
1990	(0.175	x \$160.98	)+( 0.007	x \$69.05	)+( 0.39	x \$23.02	)+( 0.03	x \$4.94	) =	\$37.78		
1991	(0.175	x \$182.01	)+( 0.007	x \$47.22	)+( 0.39	x \$22.05	)+( 0.03	x \$7.99	) =	\$41.02		
1992	(0.175	x \$244.51	)+( 0.007	x \$62.49	)+( 0.39	x \$27.32	)+( 0.03	x \$9.63	) =	\$54.17		
1993	(0.175	x \$272.01	)+( 0.007	x \$75.34	)+( 0.39	x \$27.43	)+( 0.03	x \$12.38	) =	\$59.20		
1994	(0.175	x \$356.70	)+( 0.007	x \$96.73	)+( 0.39	x \$24.18	)+( 0.03	x \$14.56	) =	\$72.97		

MIXED												
Year	Sawtimber Growth (MBF) *				Pulp Growth (Cords) *				Average Annual Gross Income			
	Pine	x Price **	+ Hardwood	x Price **	Pine	x Price **	+ Hardwood	x Price **	=			
1990	(0.117	x \$160.98	)+( 0.031	x \$69.05	)+( 0.13	x \$23.02	)+( 0.07	x \$4.94	) =	\$24.31		
1991	(0.117	x \$182.01	)+( 0.031	x \$47.22	)+( 0.13	x \$22.05	)+( 0.07	x \$7.99	) =	\$26.19		
1992	(0.117	x \$244.51	)+( 0.031	x \$62.49	)+( 0.13	x \$27.32	)+( 0.07	x \$9.63	) =	\$34.77		
1993	(0.117	x \$272.01	)+( 0.031	x \$75.34	)+( 0.13	x \$27.43	)+( 0.07	x \$12.38	) =	\$38.60		
1994	(0.117	x \$356.70	)+( 0.031	x \$96.73	)+( 0.13	x \$24.18	)+( 0.07	x \$14.56	) =	\$48.89		

HARDWOOD												
Year	Sawtimber Growth (MBF) *				Pulp Growth (Cords) *				Average Annual Gross Income			
	Pine	x Price **	+ Hardwood	x Price **	Pine	x Price **	+ Hardwood	x Price **	=			
1990	(0.042	x \$160.98	)+( 0.054	x \$69.05	)+( 0.03	x \$23.02	)+( 0.12	x \$4.94	) =	\$11.77		
1991	(0.042	x \$182.01	)+( 0.054	x \$47.22	)+( 0.03	x \$22.05	)+( 0.12	x \$7.99	) =	\$11.81		
1992	(0.042	x \$244.51	)+( 0.054	x \$62.49	)+( 0.03	x \$27.32	)+( 0.12	x \$9.63	) =	\$15.62		
1993	(0.042	x \$272.01	)+( 0.054	x \$75.34	)+( 0.03	x \$27.43	)+( 0.12	x \$12.38	) =	\$17.80		
1994	(0.042	x \$356.70	)+( 0.054	x \$96.73	)+( 0.03	x \$24.18	)+( 0.12	x \$14.56	) =	\$22.68		

* From Table 5B ** From Table 7B

Figure 24: 34 TAC 9.4011(g)

TABLE 9A. CALCULATION OF THE POTENTIAL GROWTH OF AN AVERAGE ACRE OF TIMBER, NORTHEAST TEXAS

County	Number of Privately-Owned Acres (000's) by Site Class					All Classes
	165 +	120-165	85-120	50-85	<50	
Anderson	15.3	101.8	76.4	122.2	25.5	341.2
Bowie	10.5	36.6	94.1	52.3	15.7	209.2
Camp	0.0	16.0	8.0	24.0	0.0	48.0
Cass	11.7	123.1	158.3	123.1	0.0	416.2
Charokee	41.1	164.5	129.2	52.9	5.9	393.6
Franklin	0.0	7.8	31.1	15.6	0.0	54.5
Gregg	7.2	14.5	28.9	28.9	0.0	79.5
Harrison	27.9	117.2	161.9	67.0	0.0	374.0
Henderson	0.0	11.1	22.2	88.8	77.7	199.8
Marion	0.0	103.6	90.6	12.9	0.0	207.1
Morris	0.0	25.7	19.2	32.1	0.0	77.0
Nacogdoches	35.3	129.4	141.1	58.8	0.0	364.6
Panola	30.6	91.9	159.4	42.9	12.3	337.1
Red River	0.0	40.5	86.7	138.7	28.9	294.8
Rusk	26.6	168.3	62.0	70.9	8.9	336.7
Shelby	27.2	95.3	129.3	47.6	0.0	299.4
Smith	0.0	18.7	106.1	99.8	25.0	249.6
Titus	0.0	36.5	26.0	26.0	0.0	88.5
Upshur	11.8	58.9	123.7	29.5	0.0	223.9
Van Zandt	0.0	6.9	27.6	27.6	34.5	96.6
Wood	0.0	28.6	114.3	62.9	0.0	205.8
All Counties	245.2	1,396.9	1,796.1	1,224.5	234.4	4,897.1

Growth Potentials County / Soil Type	Potential Cu. Ft. Growth x Number of Acres (000's)					Total
	163	163	123	85	60	
Anderson	2,493.9	16,593.4	9,397.2	10,387.0	1,530.0	40,401.5
Bowie	1,711.5	5,965.8	11,574.3	4,445.5	942.0	24,639.1
Camp	0.0	2,608.0	984.0	2,040.0	0.0	5,632.0
Cass	1,907.1	20,065.3	19,470.9	10,463.5	0.0	51,906.8
Charokee	6,699.3	26,813.5	15,891.6	4,496.5	354.0	54,254.9
Franklin	0.0	1,271.4	3,825.3	1,326.0	0.0	6,422.7
Gregg	1,173.6	2,363.5	3,554.7	2,456.5	0.0	9,548.3
Harrison	4,547.7	19,103.6	19,913.7	5,695.0	0.0	49,260.0
Henderson	0.0	1,809.3	2,730.6	7,548.0	4,662.0	16,749.9
Marion	0.0	16,886.8	11,143.8	1,096.5	0.0	29,127.1
Morris	0.0	4,189.1	2,361.6	2,728.5	0.0	9,279.2
Nacogdoches	5,753.9	21,092.2	17,355.3	4,998.0	0.0	49,199.4
Panola	4,987.8	14,979.7	19,606.2	3,646.5	738.0	43,958.2
Red River	0.0	6,601.5	10,664.1	11,789.5	1,734.0	30,789.1
Rusk	4,335.8	27,432.9	7,626.0	6,026.5	534.0	45,955.2
Shelby	4,433.6	15,533.9	15,903.9	4,046.0	0.0	39,917.4
Smith	0.0	3,048.1	13,050.3	8,483.0	1,500.0	26,081.4
Titus	0.0	5,949.5	3,198.0	2,210.0	0.0	11,357.5
Upshur	1,923.4	9,600.7	15,215.1	2,507.5	0.0	29,246.7
Van Zandt	0.0	1,124.7	3,394.8	2,346.0	2,070.0	8,935.5
Wood	0.0	4,661.8	14,058.9	5,346.5	0.0	24,067.2
All Counties	40,621.0	227,694.7	220,920.3	104,082.5	14,064.0	606,729.1

606,729.1	=	123.9 cubic feet per acre per year
4,897.1		

Figure 25: 34 TAC 9.4011(g)

TABLE 9B. CALCULATION OF THE POTENTIAL GROWTH OF AN AVERAGE ACRE OF TIMBER: SOUTHEAST TEXAS

County	Number of Privately-Owned Acres (000's) by Site Class					All Classes
	165+	120-165	85-120	50-85	<50	
Angelina	13.1	130.8	130.8	52.3	0.0	327.0
Chambers	0.0	0.0	8.6	0.0	0.0	8.6
Grimes	0.0	30.8	24.6	86.3	12.3	154.0
Hardin	17.3	103.7	224.8	86.5	17.3	449.6
Harris	11.6	29.0	69.7	121.9	5.8	238.0
Houston	10.8	64.8	145.8	64.8	5.4	291.6
Jasper	37.3	118.0	186.4	130.5	12.4	484.6
Jefferson	5.6	5.6	50.1	11.1	0.0	72.4
Leon	0.0	11.0	33.1	60.6	170.9	275.6
Liberty	42.8	85.6	96.3	133.8	21.4	379.9
Madison	0.0	6.7	26.7	40.1	13.4	86.9
Montgomery	26.3	94.8	205.4	57.9	21.1	405.5
Newton	36.9	142.3	226.6	105.4	15.8	527.0
Orange	5.5	38.6	71.7	11.0	0.0	126.8
Polk	11.6	144.5	265.8	104.0	11.6	537.5
Sabine	9.6	76.7	81.5	14.4	0.0	182.2
San Augustine	18.4	73.7	116.8	12.3	0.0	221.2
San Jacinto	0.0	56.1	112.1	49.8	0.0	218.0
Trinity	33.2	19.9	126.2	106.2	0.0	285.5
Tyler	17.3	121.3	283.0	69.3	5.8	496.7
Walker	0.0	56.3	146.4	39.4	11.3	253.4
Waller	0.0	5.9	41.6	23.8	0.0	71.3
All Counties	297.3	1,416.1	2,674.0	1,381.4	324.5	6,093.3

County / Soil Type	Potential Cu. Ft. Growth x Number of Acres (000's)					Total
	163	163	123	85	60	
Angelina	2,135.3	21,320.4	16,088.4	4,445.5	0.0	43,989.6
Chambers	0.0	0.0	1,057.8	0.0	0.0	1,057.8
Grimes	0.0	5,020.4	3,025.8	7,335.5	738.0	16,119.7
Hardin	2,819.9	16,903.1	27,650.4	7,352.5	1,038.0	55,763.9
Harris	1,890.8	4,727.0	8,573.1	10,361.5	348.0	25,900.4
Houston	1,760.4	10,562.4	17,933.4	5,508.0	324.0	36,088.2
Jasper	6,079.9	19,234.0	22,927.2	11,092.5	744.0	60,077.6
Jefferson	912.8	912.8	6,162.3	943.5	0.0	8,931.4
Leon	0.0	1,793.0	4,071.3	5,151.0	10,254.0	21,269.3
Liberty	6,976.4	13,952.8	11,844.9	11,373.0	1,284.0	45,431.1
Madison	0.0	1,092.1	3,284.1	3,408.5	804.0	8,588.7
Montgomery	4,286.9	15,452.4	25,264.2	4,921.5	1,266.0	51,191.0
Newton	6,014.7	23,194.9	27,871.8	8,959.0	948.0	66,988.4
Orange	896.5	6,291.8	8,819.1	935.0	0.0	16,942.4
Polk	1,890.8	23,553.5	32,693.4	8,840.0	696.0	67,673.7
Sabine	1,564.8	12,502.1	10,024.5	1,224.0	0.0	25,315.4
San Augustine	2,999.2	12,013.1	14,366.4	1,045.5	0.0	30,424.2
San Jacinto	0.0	9,144.3	13,788.3	4,233.0	0.0	27,165.6
Trinity	5,411.6	3,243.7	15,522.6	9,027.0	0.0	33,204.9
Tyler	2,819.9	19,771.9	34,809.0	5,890.5	348.0	63,639.3
Walker	0.0	9,176.9	18,007.2	3,349.0	678.0	31,211.1
Waller	0.0	961.7	5,116.8	2,023.0	0.0	8,101.5
All Counties	48,459.9	230,824.3	328,902.0	117,419.0	19,470.0	745,075.2

745,075.2	=	122.3 cubic feet per acre per year
6,093.3		

TABLE 10. CALCULATION OF SOIL PRODUCTIVITY MULTIPLIERS

NORTHEAST TEXAS

Soil Productivity Class	Average Maximum Potential Productivity in Southern United States (cu. ft. / acre / yr.)	/	Average Maximum Potential Productivity (cu. ft. / acre / yr.)	=	Productivity Multiplier
I	163	/	123.9	=	1.32
II	123	/	123.9	=	.99
III	85	/	123.9	=	.69
IV	60	/	123.9	=	.48

SOUTHEAST TEXAS

Soil Productivity Class	Average Maximum Potential Productivity in Southern United States (cu. ft. / acre / yr.)	/	Average Maximum Potential Productivity (cu. ft. / acre / yr.)	=	Productivity Multiplier
I	163	/	122.3	=	1.33
II	123	/	122.3	=	1.01
III	85	/	122.3	=	.70
IV	60	/	122.3	=	.49

TABLE 11A. CALCULATION OF AVERAGE ANNUAL POTENTIAL GROSS INCOME, NORTHEAST TEXAS

PINE

Year	Soil Productivity Classes											
	I			II			III			IV		
	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income
1990	\$44.11	x 1.32	= \$58.23	\$44.11	x 0.99	= \$43.67	\$44.11	x 0.69	= \$30.44	\$44.11	x 0.48	= \$21.17
1991	\$47.15	x 1.32	= \$62.24	\$47.15	x 0.99	= \$46.68	\$47.15	x 0.69	= \$32.53	\$47.15	x 0.48	= \$22.63
1992	\$60.30	x 1.32	= \$79.60	\$60.30	x 0.99	= \$59.70	\$60.30	x 0.69	= \$41.61	\$60.30	x 0.48	= \$28.94
1993	\$72.15	x 1.32	= \$95.24	\$72.15	x 0.99	= \$71.43	\$72.15	x 0.69	= \$49.78	\$72.15	x 0.48	= \$34.63
1994	\$91.93	x 1.32	= \$121.35	\$91.93	x 0.99	= \$91.01	\$91.93	x 0.69	= \$63.43	\$91.93	x 0.48	= \$44.13

MIXED

Year	Soil Productivity Classes											
	I			II			III			IV		
	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income
1990	\$26.15	x 1.32	= \$34.52	\$26.15	x 0.99	= \$25.89	\$26.15	x 0.69	= \$18.04	\$26.15	x 0.48	= \$12.55
1991	\$28.18	x 1.32	= \$37.20	\$28.18	x 0.99	= \$27.90	\$28.18	x 0.69	= \$19.44	\$28.18	x 0.48	= \$13.53
1992	\$35.97	x 1.32	= \$47.48	\$35.97	x 0.99	= \$35.61	\$35.97	x 0.69	= \$24.82	\$35.97	x 0.48	= \$17.27
1993	\$42.89	x 1.32	= \$56.61	\$42.89	x 0.99	= \$42.46	\$42.89	x 0.69	= \$29.59	\$42.89	x 0.48	= \$20.59
1994	\$55.75	x 1.32	= \$73.59	\$55.75	x 0.99	= \$55.19	\$55.75	x 0.69	= \$38.47	\$55.75	x 0.48	= \$26.76

HARDWOOD

Year	Soil Productivity Classes											
	I			II			III			IV		
	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income
1990	\$10.41	x 1.32	= \$13.74	\$10.41	x 0.99	= \$10.31	\$10.41	x 0.69	= \$7.18	\$10.41	x 0.48	= \$5.00
1991	\$11.46	x 1.32	= \$15.13	\$11.46	x 0.99	= \$11.35	\$11.46	x 0.69	= \$7.91	\$11.46	x 0.48	= \$5.50
1992	\$13.66	x 1.32	= \$18.03	\$13.66	x 0.99	= \$13.52	\$13.66	x 0.69	= \$9.43	\$13.66	x 0.48	= \$6.56
1993	\$15.51	x 1.32	= \$20.47	\$15.51	x 0.99	= \$15.35	\$15.51	x 0.69	= \$10.70	\$15.51	x 0.48	= \$7.44
1994	\$19.30	x 1.32	= \$25.48	\$19.30	x 0.99	= \$19.11	\$19.30	x 0.69	= \$13.32	\$19.30	x 0.48	= \$9.26

TABLE 11B. CALCULATION OF AVERAGE ANNUAL POTENTIAL GROSS INCOME, SOUTHEAST TEXAS

PINE

Year	Soil Productivity Classes											
	I			II			III			IV		
	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income
1990	\$37.78	x 1.33	= \$50.25	\$37.78	x 1.01	= \$38.16	\$37.78	x 0.70	= \$26.45	\$37.78	x 0.49	= \$18.51
1991	\$41.02	x 1.33	= \$54.56	\$41.02	x 1.01	= \$41.43	\$41.02	x 0.70	= \$28.71	\$41.02	x 0.49	= \$20.10
1992	\$54.17	x 1.33	= \$72.05	\$54.17	x 1.01	= \$54.71	\$54.17	x 0.70	= \$37.92	\$54.17	x 0.49	= \$26.54
1993	\$59.20	x 1.33	= \$78.74	\$59.20	x 1.01	= \$59.79	\$59.20	x 0.70	= \$41.44	\$59.20	x 0.49	= \$29.01
1994	\$72.97	x 1.33	= \$97.05	\$72.97	x 1.01	= \$73.70	\$72.97	x 0.70	= \$51.08	\$72.97	x 0.49	= \$35.76

MIXED

Year	Soil Productivity Classes											
	I			II			III			IV		
	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income
1990	\$24.31	x 1.33	= \$32.33	\$24.31	x 1.01	= \$24.55	\$24.31	x 0.70	= \$17.02	\$24.31	x 0.49	= \$11.91
1991	\$26.19	x 1.33	= \$34.83	\$26.19	x 1.01	= \$26.45	\$26.19	x 0.70	= \$18.33	\$26.19	x 0.49	= \$12.83
1992	\$34.77	x 1.33	= \$46.24	\$34.77	x 1.01	= \$35.12	\$34.77	x 0.70	= \$24.34	\$34.77	x 0.49	= \$17.04
1993	\$38.60	x 1.33	= \$51.34	\$38.60	x 1.01	= \$38.99	\$38.60	x 0.70	= \$27.02	\$38.60	x 0.49	= \$18.91
1994	\$48.89	x 1.33	= \$65.02	\$48.89	x 1.01	= \$49.38	\$48.89	x 0.70	= \$34.22	\$48.89	x 0.49	= \$23.96

HARDWOOD

Year	Soil Productivity Classes											
	I			II			III			IV		
	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income	Gross Income	Prod. Mult.	Potential Gross Income
1990	\$11.77	x 1.33	= \$15.65	\$11.77	x 1.01	= \$11.89	\$11.77	x 0.70	= \$8.24	\$11.77	x 0.49	= \$5.77
1991	\$11.81	x 1.33	= \$15.71	\$11.81	x 1.01	= \$11.93	\$11.81	x 0.70	= \$8.27	\$11.81	x 0.49	= \$5.79
1992	\$15.62	x 1.33	= \$20.77	\$15.62	x 1.01	= \$15.78	\$15.62	x 0.70	= \$10.93	\$15.62	x 0.49	= \$7.65
1993	\$17.80	x 1.33	= \$23.67	\$17.80	x 1.01	= \$17.98	\$17.80	x 0.70	= \$12.46	\$17.80	x 0.49	= \$8.72
1994	\$22.68	x 1.33	= \$30.16	\$22.68	x 1.01	= \$22.91	\$22.68	x 0.70	= \$15.88	\$22.68	x 0.49	= \$11.11

**TABLE 12. AVERAGE ANNUAL TIMBER PRODUCTION COSTS
PER ACRE FOR A HYPOTHETICAL COUNTY**

<u>Year</u>	<u>Northeast</u>	<u>Southeast</u>
1990	\$14.10	\$14.68
1991	\$14.20	\$13.29
1992	\$14.00	\$14.02
1993	\$14.25	\$14.50
1994	\$14.40	\$14.97

TABLE 13A. RESULTS OF MULTIPLYING AVERAGE ANNUAL COSTS BY PRORATION FACTORS, NORTHEAST TEXAS

PINE												
Soil Productivity Classes												
I			II			III			IV			
Year	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost
1990	\$14.10	x 1.20 =	\$16.92	\$14.10	x 1.10 =	\$15.51	\$14.10	x 1.00 =	\$14.10	\$14.10	x 0.90 =	\$12.69
1991	\$14.20	x 1.20 =	\$17.04	\$14.20	x 1.10 =	\$15.62	\$14.20	x 1.00 =	\$14.20	\$14.20	x 0.90 =	\$12.78
1992	\$14.00	x 1.20 =	\$16.80	\$14.00	x 1.10 =	\$15.40	\$14.00	x 1.00 =	\$14.00	\$14.00	x 0.90 =	\$12.60
1993	\$14.25	x 1.20 =	\$17.10	\$14.25	x 1.10 =	\$15.68	\$14.25	x 1.00 =	\$14.25	\$14.25	x 0.90 =	\$12.83
1994	\$14.40	x 1.20 =	\$17.28	\$14.40	x 1.10 =	\$15.84	\$14.40	x 1.00 =	\$14.40	\$14.40	x 0.90 =	\$12.96

MIXED												
Soil Productivity Classes												
I			II			III			IV			
Year	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost
1990	\$14.10	x 1.00 =	\$14.10	\$14.10	x 0.90 =	\$12.69	\$14.10	x 0.80 =	\$11.28	\$14.10	x 0.70 =	\$9.87
1991	\$14.20	x 1.00 =	\$14.20	\$14.20	x 0.90 =	\$12.78	\$14.20	x 0.80 =	\$11.36	\$14.20	x 0.70 =	\$9.94
1992	\$14.00	x 1.00 =	\$14.00	\$14.00	x 0.90 =	\$12.60	\$14.00	x 0.80 =	\$11.20	\$14.00	x 0.70 =	\$9.80
1993	\$14.25	x 1.00 =	\$14.25	\$14.25	x 0.90 =	\$12.83	\$14.25	x 0.80 =	\$11.40	\$14.25	x 0.70 =	\$9.98
1994	\$14.40	x 1.00 =	\$14.40	\$14.40	x 0.90 =	\$12.96	\$14.40	x 0.80 =	\$11.52	\$14.40	x 0.70 =	\$10.08

HARDWOOD												
Soil Productivity Classes												
I			II			III			IV			
Year	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost
1990	\$14.10	x 0.75 =	\$10.58	\$14.10	x 0.60 =	\$8.46	\$14.10	x 0.45 =	\$6.35	\$14.10	x 0.30 =	\$4.23
1991	\$14.20	x 0.75 =	\$10.65	\$14.20	x 0.60 =	\$8.52	\$14.20	x 0.45 =	\$6.39	\$14.20	x 0.30 =	\$4.26
1992	\$14.00	x 0.75 =	\$10.50	\$14.00	x 0.60 =	\$8.40	\$14.00	x 0.45 =	\$6.30	\$14.00	x 0.30 =	\$4.20
1993	\$14.25	x 0.75 =	\$10.69	\$14.25	x 0.60 =	\$8.55	\$14.25	x 0.45 =	\$6.41	\$14.25	x 0.30 =	\$4.28
1994	\$14.40	x 0.75 =	\$10.80	\$14.40	x 0.60 =	\$8.64	\$14.40	x 0.45 =	\$6.48	\$14.40	x 0.30 =	\$4.32

TABLE 13B. RESULTS OF MULTIPLYING AVERAGE ANNUAL COSTS BY PRORATION FACTORS, SOUTHEAST TEXAS

PINE												
Soil Productivity Classes												
I			II			III			IV			
Year	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost
1990	\$14.68	x 1.20 =	\$17.62	\$14.68	x 1.10 =	\$16.15	\$14.68	x 1.00 =	\$14.68	\$14.68	x 0.90 =	\$13.21
1991	\$13.29	x 1.20 =	\$15.95	\$13.29	x 1.10 =	\$14.62	\$13.29	x 1.00 =	\$13.29	\$13.29	x 0.90 =	\$11.96
1992	\$14.02	x 1.20 =	\$16.82	\$14.02	x 1.10 =	\$15.42	\$14.02	x 1.00 =	\$14.02	\$14.02	x 0.90 =	\$12.62
1993	\$14.50	x 1.20 =	\$17.40	\$14.50	x 1.10 =	\$15.95	\$14.50	x 1.00 =	\$14.50	\$14.50	x 0.90 =	\$13.05
1994	\$14.97	x 1.20 =	\$17.96	\$14.97	x 1.10 =	\$16.47	\$14.97	x 1.00 =	\$14.97	\$14.97	x 0.90 =	\$13.47

MIXED												
Soil Productivity Classes												
I			II			III			IV			
Year	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost
1990	\$14.68	x 1.00 =	\$14.68	\$14.68	x 0.90 =	\$13.21	\$14.68	x 0.80 =	\$11.74	\$14.68	x 0.70 =	\$10.28
1991	\$13.29	x 1.00 =	\$13.29	\$13.29	x 0.90 =	\$11.96	\$13.29	x 0.80 =	\$10.63	\$13.29	x 0.70 =	\$9.30
1992	\$14.02	x 1.00 =	\$14.02	\$14.02	x 0.90 =	\$12.62	\$14.02	x 0.80 =	\$11.22	\$14.02	x 0.70 =	\$9.81
1993	\$14.50	x 1.00 =	\$14.50	\$14.50	x 0.90 =	\$13.05	\$14.50	x 0.80 =	\$11.60	\$14.50	x 0.70 =	\$10.15
1994	\$14.97	x 1.00 =	\$14.97	\$14.97	x 0.90 =	\$13.47	\$14.97	x 0.80 =	\$11.98	\$14.97	x 0.70 =	\$10.48

HARDWOOD												
Soil Productivity Classes												
I			II			III			IV			
Year	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost	Cost	Factor	Prorated Cost
1990	\$14.68	x 0.75 =	\$11.01	\$14.68	x 0.60 =	\$8.81	\$14.68	x 0.45 =	\$6.61	\$14.68	x 0.30 =	\$4.40
1991	\$13.29	x 0.75 =	\$9.97	\$13.29	x 0.60 =	\$7.97	\$13.29	x 0.45 =	\$5.98	\$13.29	x 0.30 =	\$3.99
1992	\$14.02	x 0.75 =	\$10.52	\$14.02	x 0.60 =	\$8.41	\$14.02	x 0.45 =	\$6.31	\$14.02	x 0.30 =	\$4.21
1993	\$14.50	x 0.75 =	\$10.88	\$14.50	x 0.60 =	\$8.70	\$14.50	x 0.45 =	\$6.53	\$14.50	x 0.30 =	\$4.35
1994	\$14.97	x 0.75 =	\$11.23	\$14.97	x 0.60 =	\$8.98	\$14.97	x 0.45 =	\$6.74	\$14.97	x 0.30 =	\$4.49

TABLE 14A. CALCULATION OF AVERAGE ANNUAL NET INCOME, NORTHEAST TEXAS

Year	Soil Productivity Classes											
	I			II			III			IV		
	Potential Gross Income	Annual Costs	Net Income	Potential Gross Income	Annual Costs	Net Income	Potential Gross Income	Annual Costs	Net Income	Potential Gross Income	Annual Costs	Net Income
1990	\$58.23	- 16.92 =	\$41.31	\$43.67	- 15.51 =	\$28.16	\$30.44	- 14.10 =	\$16.34	\$21.17	- 12.69 =	\$8.48
1991	\$62.24	- 17.04 =	\$45.20	\$46.68	- 15.62 =	\$31.06	\$32.53	- 14.20 =	\$18.33	\$22.63	- 12.78 =	\$9.85
1992	\$79.60	- 16.80 =	\$62.80	\$59.70	- 15.40 =	\$44.30	\$41.61	- 14.00 =	\$27.61	\$28.94	- 12.60 =	\$16.34
1993	\$95.24	- 17.10 =	\$78.14	\$71.43	- 15.68 =	\$55.75	\$49.78	- 14.25 =	\$35.53	\$34.63	- 12.83 =	\$21.80
1994	\$121.35	- 17.28 =	\$104.07	\$91.01	- 15.84 =	\$75.17	\$63.43	- 14.40 =	\$49.03	\$44.13	- 12.96 =	\$31.17
5 Year Average			\$66.30			\$46.89			\$29.37			\$17.53

Year	Soil Productivity Classes											
	I			II			III			IV		
	Potential Gross Income	Annual Costs	Net Income	Potential Gross Income	Annual Costs	Net Income	Potential Gross Income	Annual Costs	Net Income	Potential Gross Income	Annual Costs	Net Income
1990	\$34.52	- 14.10 =	\$20.42	\$25.89	- 12.69 =	\$13.20	\$18.04	- 11.28 =	\$6.76	\$12.55	- 9.87 =	\$2.68
1991	\$37.20	- 14.20 =	\$23.00	\$27.90	- 12.78 =	\$15.12	\$19.44	- 11.36 =	\$8.08	\$13.53	- 9.94 =	\$3.59
1992	\$47.48	- 14.00 =	\$33.48	\$35.61	- 12.60 =	\$23.01	\$24.82	- 11.20 =	\$13.62	\$17.27	- 9.80 =	\$7.47
1993	\$56.61	- 14.25 =	\$42.36	\$42.46	- 12.83 =	\$29.63	\$29.59	- 11.40 =	\$18.19	\$20.59	- 9.98 =	\$10.61
1994	\$73.59	- 14.40 =	\$59.19	\$55.19	- 12.96 =	\$42.23	\$38.47	- 11.52 =	\$26.95	\$26.76	- 10.08 =	\$16.68
5 Year Average			\$35.69			\$24.64			\$14.72			\$8.21

Year	Soil Productivity Classes											
	I			II			III			IV		
	Potential Gross Income	Annual Costs	Net Income	Potential Gross Income	Annual Costs	Net Income	Potential Gross Income	Annual Costs	Net Income	Potential Gross Income	Annual Costs	Net Income
1990	\$13.74	- 10.58 =	\$3.16	\$10.31	- 8.46 =	\$1.85	\$7.18	- 6.35 =	\$0.83	\$5.00	- 4.23 =	\$0.77
1991	\$15.13	- 10.65 =	\$4.48	\$11.35	- 8.52 =	\$2.83	\$7.91	- 6.39 =	\$1.52	\$5.50	- 4.26 =	\$1.24
1992	\$18.03	- 10.50 =	\$7.53	\$13.52	- 8.40 =	\$5.12	\$9.43	- 6.30 =	\$3.13	\$6.56	- 4.20 =	\$2.36
1993	\$20.47	- 10.69 =	\$9.78	\$15.35	- 8.55 =	\$6.80	\$10.70	- 6.41 =	\$4.29	\$7.44	- 4.28 =	\$3.16
1994	\$25.48	- 10.80 =	\$14.68	\$19.11	- 8.64 =	\$10.47	\$13.32	- 6.48 =	\$6.84	\$9.26	- 4.32 =	\$4.94
5 Year Average			\$7.93			\$5.41			\$3.32			\$2.49

TABLE 14B. CALCULATION OF AVERAGE ANNUAL NET INCOME, SOUTHEAST TEXAS
PINE

Year	Soil Productivity Classes			
	I	II	III	IV
	Potential Gross Income	Potential Gross Income	Potential Gross Income	Potential Gross Income
	Annual Costs	Annual Costs	Annual Costs	Annual Costs
	Net Income	Net Income	Net Income	Net Income
1990	\$50.25 - 17.62 = \$32.63	\$38.16 - 16.15 = \$22.01	\$26.45 - 14.68 = \$11.77	\$18.51 - 13.21 = \$5.30
1991	\$54.56 - 15.95 = \$38.61	\$41.43 - 14.62 = \$26.81	\$28.71 - 13.29 = \$15.42	\$20.10 - 11.96 = \$8.14
1992	\$72.05 - 16.82 = \$55.23	\$54.71 - 15.42 = \$39.29	\$37.92 - 14.02 = \$23.90	\$26.54 - 12.62 = \$13.92
1993	\$78.74 - 17.40 = \$61.34	\$59.79 - 15.95 = \$43.84	\$41.44 - 14.50 = \$26.94	\$29.01 - 13.05 = \$15.96
1994	\$97.05 - 17.96 = \$79.09	\$73.70 - 16.47 = \$57.23	\$51.08 - 14.97 = \$36.11	\$35.76 - 13.47 = \$22.29
5 Year Average	\$53.38	\$37.84	\$22.83	\$13.12

Year	Soil Productivity Classes			
	I	II	III	IV
	Potential Gross Income	Potential Gross Income	Potential Gross Income	Potential Gross Income
	Annual Costs	Annual Costs	Annual Costs	Annual Costs
	Net Income	Net Income	Net Income	Net Income
1990	\$32.33 - 14.68 = \$17.65	\$24.55 - 13.21 = \$11.34	\$17.02 - 11.74 = \$5.28	\$11.91 - 10.28 = \$1.63
1991	\$34.83 - 13.29 = \$21.54	\$26.45 - 11.96 = \$14.49	\$18.33 - 10.63 = \$7.70	\$12.83 - 9.30 = \$3.53
1992	\$46.24 - 14.02 = \$32.22	\$35.12 - 12.62 = \$22.50	\$24.34 - 11.22 = \$13.12	\$17.04 - 9.81 = \$7.23
1993	\$51.34 - 14.50 = \$36.84	\$38.99 - 13.05 = \$25.94	\$27.02 - 11.60 = \$15.42	\$18.91 - 10.15 = \$8.76
1994	\$65.02 - 14.97 = \$50.05	\$49.38 - 13.47 = \$35.91	\$34.22 - 11.98 = \$22.24	\$23.96 - 10.48 = \$13.48
5 Year Average	\$31.66	\$22.04	\$12.75	\$6.93

Year	Soil Productivity Classes			
	I	II	III	IV
	Potential Gross Income	Potential Gross Income	Potential Gross Income	Potential Gross Income
	Annual Costs	Annual Costs	Annual Costs	Annual Costs
	Net Income	Net Income	Net Income	Net Income
1990	\$15.65 - 11.01 = \$4.64	\$11.89 - 8.81 = \$3.08	\$8.24 - 6.61 = \$1.63	\$5.77 - 4.40 = \$1.37
1991	\$15.71 - 9.97 = \$5.74	\$11.93 - 7.97 = \$3.96	\$8.27 - 5.98 = \$2.29	\$5.79 - 3.99 = \$1.80
1992	\$20.77 - 10.52 = \$10.25	\$15.78 - 8.41 = \$7.37	\$10.93 - 6.31 = \$4.62	\$7.65 - 4.21 = \$3.44
1993	\$23.67 - 10.88 = \$12.79	\$17.98 - 8.70 = \$9.28	\$12.46 - 6.53 = \$5.93	\$8.72 - 4.35 = \$4.37
1994	\$30.16 - 11.23 = \$18.93	\$22.91 - 8.98 = \$13.93	\$15.88 - 6.74 = \$9.14	\$11.11 - 4.49 = \$6.62
5 Year Average	\$10.47	\$7.52	\$4.72	\$3.52

TABLE 15. CALCULATION OF TIMBER PRODUCTIVITY VALUES

NORTHEAST TEXAS

	Soil Productivity Classes			
	I	II	III	IV
	Net Income	Capitalization Rate	Productivity Value	Productivity Value
Pine	\$66.30 / 10.75% = \$616.74	\$46.89 / 10.75% = \$436.19	\$29.37 / 10.75% = \$273.21	\$17.53 / 10.75% = \$163.07
Mixed	\$35.69 / 10.75% = \$332.00	\$24.64 / 10.75% = \$229.21	\$14.72 / 10.75% = \$136.93	\$8.21 / 10.75% = \$76.37
Hardwood	\$7.93 / 10.75% = \$73.77	\$5.41 / 10.75% = \$50.33	\$3.32 / 10.75% = \$30.88	\$2.49 / 10.75% = \$23.16

SOUTHEAST TEXAS

	Soil Productivity Classes			
	I	II	III	IV
	Net Income	Capitalization Rate	Productivity Value	Productivity Value
Pine	\$53.38 / 10.75% = \$496.56	\$37.84 / 10.75% = \$352.00	\$22.83 / 10.75% = \$212.37	\$13.12 / 10.75% = \$122.05
Mixed	\$31.66 / 10.75% = \$294.51	\$22.04 / 10.75% = \$205.02	\$12.75 / 10.75% = \$118.60	\$6.93 / 10.75% = \$64.47
Hardwood	\$10.47 / 10.75% = \$97.40	\$7.52 / 10.75% = \$69.95	\$4.72 / 10.75% = \$43.91	\$3.52 / 10.75% = \$32.74

TABLE 16B. CALCULATION OF TOTAL TIMBER PRODUCTIVITY VALUES FOR A HYPOTHETICAL COUNTY, SOUTHEAST TEXAS

Hypothetical County (1)				School District A				School District B				
PINE				PINE				PINE				
Productivity Class	Acres	Value per Acre*	Total Value	Acres	Value per Acre*	Total Value	Acres	Value per Acre*	Total Value	Acres	Value per Acre*	Total Value
I	4,225	\$496.56	\$2,097,966	4,225	\$496.56	\$2,097,966	0	\$496.56	\$0	0	\$496.56	\$0
II	35,500	\$352.00	\$12,496,000	17,500	\$352.00	\$6,160,000	18,000	\$352.00	\$6,336,000	18,000	\$352.00	\$6,336,000
III	15,050	\$212.37	\$3,196,169	6,000	\$212.37	\$1,274,220	9,050	\$212.37	\$1,921,949	9,050	\$212.37	\$1,921,949
IV	60	\$122.05	\$7,323	0	\$122.05	\$0.00	60	\$122.05	\$7,323.00	60	\$122.05	\$7,323.00
Totals	54,835		\$17,797,458	27,725		\$9,532,186	27,110		\$8,265,272	27,110		\$8,265,272
MIXED				MIXED				MIXED				
Productivity Class	Acres	Value per Acre*	Total Value	Acres	Value per Acre*	Total Value	Acres	Value per Acre*	Total Value	Acres	Value per Acre*	Total Value
I	0	\$294.51	\$0	0	\$294.51	\$0	0	\$294.51	\$0	0	\$294.51	\$0
II	9,000	\$205.02	\$1,845,180	1,500	\$205.02	\$307,530	7,500	\$205.02	\$1,537,650	7,500	\$205.02	\$1,537,650
III	4,000	\$118.60	\$474,400	2,000	\$118.60	\$237,200	2,000	\$118.60	\$237,200	2,000	\$118.60	\$237,200
IV	0	\$64.47	\$0	0	\$64.47	\$0	0	\$64.47	\$0	0	\$64.47	\$0
Totals	13,000		\$2,319,580	3,500		\$544,730	9,500		\$1,774,850	9,500		\$1,774,850
HARDWOOD				HARDWOOD				HARDWOOD				
Productivity Class	Acres	Value per Acre*	Total Value	Acres	Value per Acre*	Total Value	Acres	Value per Acre*	Total Value	Acres	Value per Acre*	Total Value
I	0	\$97.40	\$0	0	\$97.40	\$0	0	\$97.40	\$0	0	\$97.40	\$0
II	50	\$69.95	\$3,498	0	\$69.95	\$0	50	\$69.95	\$3,498	50	\$69.95	\$3,498
III	75	\$43.91	\$3,293	0	\$43.91	\$0	75	\$43.91	\$3,293	75	\$43.91	\$3,293
IV	0	\$32.74	\$0	0	\$32.74	\$0	0	\$32.74	\$0	0	\$32.74	\$0
Totals	125		\$6,791	0		\$0	125		\$6,791	125		\$6,791

(1) In many cases, the sum of the school district values will not equal county values, since school district boundaries may not be coterminous with county boundaries. This examples assumes they are coterminous.

* From Table 15.

Figure 37: 34 TAC 9.4011(h)

**APPENDIX D. TYPICAL TIMBER MANAGEMENT COSTS FOR
TEXAS TIMBERLAND**

<u>COST ITEM</u>	<u>FREQUENCY</u>
Property taxes	Annually
Consultant fees during	At time of harvest (average of three times a 35-year rotation)*
Consultant fees for management/administration	Annually
Accountant's fees	Annually
Reforestation expenses (site preparation, years seedlings, planting, etc.)	Once every 20 to 35
Boundary line maintenance years	Once every 5 to 10 (average is 7 years)*
Fire break/lane establishment years	Once every 20 to 35
Fire break/lane maintenance years	Once every 1 to 3 (average is 3 years)*
Road maintenance years	Once ever 3 to 5 (average is four years)*
Timber stand improvement herbicide application years	Once every 3 to 5 (average is 3 years)*

Figure 38: 34 TAC 9.4011(h)

prescribed burning years	Once every 3 to 5 (average is 3 years)*
pre-commercial thinning years	Once every 20 to 35 (once during rotation possible)
fertilization	Every 10 to 35 years
pruning	Every 12 to 35 years
Surveying maintained	Once during ownership if boundaries are
Legal fees	Once every 5 to 10 years
Pest control	Once every 3 to 10 years (average is 7 years)*
Pest Inspection	Annually
Insurance	Annually
Travel to forest (typical or reasonable travel) annually	Once or more

*Recognizing the wide range of ownership objectives and intensity of management, for any specific management activity, a range of years is provided. But the average time period presented is the recommended reasonable length of time for the prudent manager.

Note: If a contractor is not used to maintain or harvest timber, depreciation on capitalized equipment may not be claimed as a typical timber-management cost.

Area Agency on Aging

Figure 1-40 TAC 260.1(h) [h]

TABLES AND GRAPHICS

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

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

Graphic Material will not be reproduced in the Acrobat version of this issue of the Texas Register due to the large volume. To obtain a copy of the material please contact the Texas Register office at (512) 463-5561 or (800) 226-7199.

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 Aerospace Commission

Thursday, July 25, 1996, 9:00 a.m .

Second Floor Conference Room, A/B at the Austin Airport
Austin

Board of Directors

AGENDA:

Welcome and call to order

Approval of last meeting's minute

Status on interagency contract with University of Texas

Status on staffing of full- and part-time TAC positions

Status on contract hiring for TAC administrative support

Final review and approval of agency strategic plan

Relocation and outfitting of TAC Austin office (commissioners will be making site visits and taking lunch break from 12:30-2:30 p.m.

Commissioners' open forum

Other business

Review of action items

Adjournment

Contact: Amy Kennedy-Reynolds, 2101 Nasa Road One, Houston, Texas 77058, (713) 483-6827.

Filed: July 17, 1996, 4:10 p.m.

TRD-9610340



Texas Department of Agriculture

Tuesday, July 26, 1996, 10:30 a.m.

Executive Hotel, Oleander Room, 3232 West Mockingbird

Dallas

Texas Soybean Producers Board

AGENDA:

Minutes of Previous Meeting

Financial Report

Inactive Status

Election for 1996

Discussion: New Business

Adjourn

Contact: Trent Roberts, 1501 North Pierce, Suite 100, Little Rock, Arkansas 72207, 1-800-247-8691.

Filed: July 18, 1996, 2:54 p.m.

TRD-961030



Tuesday, July 30, 1996, 10:00 a.m.

Texas Department of Agriculture, 1700 North Congress Avenue, Room 924-A

Austin

Office of Hearings

AGENDA:

Administrative hearing reopening the case of alleged violation of Texas Agriculture Code Annotated Sections 103.001-103.015 (Vernon Supplement 1996) in the matter of Texas Western Company vs J. S. McManus Produce Company, Incorporated, for the purpose of obtaining additional evidence.

Contact: Joyce C. Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: July 19, 1996, 2:24 p.m.

TRD-9610457



Wednesday, August 28, 1996, 10:00 a.m.

Texas Department of Agriculture, 1700 North Congress Avenue,
Room 924A

Austin

Office of Hearing

AGENDA:

Administrative hearing to review alleged violation of Texas Pesticide
Laws by Troy Ledbetter doing business as Valley aerial Sprayers.

Contact: Joyce C. Arnold, P.O. Box 12847, Austin, Texas 78711,
(512) 475-1668.

Filed: July 19, 1996, 3:05 p.m.

TRD-9610462



Texas Commission on Alcohol and Drug Abuse (TCADA)

Thursday, August 1, 1996, 1:00 p.m.

1545 West Mockingbird, Regional Field Office, Board Room

Dallas

Regional Advisory Consortium (RAC), Region 3

AGENDA:

Call to order; welcome and introduction of members and guests;
approval of minutes; committee report and discussion from the
funding priorities committee-Cathy Brown, Co-Chair; old business;
new business-next meeting date; and adjournment.

Contact: Annette Wieser, 1545 West Mockingbird Lane, Dallas, Texas
75235, (214) 630-1611, Ext. 238.

Filed: July 19, 1996, 2:37 p.m.

TRD-9610461



Texas School for the Blind and Visually Impaired

Friday, July 26, 1996, 11:30 a.m.

1100 West 45th Street, Room 116

Austin

Board of Trustees

AGENDA:

Approval of minutes of May 24, 1996 board meeting; approval
of board policies; consideration of approval of student code of
conduct; consideration of approval of passage of new TSBVI enabling
Legislation; consideration of approval of employing outreach staff by
contract.

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas
78756, (512) 206-9133.

Filed: July 18, 1996, 4:26 p.m.

TRD-9610393

Friday, July 26, 1996, Noon

1100 West 45th Street, Room 116

Austin

Board of Trustees, Subcommittee on Finance and Audit

AGENDA:

Approval of minutes from May 24, 1996

Administrative technology equipment needs

Update on Legislative appropriation request

Consideration of appointment of an investment officer for TSBV I

Broday trust fund assets report

Legacy revenue report

Legacy budget report

Operating budget report

Contingency fund report

Report from internal auditor

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas
78756, (512) 206-9133.

Filed: July 18, 1996, 4:40 p.m.

TRD-9610394



Coastal Coordination Council

Friday, July 26, 1996, 9:30 a.m.

Texas A&M University, Conrad Blucher Institute, Large Conference
Room, 6300 Ocean Drive

Corpus Christi

AGENDA:

I. Call to order and opening remarks

II. Approval of minutes of the April 19, 1996, meeting

III. Certification of agency rules and approval of thesholds

IV. Status report on federal approval

V. Determination of coastal management program (CMP) implemen-
tation date

VI. Status report on state coastal nonpoint source program

VII. Proposal to streamline wetlands permitting process

VIII. Discussion of advisory committee

IX. Proposal of draft rules and memoranda of agreement for the
CMP small business permitting assistance program and preliminary
consistency reviews

X. Selection of subgrants for CMP grants program

XI. General public comment. Opportunity for public comment will
be offered after discussion of each agenda item.

XII. Adjourn

Contact: Janet Fatheree, 1700 North Congress Avenue, Room 617,
Austin, Texas 78701, (512) 463-5385.

Filed: July 17, 1996, 3:16 p.m.

TRD-9610330

◆ ◆ ◆

Comptroller of Public Accounts

Wednesday, August 7, 1996, 10:00 a.m.

LBJ Office Building, 111 East 17th Street, Room 114

Austin

Funds Review Advisory Committee

AGENDA:

- I. Call meeting to order
- II. TNRCC presentation of consolidation proposal
- III. Governor's Office discussion on federal fund issues
- IV. Committee discussion of and recommendations on issues to include in committee report
- V. Final request for additional items for committee consideration
- VI. Committee discussion recommendations and action on draft notice to state agencies
- VII. Opportunity for public or agency comment
- VIII. Adjourn.

Contact: Larry Janecek, 111 East 17th Street, Room 902, Austin, Texas 78774, (512) 463-3865.

Filed: July 22, 1996, 9:34 a.m.

TRD-9610543

◆ ◆ ◆

Texas School for the Deaf

Thursday, July 25, 1996, 3:00 p.m.

1102 South Congress Avenue

Austin

Governing Board Ad Hoc Committee

AGENDA:

1. Discussion on the arrangement of future board meeting agenda's to include the use of consent agenda

Contact: Marvin B. Sallop, P.O. Box 3538, Austin, Texas 78764, (512) 462-5303.

Filed: July 17, 1996, 1:53 p.m.

TRD-9610320

Thursday, July 25, 1996, 4:30 p.m.

1102 South Congress Avenue

Austin

Governing Board Budget and Audit Committee

AGENDA:

1. Consideration of memo regarding concerns noted during the limited review of behavior management-concern #4
2. Consideration of memo regarding concerns noted during the limited review of the health center section report
3. Consideration of cash receipt's security audit report

4. Consideration of limited review of the health center section report

5. Consideration of fiscal year 1997 cash operating budget

6. Consideration of 1998-1999 Legislative appropriations request

7. Evaluation of internal audit

Contact: Marvin B. Sallop, P.O. Box 3538, Austin, Texas 78764, (512) 462-5303.

Filed: July 17, 1996, 1:53 p.m.

TRD-9610322

Thursday, July 25, 1996, 6:30 p.m.

1102 South Congress Avenue

Austin

Governing Board Policy Committee

AGENDA:

1. Policy Amendments

1. Policy Amendments

BDAB Board Offices and Officials: duties and requirements of president

BJ School Superintendent

BJA Executive Director: qualifications and duties

BJC Executive Director: contract

BJCD Executive Director: evaluation

BJCE Executive Director: dismissal

BJCG Executive Director: resignation or retirement

CE Annual Operating Budget

DB Employment Requirements and Expectations: sign language communication proficiency

DEA Compensation and Benefits: salaries, wages, and stipends

FFAA Health Requirements and Services: physical examinations

FFAB Health Requirements and Services: immunizations

FFAC Health Requirements and Services: medical treatment

FFAD Health Requirements and Services: communicable diseases

FNG Student Rights and Responsibilities: student and parent complaints

FO Student Discipline

FOB Student Discipline: suspension

FOC Student Discipline: emergency placement or expulsion

FOD Student Discipline: expulsion

2. Policy Review FFA Student Welfare: Health Requirements and Services

3. Policy Adoption-First Reading

BJB Executive Director: recruitment and appointment

BJCB Executive Director: professional development

BJCF Executive Director: nonrenewal

FOA Student Discipline: placement in alternative educational setting
FOAA Placement in Alternative Educational Setting: removal by teacher

FOAB Placement in Alternative Educational Setting: alternative education programs

4. Policy Adoption-Second Reading

CDA Other Revenues: investments

CNAATransportation Management: Student Transportation in Employee Personal Passenger Vehicle: school related activities

CNAB Transportation Management: Student Transportation in Employee Personal Passenger Vehicle: activities not school-related

Contact: Marvin B. Sallop, P.O. Box 3538, Austin, Texas 78764, (512) 462-5303.

Filed: July 17, 1996, 1:53 p.m.

TRD-9610321

Thursday, July 26, 1996

601 Airport Boulevard

Austin

Governing Board Meeting

AGENDA:

1. Call to order

2. Business for information purposes a. individuals from the audience wishing to make a report or comment b. executive director's report c. architect's report

3. Business requiring board action

a. Consent agenda (1) approval of minutes of April 26, 1996 meeting (2) professional contracts (3) consideration of 1996-1997 professional service contracts (4) consideration of medicaid claim solutions contract (5) consideration of Austin Cablevision contract (6) consideration of consultant services contract-Baer Engineering (7) consideration of consultant services contract-HMG and Associates, Inc. (8) consideration of Texas Teacher Appraisal system for 1996-1997 (9) consideration of amendment to Biennial Operating Plan (10) policy amendments (11) policy review (12) approval of student transportation carrier contract b. Policy adoption-first reading c. Policy adoption-second reading d. Consideration of FY 1997 operating budget e. Consideration of 1998 and 1999 Legislative Appropriation Request f. Consideration of Governing Board Meeting schedule 1996-1997 g. Consideration of Code of Conduct h. Consideration of the conference of educational administrators serving the deaf accreditation and fees i. consideration of cash receipt's security audit report j. presentation of grievance-Richard Black

4. Comments by board members

5. Adjournment

Contact: Marvin B. Sallop, P.O. Box 3538, Austin, Texas 78764, (512) 462-5303.

Filed: July 18, 1996, 3:13 p.m.

TRD-9610387

Thursday, July 26, 1996

601 Airport Boulevard

Austin

Governing Board Meeting

AGENDA:

1. Call to order

2. Business for information purposes a. Individuals from the audience wishing to make a report or comment b. Executive director's report c. Architect's report

3. Business requiring board action

a. Consent agenda (1) Approval of minutes of April 26, 1996 meeting (2) Professional contracts (3) Consideration of 1996-1997 professional service contracts (4) Consideration of Medicaid claim solutions contract (5) Consideration of Austin CableVision contract (6) Consideration of consultant services contract-Baer Engineering (7) Consideration of consultant services contract-HMG and Associates, Inc. (8) Consideration of Texas Teacher Appraisal System fr 1996-1997 (9) Consideration of amendments to Biennial Operating Plan (10) Policy amendments (11) Policy review

b. Policy adoption-first reading

c. Policy adoption-second reading

d. Consideration of FY 1997 operating budget

e. Consideration of 1998 and 1999 Legislative Appropriation request

f. Consideration of Governing Board meeting schedule 1996-1997

g. Consideration of Code of Conduct

h. Consideration of the conference of Educational Administrators serving the deaf accreditation and fees

i. Consideration of cash receipt's security audit report

j. Presentation of Grievance-Richard Black

4. Comments by board members

5. Adjournment

Contact: Marvin B. Sallop, P.O. Box 3538, Austin, Texas 78764, (512) 462-5303.

Filed: July 17, 1996, 1:54 p.m.

TRD-9610323

◆ ◆ ◆

Advisory Commission on State Emergency Communications

Monday, August 29, 1996, 10:00 a.m.

William P. Hobby Building, 333 Guadalupe Street, Tower II, Suite 2-212

Austin

Executive Committee Meeting

AGENDA:

The committee will call the meeting to order and recognize guests; hear public comment; hear reports, discuss and take committee action, as necessary:-poison control program budget matters. Adjourn

Contact: Velia S. Williams, 333 Guadalupe Street, Austin, Texas 78701, (512) 305-6933.

Filed: July 22, 1996, 8:10 a.m.
TRD-9610497



Sate Employee Charitable Campaign

Wednesday, July 24, 1996, Noon

State Capitol, E1.016

Austin

State Policy Committee-Legislative Issues Subcommittee

Emergency

AGENDA:

- I. Procedural guidelines
- II. SECC Legislative and rules background
- III. Overview of issues
 - A. Preliminary list of issues: discussion
 - B. Additional issues: public input
- IV. Building consensus
 - A. Consideration of alternative solutions
 - B. Review of pros/cons to solutions offered
- V. Special reports: Attorney General Charitable Trust Division (invited)
- VI. Wrap up
- VII. Adjourn

Reason for Emergency: Location and agenda could not be finalized until the evening of July 16, 1996.

Contact: Michael R. Terry, 505 East Huntland, Suite 455, Austin, Texas 78752, (512) 450-0840.
Filed: July 17, 1996, 4:10 p.m.

TRD-9610338

Wednesday, July 31, 1996, 9:00 a.m.

Arlington Human Services Center, 401 West Sanford, Suite 2700

Arlington

State Policy Committee-Legislative Issues Subcommittee

AGENDA:

- I. Procedural guidelines
- II. SECC Legislative and rules background
- III. Overview of issues
 - A. Preliminary list of issues: discussion
 - B. Additional issues: public input
- IV. Building consensus
 - A. Consideration of alternative solutions
 - B. Review of pros/cons to solutions offered

V. Special reports: Attorney General Charitable Trust Division (invited)

VI. Wrap up

VII. Adjourn

Contact: Michael R. Terry, 505 East Huntland, Suite 455, Austin, Texas 78752, (512) 450-0840.

Filed: July 17, 1996, 4:10 p.m.

TRD-9610339

Wednesday, August 7, 1996, 9:00 a.m.

Texas Southern University, Reinhart Building, 3100 Cleburne
Houston

State Policy Committee-Legislative Issues Subcommittee

AGENDA:

- I. Procedural guidelines
- II. SECC Legislative and rules background
- III. Overview of issues
 - A. Preliminary list of issues: discussion
 - B. Additional issues: public input
- IV. Building consensus
 - A. Consideration of alternative solutions
 - B. Review of pros/cons to solutions offered
- V. Special reports: Attorney General Charitable Trust Division (invited)
- VI. Wrap up
- VII. Adjourn

Contact: Michael R. Terry, 505 East Huntland, Suite 455, Austin, Texas 78752, (512) 450-0840.
Filed: July 19, 1996, 4:24 p.m.

TRD-9610491

Employees Retirement System of Texas

Wednesday, August 7, 1996, 9:30 a.m.

18th and Brazos, Auditorium, First Floor

Austin

Group Benefits Advisory Committee

AGENDA:

1. Call to order
2. Introduction of GBAC members
3. Recognition of visitors and guests
4. Approval of minutes from previous meeting
5. Announcements/updates
6. Standing subcommittee reports
7. ERS update
8. Other related benefits business

9. Adjournment

Contact: James W. Sarver, 18th and Brazos, Austin, Texas 78701, (512) 867-3217.

Filed: July 17, 1996, 10:19 a.m.

TRD-9610287



Texas Funeral Service Commission

Tuesday, July 23, 1996, 9:30 a.m.

510 South Congress Avenue, Suite 206

Austin

Commission Meeting

Revised Agenda

AGENDA:

Executive session to meet with counsel for legal advice regarding employment law and personnel matters; open session for possible action; executive session to meet with General Counsel to seek legal advice regarding litigation and settlement offer in Cause Number 96-01757; open session for possible action involving Cause Number 96-01757; executive session to consider the employment and duties of the executive director; open session for further discussion and possible action involving the employment and duties of the executive director; executive session to consider the employment; evaluation, and duties of the general counsel;p open session for possible action involving the employment, evaluation, and duties of the general counsel;p executive session to consider the employment evaluation, reassignment, and duties of the following employees of the commission: chief accountant, investigator, three inspectors, three administrative technicians, and temporary staff member; open session for possible action involving the employment, evaluation, reassignment, and duties of the staff; adjourn.

Contact: Marc Allen Connelly, 510 South Congress Avenue, Suite 206, Austin, Texas 78704, (512) 479-7222, Fax (512) 479-5064.

Filed: July 18, 1996, 11:53 a.m.

TRD-9610155



Office of the Governor

Tuesday, July 30, 1996, 9:30 a.m.

Amon Carter Exhibit Building, South Texas, Room 3400 Burnett-Tandy

Fort Worth

Citizens' Committee on Property Tax Relief

AGENDA:

Public briefing and public hearing

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 Camille Welborn at (512) 475-3337 or (512) 463-1776, four working days prior to the meeting so that appropriate arrangements can be made.

Contact: Albert Hawkins, 1100 San Jacinto, Austin, Texas 78701, (512) 463-1778.

Filed: July 18, 1996, 9:58 a.m.

TRD-9610355

Thursday, August 1, 1996, 9:30 a.m.

The University of Texas Southwestern Medical Center at Dallas, NB2 102, Simmons Building Auditorium, 6000 Harry Hines Boulevard

Dallas

Citizens' Committee on Property Tax Relief

AGENDA:

Public briefing and public hearing

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 Camille Welborn at (512) 475-3337 or (512) 463-1776, four working days prior to the meeting so that appropriate arrangements can be made.

Contact: Albert Hawkins, 1100 San Jacinto, Austin, Texas 78701, (512) 463-1778.

Filed: July 18, 1996, 9:58 a.m.

TRD-9610356



Texas Department of Health

Thursday, June 25, 1996, 10:00 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health Board Briefing

AGENDA:

The board will receive a briefing on insurance from Terry Post of the Bureau of Human Resources; a briefing on the current activities of the Texas Department of Health by the Commissioner; and will have a discussion concerning procedural and/or administrative issues of the Board of Health.

Contact: Kris Lloye, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 17, 1996, 3:16 p.m.

TRD-9610331

Thursday, July 25, 1996, 11:30 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health

AGENDA:

The Board of Health will have a luncheon with representatives from the Brentwood Neighborhood Association, Bud Beets Harden Kolflat, and the General Services Commission.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, contact Charles Pankey, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 17, 1996, 3:16 p.m.

TRD-9610332

Thursday, July 25, 1996, 1:00 p.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Strategic Management Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the June 27, 1996, meeting; approval of equipment lease financing resolution; approval of fiscal year 1997 operating budget and policy; approval of fiscal year 1998-1999 legislative appropriations request; approval of capital asset procurement plan; update on the office of Boder Health; congressional update; internal audit reports released in July; and monthly financial report (historically underutilized businesses; Chronically III and Disabled Children's Program; full time equivalents; new laboratory; and monthly financial update).

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 17, 1996, 3:16 p.m.

TRD-9610333

Thursday, July 25, 1996, 3:00 p.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Health and Clinical Services Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the June 27, 1996, meetings (meeting for discussion on Child Health and Safety Initiative, and the regular meeting); proposed rules concerning clinet eligibility criteria, program service, and reimbursement to providers for Medically Dependent Children Program (MDCP); withdrawal and reproposal of rules concerning designation of providers and reimbursement of providers in the Chronically III and Disabled Children's Services Program (CIDC); final adoption of rules concerning rabies control and eradication; final adoption of rules regarding establishment of a clearinghouse for primary care providers seeking collaborative practice; and Title V Futures update.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the office of Civil

Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 17, 1996, 4:10 p.m.

TRD-9610342

Thursday, July 25, 1996, 4:00 p.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Health Financing Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the June 27, 1996, meeting; recommendatin to the State Medical Director concerning (proposed rules regarding Medicaid Managed Care Program standards; proposed rules regarding Medicaid provider participation requirement for military hositals; proosed rules regarding reimbursement of Tuberculosis clinic services; final adoption of the Medicaid Hearing Aid Services rules; and final adoption of the rules relating to the benefits and limitations of chemical dependency treatment facility services). The committee will go into an executive session to discuss pending litiigation (Texas Pharmacy Association et al. vs. TDH (concerning reimbursement rates for pharmacy services in the Medicaid Vendor Drug Program); Community Health Centers Network; L.P., et al. vs. Dr. David R. Smith, Commissioner, TDH et al. (concerning the procurement process to participate in the Department's Medicaid Manged Care Program); and Tarrant and Lubbock County Hospital Districts- lawsuit against the TDH and the Health and Human Services Commission challenging the implementation of the proposed Medicaid pilot programs in Tarrant and Lubbock counties).

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 17, 1996, 4:10 p.m.

TRD-9610341

Friday, July 26, 1996, 8:00 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Regulatory Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the June 28, 1996, meeting; Environmental and Consumer Health (proposed rules concerning assesement of administrative or civil penalties for violations of the (Texas Food, Drug, and Cosmetic Act; Texas Food, Drug, and Cosmetic Salvage Act; regulation of food service establishments, retail food stores, mobile food units, and roadside vendors; regulation of narcotic drug treatment programs; Tanning Facility Regulation Act; and Tattoo Studio Act); proposed rules concerning the minimum standards for narcotic treatment programs; final adoption of rules concerning minimum standards for licensure of tattoo studios; and final adotion of rules concerning placement of kinesiotherapists on the registry for providers of health-

related services); Health Care Quality and Standards (final adoption of new rules concerning the regulation of health maintenance organizations and the repeal of existing rules; and final adoption of the rules concerning the licensing of end stage renal disease facilities).

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 18, 1996, 2:10 p.m.

TRD-9610375

Friday, July 26, 1996, 2:00 p.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Strategic Management Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the June 28, 1996, meeting; Commissioner's report; resolution; approval of FY 1997 operating budget and policy; FY 1998-1999 legislative appropriations request, and capital asset procurement plan); Health Financing Committee report-recommendation to the State Medicaid Director concerning (proposed rules regarding Medicaid Managed Care Program standards; proposed rules regarding Medicaid provider participation requirement for military hospitals; proposed rules regarding reimbursement of Tuberculosis clinic services; final adoption of the Medicaid Hearing Aid Services rules; and final adoption of the rules relating to the benefits and limitations of chemical dependency treatment facility services); Health and Clinical Services Committee report (proposed rules concerning client eligibility criteria; program services; and reimbursement to providers for Medically Dependent Children Program; withdrawal and reproposal of rules concerning designation of providers and reimbursement of providers in the Chronically Ill and Disabled Children's Services Program; final adoption of rules concerning rabies control and eradication; and final adoption of rules regarding establishment of a clearinghouse for primary care providers seeking collaborative practice); Human Resources Committee report; Regulatory Committee report (proposed rules concerning assessment of administrative or civil penalties for violations of the (Texas Food, Drug, and Cosmetic Act; Texas Food, Drug, and Cosmetic Salvage Act; regulation of food service establishments, retail food stores, mobile food units, and roadside vendors; regulation of narcotic drug treatment programs; Tanning Facility Regulation Act; and Tattoo Studio Act); proposed rules concerning regulations on sale and distribution of foods, drugs, and dietary supplements containing ephedrine; final adoption of rules concerning the minimum standards for narcotic treatment programs; final adoption of rules concerning minimum standards for licensure of tattoo studios; final adoption of rules concerning placement of kinesiotherapists on the registry for providers of health-related services final adoption of new rules concerning the regulation of health maintenance organizations and the repeal of existing rules; and final adoption of the rules concerning the licensing of end stage renal disease facilities); public comments not requiring board action; announcements and comments not requiring board action; and meeting date for September, 1996.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 18, 1996, 2:00 p.m.

TRD-9610376

Texas Health Care Information Council

Sunday, July 28, 1996, 2:00 p.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Non-Hospital Data and Expanded Information Plan Subcommittee

AGENDA:

The subcommittee will discuss and possibly act on: proposed rule-making for health plan employer data and information set (HEDIS) by health maintenance organizations (HMOs); development of a plan of action with milestones (goal is to have the rule for HEDIS collection from HMOs ready for publication in the *Texas Register* by January 1, 1997, by identifying goals, objectives, tasks, resources, problems, time lines, etc.; and developing a plan for accomplishment); will receive public comments, and set agenda for next meeting.

Contact: Craig Jimerfield, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7533. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 19, 1996, 3:40 p.m.

TRD-9610465

Sunday, July 28, 1996, 2:00 p.m.

Moreton Building, Room M-653, Texas Department of Health, 1100 West 49th Street

Austin

Public Health Data Subcommittee

AGENDA:

The subcommittee will discuss and possibly act on: subcommittee progress; development of a plan of action with milestones (identify goals, objectives, tasks, resources, problems, time lines, etc.; and develop a plan for accomplishment); update on contract with University of Texas School of Public Health (principal investigators will report on current status, progress, proposed methodologies, anticipated products, etc.); will receive public comments; and set agenda for next meeting.

Contact: Craig Jimerfield, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7533. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 19, 1996, 3:40 p.m.

TRD-9610466

Sunday, July 28, 1996, 4:00 p.m.

Moreton Building, Room M-653, Texas Department of Health, 1100 West 49th Street

Austin

Hospital Discharge Data Subcommittee and Consumer Education Subcommittee

AGENDA:

The subcommittee will discuss and possibly act on: proposed rule for the collection and release of hospital discharge data; identify issues for data analysis, presentation of data and information to consumers, and identification of other important issues; development of a plan of action with milestones (identify goals, objectives, tasks, resources, problems, time lines, etc.; and develop a plan for accomplishment); will receive public comments; and set agenda for next meeting.

Contact: Craig Jimerfield, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7533. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 19, 1996, 3:40 p.m.

TRD-9610467

Monday, July 29, 1996, 8:00 a.m.

Tower Building, Room M-653, Texas Department of Health, 1100 West 49th Street

Austin

Appointments Subcommittee

AGENDA:

The subcommittee will discuss and possibly act on: update on nominations process; selection of appointments to Technical Advisory Committee; development of a plan of action with milestones (identify goals, objectives, tasks, resources, problems, time lines, etc.; and a plan for accomplishment); will receive public comments, and set agenda for next meeting.

Contact: Craig Jimerfield, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7533. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 19, 1996, 3:40 p.m.

TRD-9610468

Monday, July 29, 1996, 9:30 a.m.

Moreton Building, Room M-653, Texas Department of Health, 1100 West 49th Street

Austin

AGENDA:

The council will discuss and possibly act on: minutes from the July 1, 1996, meeting; subcommittee reports (non-hospital data and expanded information plan; public health data; appointments; and hospital discharge data and consumer education); council update on proposed rules for the collection and release of hospital discharge data for publication in the *Texas Register*; Bureau of State Health Data and policy analysis report (implementation plan for proposed rules for the collection and release of hospital discharge data);

update on contract with University of Texas School of Public Health (current status, progress, proposed methodologies, and anticipated products); executive director's report on the numbers and locations of hospitals affected by the proposed rules for the collection and release of discharge data; overview of council time lines for major goals and objectives (need for consolidation of individual subcommittee plans of action and milestones to identify time lines, resources, anticipated problems, etc.); will receive public comments; executive director's report on administrative issues (status of hiring an administrative technician for the council staff; requests for authorization to contract with outside counsels; requests for space for council offices; attendance of council members at an upcoming user liaison program workshop, and set agenda for next meeting date.

Contact: Craig Jimerfield, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7533. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 19, 1996, 3:41 p.m.

TRD-9610469



Statewide Health Coordinating Council

Monday, July 29, 1996, 10:00 a.m.

Texas Capitol Extension, Room E 1.030, 1400 Congress Avenue

Austin

Ad Hoc Committee on Local Health Departments and Hospital Closures and/or Reconfigurations

AGENDA:

The council will discuss and possibly act on: council members' perspective on local health department closures and hospital closures and/or reconfigurations; hospital survey information work plan; parameters and focus of issue paper; outline for issue paper and set next meeting date.

Contact: Trish O'Day, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 19, 1996, 3:41 p.m.

TRD-9610470



Tuesday, July 30, 1996, 8:30 a.m.

Texas Capitol Extension, Room E 1.030, 1400 Congress Avenue

Austin

Ad Hoc Committee on Local Health Departments and Hospital Closures and/or Reconfigurations

AGENDA:

The council will discuss and possibly act on: update on ad hoc committee on local health department closures and public and non-profit hospital closures and reconfigurations; State Health Plan Update draft; recommendations from State Health Plan Update Committee; State Health Plan Update time line; and determine next meeting dates.

Contact: Trish O'Day, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. To request an accommodation under the ADA, please contact Charles Pankey, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: July 19, 1996, 3:41 p.m.

TRD-9610471



Texas Department of Insurance

Monday, August 5, 1996, 10:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

To consider whether disciplinary action should be taken against Rudolph J. Stearnes, Jr., Lamarque, Texas, who holds a Group I, Legal Reserve Life Insurance Agency's License, a Group II Insurance Agent's License, and a Local Recording Agent's License to be issued by the Texas Department of Insurance and to consider whether the application of Rudolph J. Stearnes for a Prepaid Legal Services License should be granted (continued from July 2, 1996).

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: July 22, 1996, 8:11 a.m.

TRD-9610500



Tuesday, August 6, 1996, 3:00 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

In the matter of the appeal of Jimmy Cowart Brokerage Company from a decision of the Texas Workers' Compensation Insurance Facility.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: July 22, 1996, 8:11 a.m.

TRD-9610499



Board of Law Examiners

Saturday-Sunday, July 27-28, 1996, 8:30 a.m.

Suite 500, Tom C. Clark, 205 West 14th Street

Austin

Emergency Revised Agenda

AGENDA:

request of Charles Vethan for an amendment and editing of his probationary license.

Reason for Emergency: We were just notified today and time is of essence.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: July 17, 1996, 4:02 p.m.

TRD-9610337



Monday, July 29, 1996, 8:30 a.m.

Suite 500, Tom C. Clark, 205 West 14th Street

Austin

Hearings Panel

AGENDA:

The hearings panel will hold public hearings and conduct deliberations, including the consideration of proposed agreed orders, on the character and fitness of the following applicants and/or declarants: Thomas L. Bullard; Nicky Nixon Daughtrey, Jr.; Terry D. Lewis; Byron M. Buchanan; David W. Ferrell (Character and fitness deliberations may be conducted in executive session, pursuant to §82.003 (a), Texas Government Code.)

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: July 19, 1996, 11:31 a.m.

TRD-9610437



Texas Natural Resource Conservation Commission

Thursday, July 25, 1996, 1:30 p.m.

1405 Willow Street, Main Conference Center Texas Building, LCRA Riverside Conference Center

Bastrop

AGENDA:

The commission will meet in a work session for discussion between commissioners and staff. No public testimony or comment will be accepted except by invitation of the commission.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: July 17, 1996, 3:57 p.m.

TRD-9610336

Friday, July 26, 1996, 9:30 a.m.

12000 Park 35 Circle, IH 35, Building E, Room 201-S

Austin

Water Well Drillers Advisory Council

AGENDA:

The Texas Water Well Drillers Advisory Council will meet to discuss and take action on the following consider the approval of minutes of the May 30, 1996 meeting; consider whether to set the following complaints for a formal hearing or take appropriate legal action; Alan Dreyer, Farris Richardson, Jesse Richardson, Richardson Water

Well Drilling Company, Floyd Smith, Barry Beard, Link Benson, Doug and Steve Crockett, Dean Davenport, Donald Davis, Henry Erwin, Bobby Hampton Joe Hogan, Kenneth Lynch, Allison Martin, Alton Mesecke, James Pawlik, Allen Rutherford, Tommy Staggs, consider certification of applicants for registration and driller-trainee registration; and consider staff reports.

Contact: Rick Wilder, 12000 Park 35 Circle, IH 35, Building E., Room 201-S, Austin, Texas (512) 239-0541.

Filed: July 17, 1996, 4:41 p.m.

TRD-9610345

Friday, July 26, 1996, 9:30 a.m.

12000 Park 35 Circle, IH 35, Building E, Room 201-S

Austin

Water Well Drillers Advisory Council

AGENDA:

- I. Call to order/introduction/minutes
- II. Introduction to environmental goals mini-workshop
- III. Breakout groups
- IV. Breakout group summaries
- V. Contractor recommendation for tidal flats project by project review team
- VI. Additional items/adjournment

Contact: Richard Volk, 6300 Ocean Drive, Corpus Christi, Texas 78412, (512) 980-3420.

Filed: July 17, 1996, 4:41 p.m.

TRD-9610440

Monday, August 5, 1996, 10:00 a.m.

Building A, Room 110, (TNRCC Complex), 12124 Park 35 Circle

Austin

AGENDA:

For a hearing before an administrative law judge of the State Office of Administrative Hearings on an application filed with the Texas Natural Resource Conservation Commission by Senator Glenn H. Kothmann doing business as Valley View Water System for a certificate of convenience and necessity (CCN) to provide water utility service in Medina County, Texas. The proposed utility service area is located three miles south of downtown Castroville, Texas and is generally bounded on the east by Canal, on the west by FM 1343, and on the north by County Road 578. The total area being requested includes approximately 720 acres and no current customers. SOAH Docket Number 582-96-1296.

Contact: Melissa Medina, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-3445.

Filed: July 17, 1996, 1:59 p.m.

TRD-9610327

Monday, August 5, 1996, 10:00 a.m.

Building C, Room 308E (TNRCC Complex), 12124 Park 35 Circle

Austin

AGENDA:

For a hearing before an administrative law judge of the State Office of Administrative Hearings on an application filed with the Texas Natural Resource Conservation Commission by the City of Mercedes for a water Certificate of Convenience and Necessity (CCN) to provide water utility service in Hidalgo County, Texas. The applicant also proposes decertification of a portion of CCN Number 10553 issued to North Alamo Water Supply Corporation. The proposed utility service area is located approximately 1.5 miles north and south of downtown Mercedes, Texas and is generally bounded on the Hidalgo/Cameron County line, on the south by the pilot channel in the South Floodway, on the west by Mile 2.75 West and/or 2.25 West, and on the north by mile eight North. The total area being requested includes approximately 10,387 acres and 3,226 current customers. SOAH Docket Number 582-96-1132

Contact: Melissa Medina, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-3445.

Filed: July 17, 1996, 1:59 p.m.

TRD-9610326

Monday, August 5, 1996, 10:00 a.m.

Building F, Room 31034 (TNRCC Complex), 12015 Park 35 Circle

Austin

AGENDA:

For a hearing before an administrative law judge of the State Office of Administrative Hearings on a petition filed with the Texas Natural Resource Conservation Commission by Robert H. Gafford doing business as Gafford Water System to discontinue water utility service and cancel its certificate of convenience and necessity for its service area located in Kleberg County, Texas. The services area is located approximately 15 miles southeast of Kingsville, Texas and is generally bounded by Highway 771 and other rural landowners and as specified in detail maps filed with the Commission and available for review at the utility's office at Rural Route 1, Box 23-G, Alice, Texas 78332. SOAH Docket Number 582-96-1131.

Contact: Melissa Medina, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-3445.

Filed: July 17, 1996, 1:58 p.m.

TRD-9610324

Monday, August 12, 1996, 10:00 a.m.

Building F, Room 31034 (TNRCC Complex), 12015 Park 35 Circle

Austin

AGENDA:

For a hearing before an administrative law judge of the State Office of Administrative Hearings on an application filed with the Texas Natural Resource Conservation Commission by Shalako Estates Water System doing business as Canyon Springs Water System for an increase in water rates effective May 1, 1996, for its service area located in Kerr County, Texas. SOAH Docket Number 582-96-1130.

Contact: Melissa Medina, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-3445.

Filed: July 17, 1996, 1:58 p.m.

TRD-9610325

Monday, August 12, 1996, 10:00 a.m.

Room 131E of Building C, 12124 Park 35 Circle, TNRCC Park 35 Office Complex

Austin

AGENDA:

City of Dallas; SOAH Docket Number 582-96-1214; the TNRCC Commissioners have referred the application to the State Office of Administrative Hearings (SOAH) for a hearing on the application to amend Certificate of Adjudication Number 08-2458, as amended, by adding irrigation use to the domestic, municipal, industrial, manufacturing, pleasure and recreational uses now authorized for the diversion of 34,495 acre-feet per annum. Certificate of Adjudication Number 08-2458 was issued July 22, 1983 and authorized the owner, with a time priority of July 6, 1948, to maintain an existing dam and reservoir, known as Grapevine Reservoir, on Denton Creek and impound therein not to exceed 85,000 acre-feet of water. Owner was also authorized to divert and use from the reservoir not to exceed 50,005 acre-feet of water per annum for municipal purposes, and 34,995 acre-feet of water per annum for domestic, municipal, industrial, manufacturing, pleasure, and recreational purposes. The certificate has been amended two times and currently authorizes the certificate owner to divert and use 50,005 acre-feet for municipal purposes, 34,495 acre-feet for domestic, municipal, industrial, manufacturing, pleasure and recreational purposes, and 500 acre-feet for irrigation.

Contact: Robert Martinez, Sr., P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0600.

Filed: July 19, 1996, 8:19 a.m.

TRD-9610408

Monday, August 12, 1996, 10:00 a.m.

Building C, 12124 Park 35 Circle, TNRCC Park 35 Office Complex

Austin

AGENDA:

Dallas County Park Cities Municipal Utility District; SOAH Docket Number 582-96-1213; the TNRCC Commissioners have referred the application to the State Office of Administrative Hearings (SOAH) for a hearing on the application to amend Certificate of Adjudication Number 08-2363. Applicant seeks to amend this certificate by (1) adding irrigation as an authorized use, (2) adding the authorization to also divert water from the perimeter of Grapevine Reservoir, and (3) specifying the maximum diversion rate from the perimeter of the reservoir as 17 cfs (7,629.6 gpm). Certificate of Adjudication Number 08-2363 currently authorizes the storage of 50,000 acre-feet of water in a reservoir (known as Grapevine Reservoir) on Denton Creek, Trinity River Basin. The certificate also authorizes the diversion and use of not to exceed 50,000 acre-feet of water per annum from the aforesaid reservoir for domestic, municipal, industrial and recreational purposes within the Dallas County Park Cities Municipal Utility District. The authorized diversion point is at a point on the Old Channel Elm Fork Trinity River, the authorized diversion rate was "not specified", and the time priority of the owner's right is February 11, 1946. Grapevine Reservoir is owned by the United States of America and operated by the U.S. Corps of Engineers.

Contact: Robert Martinez, Sr., P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0600.

Filed: July 19, 1996, 8:20 a.m.

TRD-9610409

Monday, August 12, 1996, 10:00 a.m.

Room 131E of building C-12124 Park 35 Circle, TNRCC Park 35 Office Complex

Austin

AGENDA:

Dallas County Park Cities Municipal Utility District; SOAH Docket Number 582-96-1213; the TNRCC Commissioners have referred the application to the State Office of Administrative Hearings (SOAH) for a hearing on the application to amend Certificate of Adjudication Number 08-2363. Applicant seeks to amend this certificate by (1) adding irrigation as an authorized use, (2) adding the authorization to also divert water from the perimeter of Grapevine Reservoir, and (3) specifying the maximum diversion rate from the perimeter of the reservoir as 17 cfs (7,629.6 gpm). Certificate of Adjudication Number 08-2363 currently authorizes the storage of 50,000 acre-feet of water in a reservoir (known as Grapevine Reservoir) on Denton Creek, Trinity River Basin. The certificate also authorizes the diversion and use of not to exceed 50,000 acre-feet of water per annum from the aforesaid reservoir for domestic, municipal, industrial and recreational purposes within the Dallas County Park Cities Municipal Utility District. The authorized diversion point is at a point on the Old Channel Elm Fork Trinity River, the authorized diversion rate was "not specified", and the time priority of the owner's right is February 11, 1946. Grapevine Reservoir is owned by the United States of America and operated by the U.S. Corps of Engineers.

Contact: Robert Martinez, Sr., P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0600.

Filed: July 19, 1996, 8:29 a.m.

TRD-9610406

Monday, August 19, 1996, 10:00 a.m.

Cedar Bayou Center, 7711 Highway 146

Baytown

AGENDA:

For a hearing before an administrative law judge of the State Office of Administrative Hearings on an application filed with the Texas Natural Resource Conservation Commission by Speer Properties, Inc. for an increase in water rates with the Texas Natural Resource Conservation Commission (Commission) effective May 1, 1996, for its service area located in Chambers County, Texas. SOAH Docket Number 582-96-1192.

Contact: Melissa Medina, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-3445.

Filed: July 18, 1996, 8:34 a.m.

TRD-9610352

Friday, August 23, 1996, 10:00 a.m.

Building B, Room 201A (TNRCC Complex), 12124 Park 35 Circle

Austin

AGENDA:

For a hearing before an administrative law judge of the State Office of Administrative Hearings on an application filed with the Texas Natural Resource Conservation Commission by Holly Ranch Water Company, Inc. for an increase in water rates effective May 20, 1996,

for its service area located in Wood County, Texas. SOAH Docket Number 582-96-1193.

Contact: Melissa Medina, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-3445.

Filed: July 18, 1996, 8:34 a.m.

TRD-9610350

Monday, August 26, 1996, 10:00 a.m.

Municipal Court Building, Council Chambers, 702 North Highway 175

Seagoville

State Office of Administrative Hearings

AGENDA:

Notice of public hearing before an administrative law judge of the State Office of Administrative Hearings on an application by the City of Seagoville for proposed Water Quality Permit Amendment Number 10370-01 to authorize an increase in the discharge of treated domestic wastewater effluent, the removal of chlordane testing and limits from the existing permit, and a variance in the buffer zone requirements. The facility is located about 0.65 mile northeast of the intersection of Malloy Bridge Road and U.S. Highway 175 and about 0.5 mile north of U.S. Highway 175 in Dallas County, Texas.

Contact: Melissa Medina, P.O. Box 13025, Austin, Texas 78711, (512) 475-4993.

Filed: July 17, 1996, 10:39 a.m.

TRD-9610312

Monday, August 26, 1996, 10:00 a.m.

County Court House, Second Floor, 400 South Live Oak

Lampasas

State Office of Administrative Hearings

AGENDA:

Notice of public hearing before an administrative law judge of the State Office of Administrative Hearings on an application by the City of Lampasas for proposed Water Quality Permit Renewal Number 10205-01 to authorize the discharge of treated domestic wastewater effluent. The facility is located about one mile northeast of the intersection of U.S. Highway 190 and U.S. Highway 183 on the south side of Sulphur Creek near the east end of Creek Street in the City of Lampasas, Lampasas County, Texas.

Contact: Melissa Medina, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-4993.

Filed: July 19 1996, 1:03 p.m.

TRD-9610450

Wednesday, September 25, 1996, 9:30 a.m.

Room 201S of Building E, 1211S North IH-35, TNRCC Park 35 Office Complex

Austin

AGENDA:

Montgomery County Municipal Utility District Number 43; TNRCC Docket Number 96-1166-Dis; application for authority to adopt and impose a non-uniform debt service standby fee on undeveloped

property in the District. The application is filed and the hearing will be held under the authority of Section 49.231 of the Texas Water Code, 30 Texas Administrative Code Sections 293.141-0293.152, and under the procedural rules of the Commission. The District's application requests authorization to levy a non-uniform debt service standby fee against all undeveloped property in the District for calendar years 1997, 1998, and 1999, allocated as follows: Tier 1: \$1,674 per acre on the 34.918 vacant acres in Montgomery Park which has complete utility infrastructure in place. Tier 2: \$805 per acre on the 304.663 undeveloped acres in the District which has wastewater treatment plant capacity and drainage capacity available.

Contact: Water Utilities District Administration Section, Mail Code 152, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6161.

Filed: July 19, 1996, 8:19 a.m.

TRD-9610407

Monday, September 30, 1996, 10:00 a.m.

Building F, Room 31034 (TNRCC Complex), 12015 Park 35 Circle Austin

AGENDA:

For a hearing before an administrative law judge of the State Office of Administrative Hearings on an application filed with the Texas Natural Resource Conservation Commission by Kelly Lane Utility Company, Inc. to amend its sewer Certificate of Convenience and Necessity (CCN) Number 20720 to provide sewer utility service in Travis County, Texas. The proposed utility service area is located approximately 18 miles northeast of downtown Austin, Texas, around the intersection of Farm to Market Road 685, Kelly Lane and Wilke Lane. The total area being requested includes approximately 895 acres and 301 current customers. SOAH Docket Number 582-96-0912

Contact: Melissa Medina, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-3445.

Filed: July 18, 1996, 8:34 a.m.

TRD-9610351



Texas Board of Professional Land Surveying

Thursday-Friday, July 25-26, 1996, 1:00 p.m. and 9:00 a.m., respectively.

7701 North Lamar Boulevard, Suite 400

Austin

Board Meeting

Emergency

AGENDA:

The Board will meet to make preparation for the October 1996 examinations on July 25, 1996. On July 26, 1996, the Board will convene and then go into Executive Session for the purpose of consulting with Board attorney concerning pending litigation (Pursuant to Texas Government Code 551.071). Upon returning to open session the Board will take action regarding litigation. Approval of the June 7, 1996 minutes; to consider and act upon the executive director's report which will include discussion of members attending NCEES Annual Convention, active complaints and show cause action.

Presentations from Bud Thompson and Mark Plog. Committee reports; on examinations, continuing education, highway issues, oil well issues and rules. Correspondence acknowledged, items to be added to future agendas and to receive comments from the public. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Sandy Smith at 452-9427 two work days prior to the meeting so that appropriate arrangements can be made.

Reason for Emergency: Faxed previously but never received.

Contact: Sandy Smith, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: July 18, 1996, 10:00 a.m.

TRD-9610358

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Public Utility Commission of Texas

Friday, July 26, 1996, 1:00 p.m.

7800 Shoal Creek Boulevard

Austin

Revised Agenda

AGENDA:

The Relay Texas Advisory Committee will meet at the above date and time. At this meeting the Committee will welcome and make opening remarks, hear minutes, PUC Report, Sprint Report, Old and New Business, and Public Comment.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0241.

Filed: July 18, 1996, 9:24 a.m.

TRD-9610353

Tuesday, July 30, 1996, 1:00 p.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

The Commissioners will have a Work Session/Workshop at the above date and time for discussion and possible action on agency administrative procedures, project assignments, correspondence, staff reports and personnel policy; budget, fiscal matters and strategic planning; enforcement of commission rules and orders; commission's response to the Federal Telecommunications Act of 1996, including but not limited to actions taken by the Federal Communications Commission; Filings submitted to the commission under Title 1 of the Federal Telecommunications Act of 1996; Electric Industry Competition issues and Telecommunications Industry Competition Issues; Project Number 15000 (Electric Industry Restructuring), Project Number 15001 (Stranded Costs or Excess Costs Over Market) and Project Number 15002 (Scope of Competition in the Electric Industry in Texas); Project Number 16101, in the matter of negotiated interconnection agreements of telecommunications carriers, including consideration of motions for protective order. In addition, the commission will meet in closed session to consider *Houston Lighting of Power Company v. Public Utility Commission of Texas, Destec*

Energy, Inc., and Destec Operating Company, Cause Number 96-02867, Travis County District Court.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0241.

Filed: July 19, 1996, 3:05 a.m.

TRD-9610463

Monday, August 5, 1996, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

A hearing on the merits will be held by the State Office of Administrative Hearings in Docket Number 16188-application of OpTel (Texas) Telecom, Inc. for a Service Provider Certificate of Operating Authority. This application was filed on July 18, 1996. Applicant seeks authority to serve the areas covered by all the exchanges of Southwestern Bell Telephone Company, GTE of the Southwest, Inc., and Central Telephone Company/United Telephone Company throughout the State of Texas. Applicant intends to provide a full-range of telecommunications services, including, but not limited to, various intrastate switched services. The applicant plans to offer local exchange services and exchange access services. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by July 31, 1996.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 18, 1996, 2:10 p.m.

TRD-9610374

Monday, August 5, 1996, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

A hearing on the merits will be held by the State Office of Administrative Hearings in Docket Number 16185-Application of EZ Talk, L.L.C. for a service provider certificate of operating authority. This application was filed on July 17, 1996. Applicant seeks authority to serve the areas including, but not limited to, the exchange of Southwestern Bell Telephone Company, GTE of the Southwest, Inc., and Central Telephone Company/United Telephone Company. Applicant plans to provide on a resell basis, monthly recurring, flat-rate local exchange service including extended area service, toll restriction, call control options, tone dialing, custom calling services, Caller ID and any other service available on a resell basis. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by July 31, 1996.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 18, 1996, 2:56 p.m.

TRD-9610382

Texas Racing Commission

Thursday, July 25, 1996, 10:00 a.m.

John H. Reagan Building, Room 101, 105 West 15th Street

Austin

AGENDA:

Call to order; roll call; consideration and approval of Legislative Appropriation Request for the 1998-1999 Fiscal Biennium; consideration of and action on request by Candace Mercer for changes to policy regarding licensing equine massage therapists; consideration of and action on requests for live race dates for 1997 at horse and greyhound pari-mutuel racetracks; consideration of and action on requests by Texas Horsemen's Partnership, LLP: (a) Extension of approval of contracts between THBPA and Texas pari-mutuel racetracks (b) Clarification of Commission action on April 1, 1996 regarding Sam Houston Race Park's allocation of percentages for purses from simulcasting; discussion of and possible action regarding 1996 quarter horse live race meeting at Retama Park; Old and New Business; Adjourn.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78701, (512) 833-6699.

Filed: July 17, 1996, 11:44 a.m.

TRD-9610314



Railroad Commission of Texas

Thursday, July 25, 1996, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The Commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters listed on the agenda posted with the Secretary of State's Office.

The hearing has been moved from the 12th Floor Conference Room 12-126 to the First Floor Conference Room 1-111.

Contact: Kathy Way, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: July 17, 1996, 3:56 p.m.

TRD-9610334

Tuesday, July 30, 1996, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the attached agenda. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

Contact: Lindil C. Fowler, Jr., P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: July 19, 1996, 3:51 p.m.

TRD-9610472



Teacher Retirement System of Texas

Friday, July 26, 1996, Noon

1000 Red River, Room 420E

Austin

Board of Trustees Policy Committee

AGENDA:

1. Approval of minutes of May 31, 1996, meeting
2. Consideration of guidelines for policy origination and review
3. Consideration of method for policy review

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400. For ADA assistance, contact Mary Godzik (512) 397-6400 or TDD (512) 397-6444 or (800) 841-4497 at least two days prior to the meeting.

Filed: July 18, 1996, 2:58 p.m.

TRD-9610384

Friday, July 26, 1996, 1:30 p.m.

1000 Red River, Fifth Floor Boardroom

Austin

Board of Trustees

AGENDA:

1. Roll call of board members
2. Public comments
3. Approval of minutes of June 28, 1996, meeting
4. Report of policy committee and consideration of guidelines for policy organization and review-Dr. Stream
5. Report of Budget Committee-Mr. Simms
 - a. Consideration of proposed 1996-1997 budget for the pension trust fund and soft dollar addendum
 - b. Consideration of proposed 1996-1997 budget for the group insurance fund-retired and active
6. Consideration of Legislative appropriations request for the 1998-1999 biennium-Mr. Jung
7. Certification to State Comptroller of estimate of state contributions to the pension trust fund for the 1998-1999 biennium-Mr. Jung
8. Certification to the Legislative Budget Board and the Governor's Office of estimate of State contributions for the public school employees group insurance fund for the 1998-1999 biennium-Mr. Jung
9. Certification to the State Comptroller of estimate of State contributions to be received by the public school employees group insurance fund for the fiscal year ending August 31, 1997-Mr. Jung
10. Consideration of equity approved universe-Mr. Young
11. Status report of member enrollment and reporting improvement and transformation project-Mrs. Koontz
12. Report of executive director-Mr. Dunlap

13. Comments by board members

14. Report of internal auditor on investment policy compliance-Mrs. Henry

15. Discussion and possible action on the evaluation, designation, and duties of the chief investment officer, the director of equities, and other investment staff

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-7400. For ADA assistance, contact Mary Godzik (512) 397-6400 or TDD (512) 397-6444 or (800) 841-4497 at least two days prior to the meeting.

Filed: July 18, 1996, 2:58 p.m.

TRD-9610383

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The Texas A&M University System

Thursday, July 25, 1996, 8:30 a.m.

Ballroom A, Student Development Center, 1457 Vanderbilt, Tarleton State University

Stephenville

Board of Regents

AGENDA:

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: July 19, 1996, 3:56 p.m.

TRD-9610480

Texas Southern University

Thursday, August 8, 1996, 8:00 a.m.

3100 Cleburne Street, Hannah Hall, Room 111

Houston

Academic Affairs Committee

AGENDA:

Meeting to consider: Progress reports of academic activities and programs.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: July 17, 1996, 2:38 p.m.

TRD-9610328

Friday, August 2, 1996, 10:00 a.m.

3100 Cleburne, Law School, Second Floor

Houston

Litigation Committee

AGENDA:

Meeting to consider: A review of cases filed and pending against the university.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: July 18, 1996, 4:52 p.m.

TRD-9610400

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Texas State Technical College System

Friday, July 26, 1996, 1:00 p.m.

TSTC East Texas Center at Marshall, 2400 East End Boulevard, South, Room 166

Marshall

Board of Regents

AGENDA:

Discussion and review of the following TSTC Policy Committee minute orders and reports:

Committee of the whole-1:00 p.m.

Policy committee for instruction and student services-1:05 p.m.

Policy committee for Human Resources and development -1:35 p.m.

Policy committee for facilities-2:00 p.m.

Policy committee for fiscal affairs-3:00 p.m.

Committee of the whole-4:00 p.m.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: July 17, 1996, 11:45 a.m.

TRD-9610315

Saturday, July 27, 1996, 8:00 a.m.

TSTC East Texas Center at Marshall, 2400 East End Boulevard, South, Room 166

Marshall

Board of Regents

AGENDA:

The Board of Regents will discuss and act on the following minute orders: Classes meeting with less than ten students, active student/employee organization and purpose statements, accuracy of and access to computerized student records, declaration of buildings 18-01, 19-04, 19-05, 19-08, 19-09, 32-06, 33-03, and 34-01 as not needed for educational and training purposes, city of Marshall and Ranger Junior College Agreement, ratify executive committee's actions of June 4, 1996, requests for budget change, annual operating budget, Legislative Budget request, lease agreement with Highland Park Village and RPT, rescind minute order 07-96 approving lease with the Texas Historic Aviation museum, lease agreement with Technology Village Neighborhood Association, Ratify Executive Committee's action of July 12, 1996, concept of constructing computer applications center and fitness center Phase II, demolition and removal of sale of buildings 18-01, 19-04, 19-05, 19-08, 19-09, 32-06, 33-03, and 34-01, advertise and accept bids for 425 Ton Chiller, conversion of conference center to student services building, accept loan and award bid for automated energy management system, approve concept of HVAC system replacement and consultant to oversee assessment, specification and installation of HVAC system replacement on Lance Sears Building and clean room in Lance Sears Building, accept bids and award bid for HVAC replacement in Lance Sears Building and clean room in Lance Sears Building, resolution for Cecil L. Groves, Rolling Plains technical foundation annual operating plan

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.
Filed: July 17, 1996, 11:45 a.m.

TRD-9610316

Saturday, July 27, 1996, 8:15 a.m.

TSTC East Texas Center at Marshall, 2400 East End Boulevard, South, Room 166

Marshall

Board of Regents Closed Meeting

AGENDA:

Following Item V of the agenda and shown as Item VI the Board of regents will recess from open meeting into closed meeting in accordance with Chapter 551 of the Texas Government Code for the specific purpose provided in sections 551.071, 551.072, 551.074 and 551.075 and will discuss the following:

Maria Christina Lucio vs. Texas State Technical College and J. Gilbert Leal, James A. Buie bs. TSTC, Truett W. Bates vs. Texas State Technical College, et al, Asbestos Litigation, Discuss findings of the search committee, Discuss Texas State Technical College personnel issues, report and discussion of Panhandle Rental Properties in Amarillo

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.
Filed: July 17, 1996, 11:46 a.m.

TRD-9610317



Texas Department of Transportation

Monday, August 12, 1996, 1:00 p.m.

200 East Riverside Drive, Room 102

Austin

Public Transportation Advisory Committee

AGENDA:

Approve minutes. Briefing on Commission Meetings. Update on Activities Associated with the Doolittle Statewide Transit Study. Update on 1996 TxDOT Statewide Transportation Enhancement Program. Update on Public Transportation Budget. Report on Section 5310 (Elderly and Disabled) Program. Update on Coordination Pilot Projects.

Contact: Diane Northam, 125 East 11th Street, Austin, Texas 78701, (512) 416-8630.
Filed: July 19, 1996, 9:58 a.m.

TRD-9610419



University of Houston System

Wednesday, July 24, 1996, 8:00 a.m.

1600 Smith, Suite 3400, Conference Room One, UH System Offices

Houston

Special Called Asset Management Committee

AGENDA:

To discuss the following:

Endowment Manager Performance Report by Kempner Capital Management

Review of Agenda Items for August 15, 1996 Board of Regents Meeting

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: July 19, 1996, 12:43 p.m.

TRD-9610446



Wednesday, July 24, 1996, 10:00 a.m.

1600 Smith, Suite 3400, Conference Room One, UH System Offices
Houston

Special Called Academic/Student Affairs Committee

AGENDA:

To discuss the following:

Legislative Agenda-Investment in Higher Education

Legislative Agenda-Legislative Appropriations Request (with Special Items)

Hopwood versus University of Texas

Review of Agenda Items for the August 15, 1996 Board of Regents Meetings

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: July 19, 1996, 12:43 p.m.

TRD-9610447



Thursday, July 25, 1996, 10:00 a.m.

1600 Smith, Suite 3400, Conference Room One, UH System Offices
Houston

Special Called Facilities Planning and Building Committee

AGENDA:

To discuss the following:

Review of Agenda Items for August 15, 1996 Board of Regents Meeting

Report on Status of Major Capital Projects

Discussion of Major Capital Project Approval Process

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: July 19, 1996, 12:43 p.m.

TRD-9610448



Thursday, July 25, 1996, 12:00 p.m.

1600 Smith, Suite 3400, Conference Room One, UH System Offices

Houston

Special Called Finance And Audit Committee

AGENDA:

To discuss the following:

Review of Agenda Items for August 15, 1996 Board of Regents Meeting

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: July 19, 1996, 12:43 p.m.

TRD-9610449



Texas On-Site Wastewater Treatment Research Council

Tuesday, July 30, 1996, 10:00 a.m.

12100 Park 35 Circle, Building F, Conference Room 2210

Austin

Council Meeting

AGENDA:

The council will act on the minutes of the previous meeting. There will be a presentation by the Attorney General's Office. The Chairman and the Executive Secretary will provide their reports. Public comments will follow. Other items on the agenda will include: discussion and possible action on the proposed FY 1997 budget; discussion and possible action on Legislative contacts; and discussion and possible action on a committee's recommendation for the selection of the 1997 Annual Conference meeting planner. Representatives of the Center for Maximum Potential Building Systems will give a presentation. The scheduling of future meetings will end the meeting.

Contact: Annette Maddern, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4732.

Filed: July 19, 1996, 2:04 p.m.

TRD-9610452



Regional Meetings

Meetings Filed July 17, 1996

The Texas Automobile Insurance Plan Association, Governing Committee Meeting met at 6121 I-35 North, Red Lion Hotel, Austin, July 25, 1996, at 8:30 a.m.. Information may be obtained from Dianna Brooks, Texas Automobile Insurance Plan Association, Austin, Texas, (512) 444-4441. TRD-9610313.

The Coastal Bend Council of Governments, Membership/Board, will meet at 2910 Leopard Street, Corpus Christi, July 26, 1996, at 2:00 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9610343.

The Deep East Texas Council of Governments, Regional Housing Advisory Council, met at Jr. Huffman Public Library Board Room, Highway 87 North, Hemphill, July 25, 1996, at 10:00 a.m.

Information may be obtained from Ethel Bluitt, 274 East Lamar Street, Jasper, Texas, 75951, (409) 384-5704. TRD-9610319.

The Deep East Texas Council of Governments, Regional Housing Advisory Council, met at the J. R. Huffman Public Library Board Room, Highway 87 North, Hemphill, July 25, 1996, at 10:00 a.m. Information may be obtained from Ethel Bluitt, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9610318

The Education Service Center, Region IX, Board of Directors met at 301 Loop 11, Wichita, July 23, 1996, at 2:00 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928. TRD-9610335.

The LRGV Development Council (LRGVDC), Board of Directors, met at the Chamber of Commerce, 311 East Tyler, Harlingen, July 25, 1996, at 1:30 p.m. Information may be obtained from Kenneth N. Jones, Jr., 311 North 15th Street, McAllen, Texas 78504, (210) 682-3481. TRD-9610344.

The San Antonio Bexar County Metropolitan Planning Organization, Transportation Steering Committee, met at the International Conference Center of the Convention Center Complex, San Antonio, July 22, 1996, at 1:30 p.m. Information may be obtained from Charlotte A. Roszelle, 603 Navarro, Suite 904, San Antonio, Texas 78205, (210) 227-8651. TRD-9610329.

Meetings Filed July 18, 1996

The Capital Area Planning Council, Executive Committee, met at 2520 IH-35 South, Suite 100, Austin, July 25, 1996, at Noon. Information may be obtained from Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653. TRD-9610386.

The Central Texas Council of Governments, K-TUTS Annual Meeting, met at 2625 31st Street, Temple, July 24, 1996, at 9:00 a.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9610359.

The Edwards Central Appraisal District, Appraisal Review Board, met at 408 Austin Street, County Annex Building, Rocksprings, July 22, 1996, at 10:00 a.m. Information may be obtained from Wiley Rudasill, P.O. Box 858, Rocksprings, Texas 78880, (210) 683-4189. TRD-9610362.

The Harris County Appraisal District, Appraisal Review Board, will meet at 2800 North Loop West, Eighth Floor, Houston, July 26, 1996, at 8:00 a.m. Information may be obtained from Susan Jordan, 2800 North Loop West, Houston, Texas 77092, (713) 957-5222. TRD-9610385

The Lampasas County Appraisal District, Appraisal Review Board, met at 109 East Fifth Street, Lampasas, July 23, 1996, at 8:45 a.m. Information may be obtained from Katrina Perry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9610364.

The Leon County Central Appraisal District, Board of Directors met at 103 North Commerce, Corner Highway 7 and 75, Gresham Building, Centerville, July 22, 1996, at 9:00 a.m. Information may be obtained from Jeff Beshears, P.O. Box 536, Centerville, Texas 75833-0536, (903) 536-2252. TRD-9610378.

The Leon County Central Appraisal District, Board of Directors met at 103 North Commerce, Corner Highway 7 and 75, Gresham Building, Centerville, July 23, 1996, at 9:00 a.m. Information may

be obtained from Jeff Beshears, P.O. Box 536, Centerville, Texas 75833-0536, (903) 536-2252. TRD-9610377.

The Panhandle Regional Planning Commission, Board of Directors, met at 415 West Eighth Avenue, Amarillo, July 25, 1996, 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381. TRD-9610349.

The Permian Basin Regional Planning Commission, Board of Directors Permian Basin Private Industry Council met at 2910 Laforce Boulevard, Midland, July 24, 1996, at 10:00 a.m. Information may be obtained from Carole B. Symonette, P.O. Box 60660, Midland, Texas 79711-0660, (915) 563-1061. TRD-9610360.

The Sabine River Authority, Board of Directors, will meet at the Fredonia Hotel, 200 Fredonia Street, Nacogdoches, July 26, 1996, at 10:30 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200. TRD-9610357.

The San Jacinto River Authority, Board of Directors, met at 2301 North Millbend Drive, Woodlands, July 24, 1996, at 12:30 p.m. Information may be obtained from James R. Adams or Ruby Shiver, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111. TRD-9610391.

The Sharon Water Supply Corporation, Board of Director's Meeting met at the Office of Sharon Water Supply Corporation, Route 5, Box 50361, Winnsboro, July 22, 1996, at 7:00 p.m. Information may be obtained from Gerald Brewer, Route 5, Box 50361, Winnsboro, Texas 75494, (903) 342-3525. TRD-9610379.

Meetings Filed July 19, 1996

The Alamo Area Council of Governments 9-1-1, Rural Area Judges Committee met at 118 Broadway, Suite 400, San Antonio, July 24, 1996, at 10:00 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 2225-5201. TRD-9610420.

The Alamo Area Council of Governments, Rural Area Judges Committee met at 118 Broadway, Suite 400, San Antonio, July 24, 1996, at 11:00 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 2225-5201. TRD-9610421.

The Alamo Area Council of Governments, Rural Area Judges Committee met at 118 Broadway, Suite 400, San Antonio, July 24, 1996, at 1:00 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 2225-5201. TRD-9610422.

The Bastrop Central Appraisal District, Appraisal Review Board met at 1200 Cedar Street, Bastrop, July 22, 1996, at 8:30 a.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 303-3536. TRD-9610410.

The Bastrop Central Appraisal District, Appraisal Review Board met at 1200 Cedar Street, Bastrop, July 23, 1996, at 8:30 a.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 303-3536. TRD-9610411.

The Bastrop Central Appraisal District, Appraisal Review Board met at 1200 Cedar Street, Bastrop, July 24, 1996, at 8:30 a.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 303-3536. TRD-9610412.

The Bastrop Central Appraisal District, Appraisal Review Board met at 1200 Cedar Street, Bastrop, July 25, 1996, at 8:30 a.m. Information

may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 303-3536. TRD-9610413.

The Central Texas Council of Governments, Work Force Development Board of Central Texas, met at 321 North Penelope, Belton, July 25, 1996, at 10:00 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9610424.

The Central Texas Council of Governments, Work Force Development Board of Central Texas met at 321 North Penelope, Belton, July 25, 1996, at 10:00 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9610405.

The Community Action Committee of Victoria, Texas, Board of Directors Meeting and Finance Committee Meeting, met at 1501 North DeLeon, Suite A, Victoria, July 25, 1996, at 7:30 a.m. Information may be obtained from Lisa West, 1501 North DeLeon, Suite A, Victoria, Texas 77902-2142. TRD-9610415.

The Coryell County Appraisal District, Board of Directors, met at 107 North Seventh, Gatesville, July 25, 1996, at 5:30 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593. TRD-9610458.

The Ellis County Appraisal District, Appraisal Review Board met at 400 Ferris Avenue, Waxahachie, July 23, 1996, at 9:00 a.m. Information may be obtained from Dorothy Phillips, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9610464.

The Golden Crescent Private Industry Council met at 2401 Houston Highway, Victoria, July 24, 1996, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9610454.

The Hickory Underground Water Conservation District Number 1, Board and Advisors, met at 2005 South Bridge, Brady, July 25, 1996, at 9:15 a.m. Information may be obtained from Stan Reinhard, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9610459.

The Johnson County Rural Water Supply Corp, Regular Monthly Board Meeting, met at the Office, 2849 Highway 171 South, Cleburne, July 23, 1996, at 6:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9610425.

The Kendall Appraisal District, Board of Directors, Budget Committee, met at 121 South Main Street, Boerne, July 24, 1996, at 4:00 p.m. Information may be obtained from Mick Mikulenka, or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9610427.

The Kendall Appraisal District, Board of Directors, Budget Committee, met at 121 South Main Street, Boerne, July 24, 1996, at 4:00 p.m. Information may be obtained from Mick Mikulenka, or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9610428.

The Kendall Appraisal District, Board of Directors, met at 121 South Main Street, Boerne, July 24, 1996, at 4:00 p.m. Information may be obtained from Mick Mikulenka, or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9610426.

The Kendall Appraisal District, Board of Directors, Public Hearing, met at 121 South Main Street, Boerne, July 25, 1996, at 5:30

p.m. Information may be obtained from Mick Mikulenska, or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9610429.

The Kendall Appraisal District, Board of Directors, met at 121 South Main Street, Boerne, July 25, 1996, at 6:00 p.m. Information may be obtained from Mick Mikulenska, or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9610430.

The Lake Livingston Water Supply and Sewer Service Corporation (Art. 1434(a)), Board of Directors, met at 101 West Church Street, Livingston, July 23, 1996, at 3:30 p.m. Information may be obtained from John O. Houchins, 13728 Kingsride, Houston, Texas 77079, (713) 464-3205. TRD-9610496.

The Lampasas County Appraisal District, Board of Directors Budget Workshop, met at 109 East Fifth Street, Lampasas, July 25, 1996, at 7:00 p.m. Information may be obtained from Katrina Perry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9610423.

The Lee County Appraisal District, Appraisal Review Board met at 218 East Richmond Street, Giddings, July 25, 1996, at 9:00 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9610414.

The Palo Pinto Appraisal District, Board of Directors met at the Court House, Highway 180, Palo Pinto, July 24, 1996, at 3:00 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1281. TRD-9610418.

The South Texas Private Industry Council, Incorporated, met at 901 Kennedy Street, Zapata, July 24, 1996, at 4:00 p.m. Information may be obtained from Myrna V. Herbst, P.O. Box 1757, Laredo, Texas 78044-1757, (210) 722-0546. TRD-9610493.

The South Texas Workforce Development Board, met at 901 Kennedy Street, Zapata, July 24, 1996, at 4:30 p.m. Information may be obtained from Myrna V. Herbst, P.O. Box 1757, Laredo, Texas 78044-1757, (210) 722-0546. TRD-9610494.

The South Workforce Development Board, met at 901 Kennedy Street, Zapata, July 24, 1996, at 4:30 p.m. Information may be obtained from Myrna V. Herbst, P.O. Box 1757, Laredo, Texas 78044-1757, (210) 722-0546. TRD-9610495.

The Swisher County Appraisal District, Board of Directors, met at 130 North Armstrong, Tulia, July 25, 1996, at 7:30 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118. TRD-9610417.

The Tarrant Appraisal District, Tarrant Appraisal Review Board, will meet at 2329 Gravel Road, Fort Worth, August 1, 5-8, 12-15, 19, 20, and 23, 1996, at 8:00 a.m. Information may be obtained from Linda G. Smith, 2329 Gravel Road, Fort Worth, Texas 76118-6984. TRD-9610416.

The Upper Leon River Municipal Water District, Board of Directors, met at General Office, Located Off of FM 2861, LakeProctor Dam,

Comanche, July 23, 1996, 6:30 p.m. Information may be obtained from Upper Leon River MWD, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-9610492.

Meetings Filed June 22, 1996

The Ark-Tex Council of Governments (ATCOG), Executive Committee, met at Highway 21 South, Mt Pleasant, July 25, 1996, at 5:30 p.m. Information may be obtained from Sandie Brown, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9610508.

The Central Texas Council of Governments, Executive Committee, met at 302 East Central Avenue, Belton, July 25, 1996, at 11:30 a.m. Information may be obtained from A. C. Johnson, 302 East Central Avenue, Belton, Texas (817) 939-1801. TRD-9610506.

The Comal Appraisal District, Appraisal Review Board will meet at 178 East Mill Street, #101, New Braunfels, August 1, 1996, at 9:00 a.m. Information may be obtained from Lynn E. Rodgers, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9610541.

The Comal Appraisal District, Appraisal Review Board will meet at 178 East Mill Street, #101, New Braunfels, August 7-8, 1996, at 9:00 a.m. Information may be obtained from Lynn E. Rodgers, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9610542.

The Deep East Texas Council of Governments, Solid Waste Task Force, met at Twitty's, P.O. Box 479, Highway 87, Hemphill, July 25, 1996, at 10:30 a.m. Information may be obtained from Andy Phillips, 274 East Lamar Street, Jasper, Texas, (409) 384-5704. TRD-9610549.

The Edwards Aquifer Authority, Adhoc Critical Period Management Committee, will meet at 1615 North St Marys Street, San Antonio, July 26, 1996, at 4:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St Marys Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9610507.

The Falls County Appraisal District, Appraisal Review Board will meet at the Intersectio of Highway 6 and 7, Falls County Courthouse, First Floor, Marlin, July 30-31, 1996, at 9:00 a.m. Information may be obtained from Joyce Collier, P.O. Box 430, Marlin, Texas 76661, (817) 883-2543. TRD-9610544.

The Heart of Texas Region MHMR Center, Board of Trustees, met at 110 South 12th Street, Waco, July 25, 1996, at 11:45 a.m. Information may be obtained from Helen Jasse, P.O. Box 890, Waco, Texas 76703, (817) 752-33451, Ext. 290. TRD-9610503.

The Texas Political Subdivisions Joint Self-Insurance Funds, Board of Trustees, met at the Radisson Resort, 500 Padre Boulevard, South Padre Island, July 25, 1996, at 1:00 p.m. Information may be obtained from James R. Gresham, P.O. Box 803356, Dallas, Texas 75380, (214) 392-9430. TRD-9610517.

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Commission on Alcohol and Drug Abuse

Consultant Proposal Request

Under the authority of the Texas Health and Safety Code, Title 6, Subtitle B, Chapter 461, the Texas Commission on Alcohol and Drug Abuse (TCADA) invites proposals for a comprehensive study, analysis, and recommendation on the unit cost of state funded substance abuse treatment services in Texas. The review and analysis will consist of a review of each of the 11 Health and Human Services Commission (HHSC) regions for each level and service currently funded by TCADA. Cost data in the form of twelve month line item budgets currently exists along with actual costs by line item for four months. On-site visits and phone calls will be needed to verify the accuracy and thoroughness of the cost information. There are approximately 100 organizations (non profit, state and local governments, and for profit) currently funded to provide these services statewide.

To obtain a complete copy of this RFP #517-6-1163, contact Kelly Reichenbach, Texas Commission on Alcohol and Drug Abuse, 710 Brazos, Austin, Texas, 78701, (512) 867-8735.

All proposals in response to the RFP must be received by 3:00 p.m. on August 19, 1996.

A panel from TCADA will score and rank proposals based on criteria described in the Request for Proposals (RFP).

Issued in Austin, Texas, on July 19, 1996.

TRD-9610460

Mark S. Smock

Assistant Deputy for Finance

Texas Commission on Alcohol and Drug Abuse

Filed: July 19, 1996



Texas Department of Commerce

Notice of Amendments to Request for Proposals

The Texas Department of Commerce (Commerce) announces the issuance of amendments to the Request for Proposals for a Credit Card Co-Branding and Trademark Marketing Services Program (RFP Number TDOC-465-1) to develop a partnership utilizing the Commerce trademark "Texas. It's Like A Whole Other Country" to market the State of Texas. The original announcement for this Request for Proposals (RFP) appeared in the July 5, 1996 issue of the *Texas Register* (21 TexReg 6263).

All proposals must be submitted in accordance with the RFP, as amended. Any party who has previously submitted a proposal to Commerce based upon the original RFP must resubmit their proposal based upon the RFP, as amended.

Contact: To obtain a complete copy of the RFP, as amended, or replacement pages for the original RFP reflecting the amendments, parties should contact David Teel, Senior Contract Buyer, Texas Department of Commerce, 1700 North Congress Avenue, Stephen F. Austin State Office Building, Suite 300, Austin, Texas 78701, (512) 936-0121 or (512) 936-0100. Copies of the RFP, as amended, will be available to be picked up from the referenced address between 8:00 a.m. and 5:00 p.m. Central Zone Time from July 17, 1996 through August 1, 1996. Written questions concerning the RFP will be accepted until July 24, 1996. All questions will then be consolidated for response after that date. The responses will be mailed to each of the parties that has picked up a copy of the RFP by such time.

Closing Date: Six copies of the proposals must be received by the Senior Contract Buyer, in Suite 300 at the address provided above, no later than 3:00 p.m. Central Zone Time on Thursday, August 1, 1996. Proposals received after such time and date will not be considered. Faxed proposals will not be accepted.

Award Procedure: Only proposals submitted in accordance with the RFP, as amended, will be subject to evaluation by a committee based on the evaluation criteria set forth in the RFP, as amended. Proposers may be asked to clarify their proposals prior to final selection. Final selection of the contractor will be made by the executive director of Commerce.

Reservation of Rights: Commerce reserves the right to accept or reject any and all proposals submitted in response to this RFP, as

amended, and to utilize any material submitted in such manner as Commerce may determine suitable. Neither Commerce, its Policy Board nor its executive director is under any legal or other obligation to execute a contract on the basis of this RFP, as amended, or to pay for any costs incurred by any proposer prior to the execution of a contract.

Issued in Austin, Texas, on July 22, 1996.

TRD-9610509

W. Lane Lanford

Director, Business and Fiscal Services

Texas Department of Commerce

Filed: July 22, 1996



Texas Department of Criminal Justice

Consulting Service Contract Development of a Reorganization Plan for TDCJ Legal Services

Section 1: Contracting Parties:

This is a consulting services contract between the Texas Department of Criminal Justice (TDCJ) and MPo Wer (Contractor). The contracting parties have severally and collectively agreed and by the execution of this contract are bound to the mutual obligations and to the performance and accomplishments of the tasks described herein.

Section 2: Contract Period:

The contract period shall begin on July 15, 1996, and shall terminate on August 30, 1996, with option to renew at the end of thirty days, at the discretion of the TDCJ.

Section 3: Statement of Work:

Contractor shall develop a reorganization plan for TDCJ's legal services, which will include:

1. an in-depth analysis of both counseling and litigation support requirements and capabilities;
2. a description of the fundamental tasks to be performed by TDCJ's legal staff, along with a clarification of the lines of authority and supervision;
3. an analysis of inter-agency coordination of legal services; and
4. recommendations regarding support services, professional development, technology requirements, adequacy of staff, policy development, policy implementation, and budget.

The overall goal of this plan will be to reorganize the provision of legal services at TDCJ to maximize effectiveness and efficiency at the lowest possible cost.

Section 4: Background and Justification:

As part of its Twelve Point Plan for improvement of the TDCJ, the Board of Criminal Justice appointed a Special Committee on Legal Consolidation. The charge of this committee was to reorganize the legal services provided at TDCJ to reduce the redundancies that have developed as a result of the tremendous growth of the agency over recent years. That committee suggested that, because of the numerous internal competing interests surrounding this reorganization, an external consultant would be a valuable addition to this process. For the above reasons, and because of the specialized nature of the task

to be performed, TDCJ cannot adequately perform these services internally or through contract with another state agency.

A request for proposals was published in the *Texas Register*, and the bid submitted by MPo Wer has been chosen as Contractor. This contract is awarded based upon Contractor's experience and expertise in legal consultation for both private and public entities.

Section 5: Terms of Payment:

Contractor agrees to provide the previously-described reorganization plan for the total cost of \$19,600.00 plus actual out-of-pocket expenses such as out-of-town or out-of-office copy and fax expenses. Reimbursement for expenses will be based upon state approved standards and rates. Payment will be made in two equal installments of \$9,800.00 due to Contractor on July 31, 1996, and August 30, 1996. An invoice itemizing expenses to date will be presented by Contractor to TDCJ five business days before July 31, 1996, and August 30, 1996, for reimbursement on those dates, respectively. An invoice itemizing expenses incurred subsequent to August 25 will be reimbursed on the date of termination of this contract.

Section 6: Indemnification and Hold Harmless:

It is agreed and understood that Contractor is an independent contractor. Contractor agrees to hold harmless and to indemnify the State of Texas, TDCJ and individual state employees or officers for any and all liability of Contractor resulting from complaints, grievances, claims, action or suits which arise from negligent actions of Contractor, its employees, officers, or agents in the provision of the service under this contract, except to such extent as may be caused or contributed to by TDCJ or any of its agents or employees. Contractor agrees to assume responsibility for all negligent acts, omissions, and misconduct of any employee, officer, or agent of Contractor which causes damage, harm, or personal injury to any other person or entity for which Contractor is liable under applicable law during the term of this contract, except to the extent caused or contributed to by TDCJ or any of its agents or employees. Nothing contained in this contract shall be deemed or construed to create a partnership or joint venture, to create the relationship of an employer-employee or principle-agent, or to otherwise create any liability for TDCJ whatsoever with respect to the obligations of TDCJ to Contractor or any other party, except for the obligations of TDCJ to Contractor under this contract.

Section 7: No Litigation:

Except as previously disclosed in writing to TDCJ, there is not now pending or, to the knowledge of the Contractor, threatened, any action, suit or proceeding to which Contractor is a party, before or by any court or governmental agency or body, which might result in any such action, suit, or proceeding related to environmental or civil right matters. Except as previously disclosed in writing to TDCJ, no labor disturbance exists or, to the knowledge of Contractor, is imminent which might be expected to materially and adversely affect Contractor's ability to perform its obligations under this contract.

Section 8: Oral and Written Agreements:

All oral and written agreements between the contracting parties relating to the subject matter of this contract that were made prior to the execution of this contract have been reduced to writing and are contained in this contract. Any amendment to this contract must be in writing and signed by both parties.

Section 9: Legal Authority:

Contractor certifies that it has the legal authority pursuant to a proper, appropriate and official motion, resolution or action passed or taken giving Contractor legal authority to enter into a contract, to receive the funds authorized by this contract, and to perform the services Contractor has obligated itself to perform under this contract. The person or persons signing and executing this contract on behalf of the Contractor, or representing themselves as signing and executing the contract on behalf of the Contractor, certify that they have been fully authorized by the Contractor to execute this contract on behalf of the Contractor, and to validly and legally bind the Contractor to all the terms, performances, and provisions contained in this contract or included by reference.

Section 10: Termination:

TDCJ may terminate this contract in whole or in part at any time whenever it determines that 1) adequate State funds are not available; or 2) Contractor has failed to cure an Event of Default; or 3) Contractor has materially violated any State laws. TDCJ shall promptly notify Contractor in writing of the termination, the reason for the termination, and the effective date of the termination (which shall be at least fifteen business days from Contractor's receipt of such notice). TDCJ shall not be liable to Contractor or Contractor's creditor for services performed and expenses incurred after the termination date. Either party may also terminate this contract for any reason whatsoever, without cause, by notifying the other party in writing of the effective date of the termination. Upon termination, Contractor shall be reimbursed of services satisfactorily performed to date of termination.

Issued in Austin, Texas, on July 16, 1996.

TRD-9610547

Carl Reynolds

General Counsel

Texas Department of Criminal Justice

Filed: July 22, 1996



General Services Commission

General Services Commission State Energy Conservation Office Request for Proposals

Notice of Invitation:

In accordance with Chapter 2305 of the Texas Government Code, the State Energy Conservation Office ("SECO") of the General Services Commission (the "GSC") invites proposals for the establishment and monitoring of energy education programs in Texas school(s). Proposals are requested from qualified public-private partnerships, utilities, non-profit agencies, individuals, firms and institutions of higher education (the "Contractors"). For purposes of this Request for Proposals (the "RFP"), energy education includes energy conservation and renewable energy technologies and practices.

Background:

The Energy Education Outreach for Texas Schools Program (the "Program") has been designed to provide energy education for elementary and middle schools through the Watt Watchers Program and for high schools through the Program. Through this Program students form energy patrols, track school energy consumption, and conduct a variety of other hands-on energy activities to teach their fellow students and, ultimately, the community about energy

resources, energy issues and conservation. The Contractors will promote and facilitate the implementation of this Program on school campuses around the state. The goal of this proposal request is to make these services available to all school districts in the state.

Services to be Performed:

The selected Contractor(s) will promote energy education in public schools in the state as follows:

(1) Facilitating the implementation of Watt Watchers Program in schools: (a) Producing Program manuals and other materials as needed; (b) Developing and delivering presentations and training workshops on energy education to administrators, teachers and students; (c) Responding to information requests; (d) Working closely with schools to assist them in planning and implementing energy education programs on their campuses; (e) Monitoring and evaluating the progress and effectiveness of this program; and (f) Publishing and distributing a quarterly newsletter.

(2) Evaluating state curriculum requirements with regard to energy issues and producing appropriate supplemental materials for distribution. Specific tasks include: (a) Monitoring and evaluating Texas Education Agency textbook and curriculum proposals with regard to energy issues; and (b) Researching and developing educational materials as required by the outreach coordinator.

Additionally, a quarterly report on the progress of work in all these areas, and a final program evaluation report at the end of the contract term will be required.

(3) Coordinate middle and high school energy education development activities including: (a) Statewide contests in schools participating in energy conservation projects; (b) Student summer workshop; and (c) Quarterly newsletter.

(4) Expand energy education activities in schools.

(5) Produce a quarterly activity report for SECO.

Proposal Format:

Proposals must include the following information: (1) Description of services to be performed including work plan and the anticipated time period to complete each stage of the projects. (2) Qualifications and experience of Project Team member(s). Include copies of resumes for key project personnel and specify the role each is expected to perform. (3) Specific budget information, itemizing costs of personnel and services to be performed.

Please limit your proposal to fifteen pages. The SECO anticipates awarding several contracts for these services. Persons employed within the past 12 months by the GSC/SECO are not eligible to participate in SECO contracts.

Selection Criteria:

Proposals will be evaluated based on the following criteria: (1) Proposer's demonstrated experience in developing, marketing and implementing student-involved energy education projects and programs. (30%); (2) Proposer's experience in working with and delivering services to the public school system, and specifically to administrators, teachers and students. (20%); (3) The quality and feasibility of the proposer's work plan for implementing the Programs. (20%); (4) The experience, qualifications and time commitment of the individual(s) assigned to provide these services. (20%); (5) The reasonableness and clarity of the proposed budget. (10%).

SECO staff may request that the five finalists meet with the review panel and other SECO staff in Austin for a formal interview prior to the selection of the contractor(s). Selection for the interview will be based on the proposer's ability to satisfy the criteria listed above, and the interview will focus on the published selection criteria. Final selection of the contractor will be based on the results of the written proposal and the interview.

Source of Funding:

The Project(s) will be funded with state, federal and oil overcharge monies, which have been approved for this purpose by the DOE. Oil overcharge funds are monetary settlements returned to the states as a result of litigation by the DOE against certain oil companies for alleged violations of price controls in effect between 1973 and 1981. The courts returned these funds to the state for use in energy programs deemed to provide restitution to citizens aggrieved by the overcharges. Disbursement of funds to Contractors subject to DOE SECP Plan Program Guidelines and United States vs. Exxon Corporation, 773 F. 2d 1240 (1985). The funds received by each state will be used to supplement and not to supplant funds otherwise available for such programs under federal or state law. The funds may not be used to pay for any indirect or administrative costs of the SECP.

The selected Contractor will be funded on a cost reimbursement basis. All expenses must be properly documented and permissible under the contract and under Program Guidelines, and all are subject to approval by the SECO. Advance payments and payments for administrative and indirect costs, as defined in applicable Federal Office of Management and Budget (OMB) circulars, will not be reimbursed.

Historically Underutilized Businesses:

State agencies are required to make a good faith effort to assist historically underutilized businesses (HUBs) in receiving contract awards issued by the State, pursuant to Texas Government Code, Annotated Title 10, subtitle D, Chapter 2616 (formerly Texas Revised Civil Statutes, Annotated Article 601b). The General Services Commission (GSC) Rules, 1 TAC §§111.11-111.24, sets forth the State's policy to encourage state agencies to award contracts to HUBs in order to achieve these goals through race, ethnic, and gender neutral means. The goal of this Program is to promote full and equal business opportunity for all businesses in state contracting.

Therefore, the GSC requires any entity that is awarded a contract as a result of this RFP, to make a good faith effort to award necessary subcontracts to HUBs in accordance with GSC Rule §111.13(b) to Black Americans, Hispanic Americans, Asian Pacific Americans, Native Americans, and American Women. This Good Faith Effort Program goal does not prevent any business group from participating in contracting opportunities with the State of Texas.

Preproposal Conference:

All potential proposers are encouraged to attend a pre-proposal conference to be held on August 1, 1996, from 10:00 a.m. until 12:00 p.m. at the State Energy Conservation Office, located at 221 East 11th Street, Suite 200, Austin, Texas. The purpose of the meeting is to answer any questions regarding this RFP, the required format, the selection criteria, or the evaluation process.

Written Questions:

All questions concerning this RFP that arise after the preproposal conference must be submitted in writing to Glenda Baldwin, State

Energy Conservation Office, P.O. Box 13047, Austin, Texas 78711-3047 or transmitted to facsimile number (512) 475-2569 by 5:00 p.m., Friday, August 16, 1996.

Closing Date:

Seven copies of the sealed proposals should be sent to: Glenda Baldwin, State Energy Conservation Office, P.O. Box 13047, Capitol Station, Austin, Texas 78711

For hand deliveries SECO is located on the second floor of the Insurance Annex Building, 221 East 11th Street, Austin, Texas 78701. In order to be considered, proposals must be postmarked or received no later than 4:00 p.m. August 23, 1996. Proposals received after that time, and proposals submitted by facsimile will not be considered. Proposals should be, concise, clearly written and conform to the instructions in the proposal format section of this RFP.

Public Information Act:

Information, documentation, and other material submitted by proposers in response to this RFP may be subject to public disclosure pursuant to 5 USCA 552 (the "Freedom of Information Act"), and the Texas Government Code, Chapter 552 (the "Public Information Act"). Proposers submitting documentation in response to this RFP, believed to be confidential by law, either constitutional or statutory, or by judicial decision, must indicate so clearly on the document. In the event of a request for information pertaining to this RFP, the GSC will comply with the provisions of the Public Information Act, particularly those to protect the interests of the State and the proposers.

Conflicts of Interest:

Describe any existing work, potential work, or business arrangement which may give rise to potential conflict of interest with the proper execution of this project. Persons employed within the past 12 months by the GSC/SECO or its satellite energy offices are not eligible to participate in SECO contracts.

Award of Contract(s):

Awards shall be made to the proposer(s) whose proposal(s) are most advantageous and in the best interest of the State of Texas. It is anticipated that Contractor selection will be made on or before September 1, 1996. The contract term will extend from September 15, 1996, through August 31, 1997, and contracts resulting from the RFP will be executed prior to September 15, 1996.

SECO is not obligated to award a contract as a result of this RFP and it reserves the right to reject any and all proposals.

Cancellation:

The SECO reserves the right to cancel any contract resulting from this RFP, upon 30 days written notice, due to the Contractor's failure to comply with the terms and conditions of the contract.

Ownership of Proposal Materials:

All proposals and accompanying documentation submitted in response to this RFP is the property of the SECO.

Costs Incurred by Proposers:

The SECO will not be responsible for any costs incurred by a proposer in responding to this RFP.

Issued in Austin, Texas, on July 18, 1996.

TRD-9610404

David Ross Brown
Assistant General Counsel
General Services Commission
Filed: July 19, 1996



Texas State Affordable Housing Corporation

Request for Proposal (RFP) for Sub-Servicing, Colonias Program

I. SUMMARY.

The Texas State Affordable Housing Corporation (the "Corporation") is issuing this Request for Proposal (RFP) for mortgage loan subservicing. The Corporation expects \$20,000,000 of tax-exempt mortgage revenue bond proceeds to be available on or about August 30, 1996 for the purchase of Mortgage Backed Securities (MBS) formed with qualifying mortgage loans (FHA Title I, Conv, FHA, VA, RD) or for purchase of individual qualifying loans originated in designated "Colonias" under a loan program from a bond issue of the Texas Department of Housing and Community Affairs (the "Department"). The Corporation will be operating under a Master Servicing Agreement with the Department.

II. DEFINITIONS.

Subservicer -The Subservicer must service the mortgage loans in accordance with sound loan servicing practices and as required by the terms and conditions of the Servicing and Compliance Agreements to be executed between the Corporation and the Subservicer. The Subservicer shall provide, among other things, the services set forth in the RFP.

Corporation -Texas State Affordable Housing Corporation.

RFP - Request for Proposals.

III. RFP INFORMATION.

Proposals must be received at the Corporation headquarters no later than, **4:30 p.m., on August 7, 1996.** Please call Rusty Emory, Manager Lending Systems for a copy of the RFP, at (512) 475-3848.

Issued in Austin, Texas, on July 18, 1996.

TRD-9610546
Larry Paul Manley
President
Texas State Affordable Housing Corporation
Filed: July 22, 1996



Texas Department of Human Services

Closed Solicitation for Menard County

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2324, in the March 31, 1995, issue of the *Texas Register* (20 TexReg 2443), the Texas Department of Human Services (TDHS) is closing the solicitation for new Medicaid beds in Menard County, County Number 164, which appeared in the June 28, 1994, issue of the *Texas Register* (19 TexReg 5053). The solicitation is being closed effective the date of this public notice.

Issued in Austin, Texas, on July 22, 1996.

TRD-9610539
Glen Scott
General Counsel of Legal Services
Texas Department of Human Services
Filed: July 22, 1996



Notice of Consultant Contracts Amendments

In Accordance with the Texas Government Code, Chapter 2254, Subchapter B, Texas Department of Human Services (TDHS) publishes this notice of an amendment to two consultant contracts. The notice of awards for the original contracts was published in the August 17, 1993 issue of the *Texas Register* (18 TexReg 5522). The notice of the first amendment to the two consultant contracts was published in the July 26, 1994 issue of the *Texas Register* (19 TexReg 5784). Notice of the second amendment to the two consultant contracts was published in the August 11, 1995 issue of the *Texas Register* (20 TexReg 6145).

The contracts were awarded to two consultants to provide expertise in information resources for the completion of two separate, but related, consulting projects for the Texas Nursing Facility Medicare Case Mix and Quality Demonstration.

The Texas Department of Human Services awarded one consultant contract to Austin Data Management Associates, 313 West 37th Street, Austin, Texas 78705. The total dollar amount of the original contract was \$65,000, and was effective from September 1, 1993 through August 31, 1994. TDHS extended this contract through August 31, 1995 and increased the total amount of the contract by \$80,000, for a revised total not to exceed \$145,000. TDHS then extended this contract through August 31, 1996 and increased the total amount of the contract by \$50,000 for a revised total not to exceed \$195,000. TDHS now intends to extend the contract through August 31, 1997, with no increase in the total amount of the contract.

The Texas Department of Human Services awarded a second consultant contract to Red Bluff Computing Consultants, P.O. Box 90892, Austin, Texas 78709. The total dollar amount of the contract was \$40,000, and was effective from September 1, 1993 through August 31, 1994. TDHS extended this contract through August 31, 1995 and increased the total amount of the contract by \$54,000, for a revised total not to exceed \$94,000. TDHS extended this contract through August 31, 1996 and increased the total amount of the contract by \$54,000 for a revised total not to exceed \$148,000.

TDHS intends to extend this contract through August 31, 1997 and increase the total amount of the contract by \$60,000 for a revised total not to exceed \$208,000.

Each consultant must provide all deliverables under the amended contracts no later than September 30, 1996.

Issued in Austin, Texas, on July 22, 1996.

TRD-9610540
Glen Scott
General Counsel of Legal Services
Texas Department of Human Services
Filed: July 22, 1996



Open Solicitation for Willacy County

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2324, in the March 31, 1995, issue of the *Texas Register* (20 TexReg 2443), the Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days, effective the date of this public notice, for Willacy County #245, identified below, where Medicaid contracted nursing facility occupancy rates exceed the threshold (90% occupancy) in each of six months in the continuous, December 1995 thru May 1996 six-month period. Potential contractors seeking to contract for existing beds which are currently licensed as nursing home beds or hospital beds in the counties identified in this public notice must submit a written reply (as described in 40 TAC §19.2324) to TDHS, Gary L. Allen,

Certification, Provider Enrollment, & Billing Services, Long Term Care-Regulatory, Mail Code Y-976, Post Office Box 149030, Austin, Texas 78714-9030. The written reply must be received by TDHS by 5:00 p.m. August 26, 1996, the last day of the open solicitation period. Potential contractors will be placed on a waiting list for the primary selection process in the order that the beds which were being proposed for Medicaid certification were initially licensed. The primary selection process will be completed on September 6, 1996. If there are insufficient available beds after the primary selection to reduce occupancy rates to less than 90%, TDHS will place a public notice in the *Texas Register* announcing an additional open solicitation period for those individuals wishing to construct a facility.

Issued in Austin, Texas, on July 22, 1996.

TRD-9610538
Glen Scott
General Counsel of Legal Services
Texas Department of Human Services
Filed: July 22, 1996

Issued in Austin, Texas, on July 19, 1996.

TRD-9610455
Bernice Ross
General Counsel and Chief Clerk
Texas Department of Insurance
Filed: July 19, 1996

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Texas Department of Insurance

Notice of Applications by Small Employer Carriers to be Risk-Assuming Carriers

Notice is given to the public of the application of the listed small employer carrier to be a risk-assuming carrier under Texas Insurance Code Article 26.52. A small employer carrier is defined by Chapter 26 of the Texas Insurance Code as a health insurance carrier that offers, delivers or issues for delivery, or renews small employer health benefit plans subject to the chapter. A risk-assuming carrier is defined by Chapter 26 of the Texas Insurance Code as a small employer carrier that elects not to participate in the Texas Health Reinsurance System. The following small employer carrier has applied to be a risk-assuming carrier:

United Benefit Life Insurance Company

The application is subject to public inspection at the offices of the Texas Department of Insurance, Financial Monitoring Unit, 333 Guadalupe, Hobby Tower 3, Third Floor, Austin, Texas.

If you wish to comment on this application to be a risk-assuming carrier, you must submit your written comments within 60 days after publication of this notice in the *Texas Register* to Caroline Scott, Chief Clerk, Mail Code 113-1C, Texas Department of Insurance, P. O. Box 149104, Austin, Texas 78714-91204. An additional copy of the comments must be submitted to Mike Boerner, Managing Actuary, Actuarial Division of the Financial Program, Mail Code 304-3A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. Upon consideration of the application, if the Commissioner is satisfied that all requirements of law have been met, the Commissioner or his designee may take action to approve the application to be a risk-assuming carrier.

◆ ◆ ◆
Notice of Public Hearing

The Commissioner of Insurance will hold a public hearing under Docket Number 2241 on August 27, 1996, at 9:00 a.m. in Room 100, Commissioner's Hearing Room of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas, 78701. The purpose of the public hearing will be to receive comments and evidence regarding the determination of rate reduction amounts, the methodologies to be used and adoption of proposed 28 TAC §5.14011 concerning temporary rate reductions for certain lines of insurance from all interested parties.

The proposed new section was published in the July 26, 1996, issue of the *Texas Register* and is proposed under the Insurance Code, Articles 5.131 and 1.03A. Article 5.131 enacted by the 74th Legislature among other things, requires the Commissioner to hold a rulemaking hearing to determine the appropriate rate reductions for certain lines of insurance to pass through, on a prospective basis, the savings that accrue from tort reform legislation enacted in the regular sessions of the 73rd and 74th Legislatures. Article 1.03A authorizes the Commissioner of Insurance to promulgate and adopt rules and regulations for the conduct and execution of the duties and functions of the Department.

New §5.14011 is proposed to effect the continuation of provisions of the preceding sections of Subchapter R (Temporary Rate Reduction for Certain Lines of Insurance). Subchapter R was enacted on October 1, 1995, to implement Insurance Code, Article 5.131 §§5.14000-5.14010. The Commissioner proposes to continue §§5.14000-5.14010 in effect without changes. As instructed by the legislature, he will make a final determination whether §§5.14000-5.14010, and particularly the rate reduction factors set forth in §5.14004, should be amended or remain in effect unchanged based on evidence adduced at the hearing. The Commissioner specifically wishes to hear evi-

dence regarding whether different rate reduction percentages should be imposed on personal and commercial automobile minimum liability limits policies as opposed to policies carrying increased liability limits.

The Department respectfully requests that parties who plan to present testimony or comments at the hearing provide a written copy of all testimony and comments, with supporting exhibits, data and studies, to Caroline Scott, General Counsel and Chief Clerk, Texas Department of Insurance, P.O. Box 149104, Mail Code 113-1C, Austin, Texas, 78714-9104 by August 6, 1996. An additional copy of the comment should be submitted to Rose Ann Reeser, Deputy Commissioner, Legal and Compliance, Texas Department of Insurance, P.O. Box 149104, Mail Code 110-1A, Austin, Texas, 78714-9104. The Department also requests that comments be organized by the specific rule number, by line or subline of insurance and by applicable tort reform, as it applies to a line or subline. Written comments should be received by August 27, 1996, to be considered by the Commissioner prior to any final action on the proposed sections.

Issued in Austin, Texas, on July 19, 1996.

TRD-9610456

Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

Filed: July 19, 1996



Texas Natural Resource Conservation Commission

Applications for Waste Disposal Permits

Attached are Notices of Applications for waste disposal permits issued during the period of June 24, 1996 thru July 11, 1996.

The Executive Director will issue these permits unless one or more persons file written protests and/or a request for a hearing within 30 days after newspaper publication of this notice.

If you wish to request a public hearing, you must submit your request in writing. You must state (1) your name, mailing address and daytime phone number; (2) the permit number or other recognizable reference to this application; (3) the statement I/we request a public hearing; (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; (5) a description of the location of your property relative to the applicant's operations; and (6) your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. In the event a hearing is held, the Office of Hearings Examiners will submit a recommendation to the Commission for final decision. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after newspaper publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Information concerning any aspect of these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, Chief Clerks Office-MC105, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number and type of application-new permit, amendment, or renewal.

IBP, INC., the subsurface disposal of non-hazardous wastes generated by the permittee's beef production complex during the processing of hides. The permit amendments will add a brine evaporation pond to serve as a pre-injection storage facility for the two Class I non-commercial waste injection wells. The authorized injection zone for WDW-120 is within the Wichita Formation and the Brown Dolomite at the approximate subsurface depths of 3,720 and 5,000 feet; the authorized injection interval is at the approximate subsurface depths of 4,000 to 5,000 feet within the authorized injection zone. The authorized injection zone for WDW-312 is within the Wichita Formation, the Brown Dolomite, and the Granite Wash Formation at the approximate subsurface depths of 3,720 to 9,000 feet; the authorized injection interval is at the approximate subsurface depths of 4,000 to 9,000 feet within the authorized injection zone. The operating surface injection pressure shall not exceed 300 pounds per square inch gauge (psig) for each well. The cumulative maximum injection rate for both wells shall not exceed 300 gallons per minute (gpm). The cumulative maximum volume of wastewater injected into WDW-120 and WDW-312 shall not exceed 8,760,000 gallons per month, nor 105,120,000 gallons per year. The waste disposal wells are located approximately eleven miles northeast of Amarillo in Section 19, Block 2 of the Adams Beaty and Moulton Survey, in Potter County, Texas as follows: WDW-120 is approximately 2,862.3 feet from the north line and approximately 1,680 feet from the west line (35 by 15'25" north latitude, 101 by 38'49" west longitude); WDW-312 is approximately 2,612.3 feet from the north line and approximately 2,240 feet from the west line (35 by 15'26" north latitude, 101 by 38'44" west longitude), amendment, WDW-120 & WDW-312.

CITY OF ALBANY, The wastewater treatment facilities are approximately one mile southeast of the intersection of U.S. Highway 180 and U.S. Highway 283, approximately 3200 feet east of U.S. Highway 283 in Shackelford County, Texas, renewal, 10035-01.

CITY OF SHINER, The wastewater treatment facilities are approximately one mile southeast of the intersection of U.S. Highway 90A and State Highway 95 in the City of Shiner in Lavaca County, Texas, amendment, 10280-01.

HOUSTON LIGHTING & POWER COMPANY (HL & P), The applicant operates the Cedar Bayou Steam Electric Station. The plant site is between Cedar Bayou and Trinity Bay approximately one mile east of the City of Baytown in Chambers County, Texas, amendment, 01241.

UNITED INDEPENDENT SCHOOL DISTRICT, The wastewater treatment facilities and the disposal are adjacent to the east side of Espejo-Molina Road, approximately 3.5 miles west of the intersection of U.S. Highway 83 and Espejo-Molina Road, approximately 9.5 miles southwest of the City of Laredo in Webb County, Texas, new, 13832-01.

HARSCO CORPORATION, The wastewater treatment facilities are at 1514 Sheldon Road, in Channelview, in Harris County, Texas, renewal, 13034-01.

PORT MANSFIELD PUBLIC UTILITY DISTRICT, The wastewater treatment facilities are adjacent to Four Mile Slough, approximately 2,800 feet east of the southwest corner of the Port Mansfield District and east of State Highway 186 in Willacy County, Texas, renewal, 10682-03.

CITY OF TIOGA, The wastewater treatment facilities are 500 feet west of U.S. Highway 377, approximately 0.6 mile south of the intersection of Farm-to-Market Road 121 and U.S. Highway 377, and adjacent to the Missouri Pacific Railroad in Grayson County, Texas, renewal, 13199-01.

CARTER LAKE WATER SUPPLY CORPORATION, The wastewater treatment facilities are approximately 2.2 miles northeast of the intersection of Rock Prairie Road and State Highway 6 in Brazos County, Texas, renewal, 13153-01.

CEDAR BAYOU PARK UTILITY DISTRICT, The wastewater treatment facilities are at the Southern Pacific Railroad crossing of McGee Gully, approximately 5,000 feet south of Interstate Highway 10 and approximately 5,000 feet southeast of the intersection of Interstate Highway 10 and Sjolander Road in Harris County, Texas, renewal, 11713-01.

REFUGIO COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 1, The wastewater treatment facilities are on an unnamed county road, 0.1 mile south of the intersection of the unnamed county road and State Highway 113; further described as being located approximately 0.1 mile west of the intersection of State Highway 113 and State Highway 35 in Refugio County, Texas, renewal, 10256-01.

D & K DEVELOPMENT CORP., The wastewater treatment facilities are on the southwest corner of the intersection of Farm-to-Market Road 1187 and Pershon Road, approximately 3 miles southwest of the intersection of Farm-to-Market Road 1187 and Farm-to-Market Road 731 in Tarrant County, Texas, 13518-01.

CITY OF LYFORD, The wastewater treatment facilities are east of Lyford, approximately 0.8 mile east and 0.6 mile south of the intersection of State Highway 448 and Farm-to-Market Road 1921 in Willacy County, Texas, renewal, 11210-01.

TOWN OF VAN HORN, The wastewater treatment facilities are approximately one mile southeast of the intersection of Interstate Highway 10 and S. Highway 90 in Culberson County, Texas, renewal, 10721-01.

BLUE WATER OAKS PROPERTY OWNERS ASSOCIATION SEWER SERVICE AND WATER SUPPLY COMPANY, The wastewater treatment facilities are approximately 1,000 feet west of the extreme southern shore of Lake Alvarado and approximately 3,000 feet east of County Road 313 in Johnson County, Texas, renewal, 11429-01.

WESTWOOD WATER SUPPLY CORPORATION, The wastewater treatment facilities are approximately 4.5 miles north of the intersection of State Highway 63 and Farm-to-Market Road 255 adjacent to Sam Rayburn Reservoir and 15 miles northwest of the City of Jasper in Jasper County, Texas, renewal, 11337-01.

CITY OF GATESVILLE, The wastewater treatment facilities are on Stillhouse Branch, 1200 feet west of the point where State Highway 36 crosses Stillhouse Branch in Coryell County, Texas, renewal, 10176-02.

VALERO REFINING COMPANY, The applicant operates a petroleum refinery. The plant site is at 5900 Up River Road in the City of Corpus Christi in Nueces County, Texas, amendment, 01909.

UNITED INDEPENDENT SCHOOL DISTRICT - SALVADOR GARCIA MIDDLE SCHOOL, The wastewater treatment facilities and disposal site are at 499 Pena Drive, approximately 1 mile west-northwest of the intersection of State Highway 83 and Espejo-Molina Road in Webb County, Texas, new, 13832-02.

CITY OF BEEVILLE, The wastewater treatment facilities are approximately 6,000 feet south of State Highway 202, 2,600 feet east of Poesta Creek and south-southeast of the City of Beeville in Bee County, Texas, new, 10124-04.

ACTEV, INC., The wastewater treatment facilities are at the intersection of State Highway 121 and Farm-to-Market Road 544 in the City of Lewisville in Denton County, Texas, new, 13835-01.

GILMER POTTERIES, INC., The applicant operates a plant which manufactures porcelain products. The plant site is southwest of the intersection of Warren Avenue and U.S. Highway 271 in the City of Gilmer in Upshur County, Texas, renewal, 01361.

CITY OF SHERMAN, The wastewater treatment facilities are south of the Farm-to-Market Road 1417 Bridge over Post Oak Creek on the west side of Post Oak Creek southeast of the City of Sherman in Grayson County, Texas, amendment, 10329-01.

TEXAS YOUTH COMMISSION, The wastewater treatment facility and the disposal site are approximately 5,000 feet due south of the intersection of Interstate Highway 20 and Farm-to-Market Road 1927, south of the City of Pyote in Ward County, Texas, amendment, 11121-01.

CITY OF LA MARQUE, The wastewater treatment facilities are adjacent to Mahan Park approximately 1,300 feet south of the intersection of Woodlawn and Lake Streets, on North Bank of Highland Bayou in Galveston County, Texas, amendment, 10410-03.

CITY OF HEMPHILL, The wastewater treatment facilities are approximately 0.75 mile south of the Hemphill City Hall on Beckcom Road in Sabine County, Texas, renewal, 10493-02.

CITY OF SHEPHERD, The wastewater treatment facilities are approximately 1,400 feet northeast of the intersection of U.S. Highway 59 and State Highway 150 in San Jacinto County, Texas, renewal, 11380-01.

UTTAM PATEL, The wastewater treatment facilities are approximately 1/4 mile north of the intersection of Interstate Highway 20 and State Highway 80, approximately 1 1/2 miles west of the intersection of Farm-to-Market Road 1392 and State Highway 80 in Kaufman County, Texas, renewal, 11286-01.

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6, The wastewater treatment facilities are approximately 2 miles north and one mile east of the intersection of Fairbanks-North Road and White Oak Bayou in Harris County, Texas, renewal, 11273-01.

CITY OF CHICO, The wastewater treatment facilities are 0.25 mile south of Farm-to-Market Road 1810 and approximately 1.0 mile east of the City of Chico in Wise County, Texas, renewal, 10023-01.

Issued in Austin, Texas, on July 19, 1996.

TRD-9610432

Gloria A. Vasquez

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: July 19, 1996



Notice Of Opportunity To Comment On Permitting Actions - For The Week Ending July 19, 1996

The following applications will be signed by the Executive Director in accordance with 30 TAC 263.2, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain uncontested permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 10 days of the date notice concerning the application(s) is published in the Texas Register.

If you wish to request a public hearing, you must submit your request in writing. You must state (1) your name, mailing address and daytime phone number; (2) the permit number or other recognizable reference to this application; (3) the statement I/we request a public hearing; (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; (5) a description of the location of your property relative to the applicant's operations; and (6) your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Commissioners who will determine whether or not to send the matter to the State Office of Administrative Hearings. If no protests or requests for hearing are filed, the Executive Director will sign the permit 10 days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing on this application should be submitted in writing to the Chief Clerk's Office (Mailcode 105), Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

CITY OF HUMBLE for a minor amendment to Permit Number 10763-02 to replace the existing chlorination/dechlorination system with UV disinfection. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3.3 million gallons per day, which will remain the same. The wastewater treatment facilities are approximately 3,000 feet south of the intersection of Will Clayton Boulevard and U.S. Highway 59, on the western bank of Garner's Bayou and within the city limits of Humble in Harris County, Texas.

BRITMORE UTILITY, INC. for a minor amendment to Permit Number 11193-01 in order to amend the current permit to include a whole effluent toxicity (WET) limit as a result of the completion of a toxicity reduction evaluation (TRE). The current permit authorizes

a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1 million gallons per day, which will remain the same. The wastewater treatment facilities are approximately 2,000 feet southeast of the intersection of Fisher and Brittmoore Road in Harris County, Texas.

Consideration of application of Kerry Johnston dba Johnston Utilities for a Water CCN in Harris County, Texas (Application # 31121-C, Albert Holck).

Consideration of the application of F.H. Rogers and Rose A. Rogers dba Elm Valley Water Company to Purchase Facilities and Transfer Water CCN Number 11447 from Elm Valley Park Development Company in Bexar County, Texas (Application # 31083-S, Guillermo Zevallos).

Consideration of the application of City of Hays to amend Water Certificate of Convenience and Necessity Number 11457 by Adding and Decertifying Service Areas in Hays County, Texas (Application # 31132-C, Albert Holck).

APPLICATION NUMBER 23-833C BY HIDALGO COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 1 FOR AN AMENDMENT TO CERTIFICATE OF ADJUDICATION NUMBER 23-833, AS AMENDED, PURSUANT TO TWC §11.122. Applicant seeks authorization to change the purpose of use of 750 acre-feet of Class B irrigation rights to municipal use in the applicant's service area in Hidalgo County, Texas. Certificate Number 23-833 currently authorizes owner the right to divert and use, with Class B priority, not to exceed 1870.25 acre-feet of water per annum from the Rio Grande to irrigation a total of 748.10 acres of land located in TWC Tract Number H-268, Court Number 541 in Hidalgo County, Texas (RENEE' TUGGLE).

Signature of a Proposed Order Approving the Application by West Harris County Municipal Utility District Number 2 for Approval of \$2,160,000 Unlimited Tax and Revenue Bonds, Third Issue, 6.17% Net Effective Interest Rate, Series 1996. The District's application requests Commission approval of a bond issue to finance a water plant, offsite waterline and land acquisition for water well (TNRCC Internal Control Number 030496-D01; Robert Cummins).

Signature of a Proposed Order Approving the Application by Interstate Municipal Utility District of Harris County for Approval of \$5,900,000 Unlimited Tax and Revenue Bond Issue, Second Issue, 6.92% Net Effective Interest Rate, Series 1996. Applicant requests approval of a bond issue to finance water supply and wastewater treatment costs; and water, wastewater, and drainage facilities for commercial areas in the District. Pursuant to Texas Water Code, Chapter 49.181 (TNRCC Internal Control Number 041596-D02; Robert Cummins).

Consideration of a Proposed Order Approving the Petition of Montgomery County Municipal Utility District Number 86 for Appointment of Temporary Directors pursuant to H.B. 2399 of the 72nd Legislature, Regular Session, 1991 (TNRCC Internal Control Number 051496-D01, Susan Walton).

Consideration of a Proposed Order Approving the Petition of Harris County Improvement District Number 1 for the Appointment of Directors. The Petitioners request that the Commission reappoint Mr. Martin Debrovner and Mr. Louis S. Sklar to the Board pursuant to Chapter 521, Acts of the 71st Legislature, 1989 (TNRCC Internal Control Number 062896-D02; Cindy Cartwright).

Signature of a Proposed Order Approving the Application by Treasure Island Municipal Utility District of Brazoria County for Approval of \$170,000 Revenue Notes (Bonds), First Issue, 8.00% Net Effective Interest Rate, Series 1996. The District's application requests Commission approval of a note (bond) issue to finance wastewater facilities (TNRCC Internal Control Number 072895-D01; Robert Cummins).

Consideration of the application of Wickson Creek Special Utility District to Transfer a Portion of Water CCN No. 11828 from Jim Donahue dba D & S Water Service to Water CCN Number 11544 in Brazos County, Texas (Application # 31135-S, Albert Holck).

Consideration of the application of Patten Corporation Southwest dba Eagle Creek Ranch Water Company to amend Water Certificate of Convenience and Necessity Number 12275 in Comal and Wilson Counties, to Decertify a Portion of Oak Hills Water Supply Corporation, CCN Number 10647, and to Transfer a Portion of CCN Number 10647 issued to S S Water Supply Corporation in Wilson County, Texas (Application # 30938-C, Albert Holck).

Issued in Austin, Texas, on July 19, 1996.

TRD-9610436

Gloria A. Vasquez

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: July 19, 1996



Notice of Public Hearing

Notice is hereby given that pursuant to the requirements of Texas Health and Safety Code, §382.017 and Texas Government Code, Subchapter B, Chapter 2001, the Texas Natural Resource Conservation Commission (TNRCC or commission) will conduct a public hearing to receive testimony concerning new Chapter 37, revisions to Chapter 332, and revisions to Chapter 334.

The commission proposes new 30 TAC Chapter 37, revisions to 30 TAC Chapter 332, and revisions to 30 TAC Chapter 334, concerning financial assurance requirements, to standardize the document language and some processing requirements for owners and operators required to provide evidence of financial responsibility for closure of permitted compost facilities. Owners or operators seeking permits for compost facilities must provide evidence of financial responsibility for closure. This requirement is authorized by Texas Health and Safety Code, §361.085 and promulgated as §332.47(9). Owners and operators seeking registrations for Class A or B petroleum-substance contaminated soil storage, treatment, and reuse facilities must provide evidence of financial responsibility for closure and sudden liability coverage per Chapter 334, Subchapter K.

A public hearing on the proposal will be held August 29, 1996, at 10:00 a.m. in Room 2210 of TNRCC Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and answer questions before and after the hearing.

Written comments may be mailed to Lisa Martin, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96127-037-AD. Comments must be received by 5:00 p.m., August 29, 1996. For further information, please contact Randall Terrell, Office of Policy and Regulatory Development, (512) 239-0577.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on July 18, 1996.

TRD-9610373

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: July 18, 1996



Notice of Receipt of Application and Declaration of Administrative Completeness For Municipal Solid Waste Management Facility Permits - For The Week Ending July 19, 1996

APPLICATION BY SUNRAY SERVICES, INC.; Proposed Permit Amendment Number MSW1849-A, authorizing a vertical and horizontal expansion to their current Type IV municipal solid waste management facility permit. The site covers approximately 39.98 acres of land and receives approximately 300 tons of solid waste per day. The existing site is located about one half mile east of the intersection of FM Road 646 and Wyoming Street, near League City, in Galveston County, Texas.

If you wish to request a public hearing, you must submit your request in writing. You must state: (1) your name, mailing address and daytime phone number; (2) the application number, TNRCC docket number or other recognizable reference to the application; (3) the statement I/we request an evidentiary public hearing; (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; and (5) a description of the location of your property relative to the applicant's operations.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 TNRCC Complex, Building F, Room 1101, Texas Natural Resource Conservation Commission, Mail Code 105, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Issued in Austin, Texas, on July 19, 1996.

TRD-9610433

Gloria A. Vasquez

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: July 19, 1996



Notice of Application for Municipal Solid Waste Management Facility Permits - For The Week Ending July 19, 1996

APPLICATION BY WASTE MANAGEMENT OF TEXAS, INC., Proposed Permit Amendment Number MSW1279-A, authorizing an amendment to their Type I (Landfill) municipal solid waste management facility permit. The proposed permit amendment authorizes a vertical expansion of their existing solid waste management facility within their currently permitted site. The existing site covers about 137.99 acres of land. The average waste acceptance rate is projected to be about 600 tons of municipal solid waste per day. The facility is located on the south side of .S. Highway 90-A, about one mile east of Interstate Highway 610, in the City of Houston, Harris County, Texas.

APPLICATION BY THE CITY OF EDINBURG, Proposed Permit Amendment Number MSW956-A, authorizing an amendment to their Type I (Landfill) municipal solid waste management facility. The proposed permit amendment authorizes a vertical expansion of their existing solid waste management facility within their currently permitted site. The existing site covers about 100 acres of land. The average waste acceptance rate is projected to be about 725 tons of municipal solid waste per day. The facility is located on Encinito Road, 2,000 feet east of Highway 281 and 4,000 feet southeast of Faysville, in Hidalgo County, Texas.

APPLICATION BY THE CITY OF LUBBOCK, Proposed Permit Number MSW2252, authorizing a Type I (Landfill) municipal solid waste management facility. The proposed site covers about 1237 acres of land and is proposed to receive about 1182 tons of municipal solid waste per day for disposal or other processing. The facility is proposed to be located at the southeast intersection of Farm to Market Road 597 and Farm to Market Road 2528, north of the City of Lubbock, near Abernathy, in Lubbock County, Texas.

The Executive Director will issue the permit unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of this notice. If you wish to request a public hearing, you must submit your request in writing. You must state: (1) your name, mailing address and daytime phone number; (2) the application number, TNRCC docket number or other recognizable reference to the application; (3) the statement I/we request an evidentiary public hearing; (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; and (5) a description of the location of your property relative to the applicant's operations.

If one or more protests and/or requests for hearing are filed on an application, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where an evidentiary hearing may be held. If no protests and/or requests for hearing are filed on an application, the Executive Director will approve the application. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the TNRCC, Chief Clerk's Office, P. O. Box 13087, Mail Code 105, Building F, Room 1101, Texas Natural Resource Conservation Commission, Mail Code 105, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Issued in Austin, Texas, on July 19, 1996.

TRD-9610434

Gloria A. Vasquez

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: July 19, 1996

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Notices Of Application For Amendments To Certificates Of Adjudication pursuant to Texas Water Code, §11.122 requiring notice to INTERJACENT APPROPRIATORS

Notice was mailed 7-16-96 on Application Number 14-1340A to amend Certificate of Adjudication Number 14-1340. Certificate of Adjudication 14-1340 was issued March 12, 1980 authorizing Mrs. Nelson L. Erwin to maintain a 54 acre-foot capacity addition to the reservoir on the Concho River authorized under Certificates Number 14-1341 and 14-1342. Owner is also authorized to divert and use not to exceed 210 acre-feet of water per year from the Concho River at a rate of 3.11 cfs (1400 gpm) to irrigate a maximum of 112 acres of land located 10.5 miles northeast of San Angelo, Tom Green County, Texas. The time priority of the right is December 22, 1917. Commission records show ownership of Certificate Number 14-1340 was transferred to Hudson management Ltd. on June 6, 1996.

Certificate Number 14-1320 was issued to Floyd Ray Butler, Sr. Estate, c/o F.R. Butler, Jr. on March 12, 1980 and includes authorization to divert and use not to exceed 212 acre-feet of water per year to irrigate a maximum of 106 acres of land in Tom Green County, Texas. The time priority of the right is June 27, 1914.

Pursuant to an Escrow Agreement between Hudson Management Ltd. and Floyd R. Butler Jr., applicant seeks to: (1) sever the right to divert and use 100 acre-feet of irrigation rights from Certificate Number 14-1320 and combine it with rights authorized by 14-1340; (2) amend Certificate Number 14-1340, as combined, by changing the diversion point to that authorized under Certificate Number 14-1340, approximately 20 river miles downstream; (3) changing the place of use to the land authorized in Certificate Number 14-1340; and (4) increasing the irrigated land from 112 acres to 210 acres. The maximum rate of diversion will remain unchanged. Priority date of Certificate Number 14-1320 will be retained with regard to the diversion and use of 100 acre-feet of water against all other water right holders in the Colorado River Basin, except senior water rights and any existing water rights authorized to divert state water from the Concho River and the South Concho River between the existing diversion locations authorized in Certificate Number 14-1320 and 14-1340 (being 1 mile and 15.5 straight line miles downstream of the dam at Lake Nasworthy, respectively). Staff will recommend to the Commission that, should this amendment be granted, the June 27, 1914 priority date of this water be maintained except that it will be subordinated in time priority to all of the water rights in the watershed between the diversion points included in Certificate Number 14-1320 and 14-1340.

The Executive Director may issue the amendment on or after August 2, 1996, unless a written hearing request is filed in the Chief Clerk's Office of the TNRCC on or before July 17, 1996. To request a hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the applicant and the permit number; (3) the statement "I/we request a public hearing;" (4) a brief description of how you would be adversely affected by the granting of the application in a way not common to

the general public; and (5) the location of your property relative to the applicant's operations.

Requests for hearing must be submitted in writing to the Chief Clerk's Office, MC 105, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-3315.

If a hearing request is filed, the Executive Director will not issue the amendment and will forward the application and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. If a hearing is held, it will be a legal proceeding similar to civil trials in state district court.

For information concerning technical aspects of the application, contact Mike Howard, MC 160, at the same P. O. Box address, (512) 239-6155.

Issued in Austin, Texas, on July 19, 1996.

TRD-9610435

Gloria A. Vasquez

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: July 19, 1996



Notice of Opportunity to Comment on Permitting Action

The following notices of application for permits to appropriate Public Waters of the State of Texas were issued on July 1, 1996.

CSB ASPHALT COMPANY, INC.; Application Number 5552 for a permit to divert and use 2,300 acre-feet per year from the Brazos River, Brazos River Basin, approximately 12.3 miles southeast of Richmond in Fort Bend County, Texas. Diverted water will be used for transportation of sediments and solids from a sand and gravel mining operation. There will be very little consumptive use as the water will be used solely for transport of the material and will then be returned through six small settling ponds and then to the river. Consumptive use is estimated to be approximately 230 acre-feet per year.

WAYNE J. BUES AND WIFE, HELEN J. BEUS AND GEORGE BONGIORNO; Application Number 5007A to amend Permit Number 5007 which was issued to Wayne J. Beus and wife, Helen J. Beus and George Bongiorno on June 30, 1986 and authorizes owners to divert and use not to exceed 38 acre-feet of water per annum from the North Bosque River, tributary of the Bosque River, tributary of the Brazos River, Brazos River Basin to irrigate 38 acres of land in Erath County, Texas. Special Condition 3.(c) states the permit shall expire and become null and void on December 31, 1996, unless prior to such date permittees apply for and are subsequently granted an additional term or in perpetuity. The time priority of permittees' right is September 6, 1985. Owners are requesting that Special Condition 3.(c) in Permit Number 5007 be amended to extend the expiration date from December 31, 1996 to December 31, 2006.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of notice concerning the application(s).

If you wish to request a public hearing, you must submit your request in writing. You must state: (1) your name, mailing address and daytime phone number; (2) the application number or other recognizable reference to the application; (3) the statement I/we request an evidentiary public hearing; (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; and (5) a description of the location of your property relative to the applicant's operations.

If one or more protests and/or requests for hearing are filed on an application, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where an evidentiary hearing may be held. If no protests or requests for hearing are filed, the Executive Director will approve the application 30 days after newspaper publication of the notice of application, or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Office of the Chief Clerk - Mail Code 105, no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 TNRCC Complex, Building F, Room 4301, Texas Natural Resource Conservation Commission, or by mail to the following address: Office of the Chief Clerk - Mail Code 105, P. O. Box 13087, Austin, Texas 78711-3087, (512) 239-3300.

Issued in Austin, Texas, on July 19, 1996.

TRD-9610431

Gloria A. Vasquez

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: July 19, 1996



Texas Department of Public Safety

Local Emergency Planning Committee Hazardous Materials Emergency Preparedness Grant Request for Proposals

INTRODUCTION: The Governor's Division of Emergency Management (DEM), acting for the State Emergency Response Commission (SERC), is requesting proposals for Local Emergency Planning Committee (LEPC) Hazardous Materials Emergency Preparedness (HMEP) grants to be awarded to LEPCs to further their work in hazardous materials transportation emergency planning.

DESCRIPTION OF ACTIVITIES: LEPCs are mandated by the federal Emergency Planning and Community Right-to-Know Act (EPCRA) to provide planning and information for the community relating to chemicals in use and in storage. The U.S. Department of Transportation has made grant money available to enhance communities' readiness for responding to transportation hazardous materials incidents. A grant may be used by an LEPC in various ways, depending on a community's needs.

ELIGIBLE APPLICANTS: Each proposal must be developed by an LEPC, the membership of which is recognized by the SERC, in cooperation with county and/or city governments. The proposal must be approved by a vote of the LEPC. Each LEPC shall arrange for a city or county to serve as its fiscal agent for management of any and all monies awarded under this grant.

CERTIFICATION: The fiscal agent must provide certification to commit funds for this project. The certification must be in the form of an enabling resolution from the county or authorization to commit funds from the city as appropriate.

BUDGET LIMITATIONS: Total funding for these grants is dependent on the amount granted to the state from the U.S. Department of Transportation. No less than seventy-five percent of the money granted to the state for planning will be awarded to LEPCs. This is the third of a series of annual grant awards which will be issued through FY 1998. Grants will be awarded based on population, Hazardous Materials risk, need, and cost-effectiveness as judged by DEM. DEM will fund 80% of the total project cost. Twenty percent (20%) of the project cost must be borne by the grantee. Approved in-kind contributions may be used to satisfy this contribution. LEPCs must maintain the same level of spending for planning as the average of the past two years, in addition to the grant.

EXAMPLES OF PROPOSALS:

Development, improvement, and implementation of emergency plans require under the EPCRA, as well as exercises which test the emergency plan. Improvement of emergency plans may include hazards analysis as well as response procedures for emergencies involving transportation of hazardous materials.

An assessment to determine flow patterns of hazardous materials within a State, between a State and another State or Indian Country, and development and maintenance of a system to keep such information current.

An assessment of the need for regional hazardous materials emergency response teams.

An assessment of local response capabilities.

Conducting emergency response drills and exercises associated with emergency preparedness plans.

Technical staff to support the planning effort. (Staff funded under planning grants cannot be diverted to support other requirements of EPCRA.)

Public outreach about Hazardous Materials Training issues such as community protection, chemical emergency preparedness, or response.

CONTRACT PERIOD. Grant contracts begin as early as December 15, 1996, and end August 15, 1997.

FINAL SELECTION. The DEM shall review the proposals. SERC Subcommittee on Planning will make final selection. The State is under no obligation to award grants to all applicants.

APPLICATION FORMS AND DEADLINE. A grant application package can be obtained from the Division of Emergency Management, Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, or by calling DEM at (512) 424-5985. Completed applications must be received at the above address by 5:00 p.m., September 30, 1996. For further information, please call (512) 424-5985.

Issued in Austin, Texas, on July 19, 1996.

TRD-9610451

James R. Wilson

Director

Texas Department of Public Safety

Filed: July 15, 1996

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Public Utility Commission of Texas

Notice of Intent to file Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for City of Fort Worth in Fort Worth, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for City of Fort Worth in Fort Worth, Texas. Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 16177.

The Application. Southwestern Bell Telephone Company is requesting approval for an 84 station addition to the existing PLEXAR-Custom service for City of Fort Worth. The geographic service market for this specific service is the Fort Worth, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on July 18, 1996.

TRD-9610388

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: July 18, 1996

◆ ◆ ◆
Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Fort Stockton Independent School District in Fort Stockton, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Fort Stockton Independent School District in Fort Stockton, Texas. Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 16178.

The Application. Southwestern Bell Telephone Company is requesting approval for a new PLEXAR-Custom service for Fort Stockton Independent School District. The geographic service market for this specific service is the Fort Stockton, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256 or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on July 18, 1996.

TRD-9610389

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas
Filed: July 18, 1996



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for American State Bank in Lubbock, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for American State Bank in Lubbock, Texas. Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 16179.

The Application. Southwestern Bell Telephone Company is requesting approval for a 13 station addition to the existing PLEXAR-Custom service for American State Bank. The geographic service market for this specific service is the Lubbock, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256 or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on July 18, 1996.

TRD-9610390
Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas
Filed: July 18, 1996



University of Houston

Request for Consultant Services

The University of Houston is seeking a consultant to analyze the campus food-service program currently under contract and develop a Request for Proposal to secure a food-service contractor.

The University of Houston is a premier, state-assisted agency of higher education, serving approximately 29,000 commuting students and 2,800 in residence. UH employs 4,200 full- and part-time faculty and staff. Applications must include a short justification (250 words or less) of educational and experiential history uniquely qualifying the consultant for the assignment. It must list at least two other similar assignments accomplished, providing the name and address of the entities for whom they were done and a contact name and phone number at those entities.

Campus and facility tours can be arranged and additional information obtained by contacting the Food Service Contract Administrator.

The university reserves the right to accept or reject any or all applications received as a result of this notice, at its sole discretion, and to cancel in part or in its entirety, this notice, if it is in the best interest of the university.

University Contact: John Lee, Food Service Contract Administrator, (713) 743-5280.

Application Deadline: All applications must be received by 3:00 p.m., August 15, 1996.

Please send applications to: University of Houston Purchasing Department, 325 McElhinney Building, Houston, Texas 77004. Attention: JOANN EVANS

The University of Houston is an equal opportunity/affirmative action institution. Minorities, women, veterans and persons with disabilities are encouraged to apply.

Issued in Austin, Texas, on July 18, 1996.

TRD-9610363
Rosemary Grimm
Director, Office of Sponsored Programs
University of Houston
Filed: July 18, 1996



Texas Workforce Commission

Request for Proposals

A. Authorization of Funding.

The funds are authorized by Texas Labor Code, Annotated Chapter. 81 (Vernon 1996).

B. Scope of Work.

These grant funds may be used for the operation, expansion, and/or improvement of employer-led coalitions that support community dependent care services. Grant recipients will also be required to provide advice and assistance in planning and staging work-family regional conferences in 1996 which will be sponsored by the Work and Family Clearinghouse. Work on regional conferences may include travel to up to 3 sites in Texas and serving as speakers for workshops from August, 1996, through January, 1997.

C. Definitions.

"Dependent Care" is defined as care for children, elderly, or disabled relatives. "Employer Coalitions" are groups of employers that contribute funds to improve community dependent care programs.

D. Eligible Applicants.

Eligible applicants are government and non-government organizations. Grants to support employer-initiated coalitions will be awarded only to well-established organizations with at least a 2-year history of supporting community dependent care services exclusively. These organizations must be able to document that they have raised over \$100,000 from employers for support of dependent care programs since 1994. Organizations must have trained staff available to manage the grant.

E. Available Funding.

Proposals for grant programs may request up to \$50,000, and are required to provide 25% in-kind match for funds requested. Funding is available for up to four projects statewide. This is a cost reimbursement contract for expenditures made during the contract period only. Expenditures made before the contract period will not be reimbursed.

F. Length of Contract.

The contract period is up to 18 months beginning August 30, 1996.

G. Selection, Notification, and Negotiation Process.

The Texas Workforce Commission (TWC) anticipates completing the selection process by no later August 23rd, 1996. Budget and Performance Statement negotiations will be conducted by TWC in advance of awarding grants. TWC reserves the right to vary all provisions of this RFP prior to the execution of a contract and to execute amendments to contracts when TWC deems such variances and/or amendments are in the best interest of the State of Texas. H. Due Date and Agency Contact.

The deadline for receipt and consideration of a proposal is 4:00 p.m., August 16, 1996. For further information and to order Application Packets, contact the Grants Staff, Texas Work and Family Clearinghouse, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637. Phone (512) 502-3770 FAX (512) 502-3777.

This notice constitutes an extension of an RFP, with a deadline of July 18, 1996, originally published in the *Texas Register* on June 21, 1996.

A list of funded grantees will be published in the *Texas Register* following contract finalization.

Issued in Austin, Texas, on July 22, 1996.

TRD-9610545

J. Ferris Duhon

Attorney

Texas Workforce Commission

Filed: July 22, 1996



Texas Register Services

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