

# Texas Register

Volume 17, Number 36, May 15, 1992

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- Attorney General - summaries of requests for opinions, opinions, and open records decisions
- Secretary of State - opinions based on the election laws
- Texas Ethics Commission - summaries of requests for opinions and opinions
- Emergency Sections - sections adopted by state agencies on an emergency basis
- Proposed Sections - sections proposed for adoption
- Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Sections - sections adopted following a 30-day public comment period
- Open Meetings - notices of open meetings
- In Addition - miscellaneous information required to be published by statute or provided as a public service

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

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "17 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 17 TexReg 3"

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The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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

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

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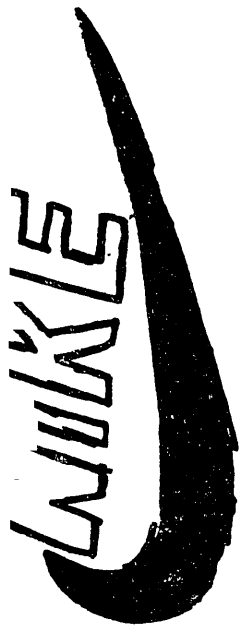
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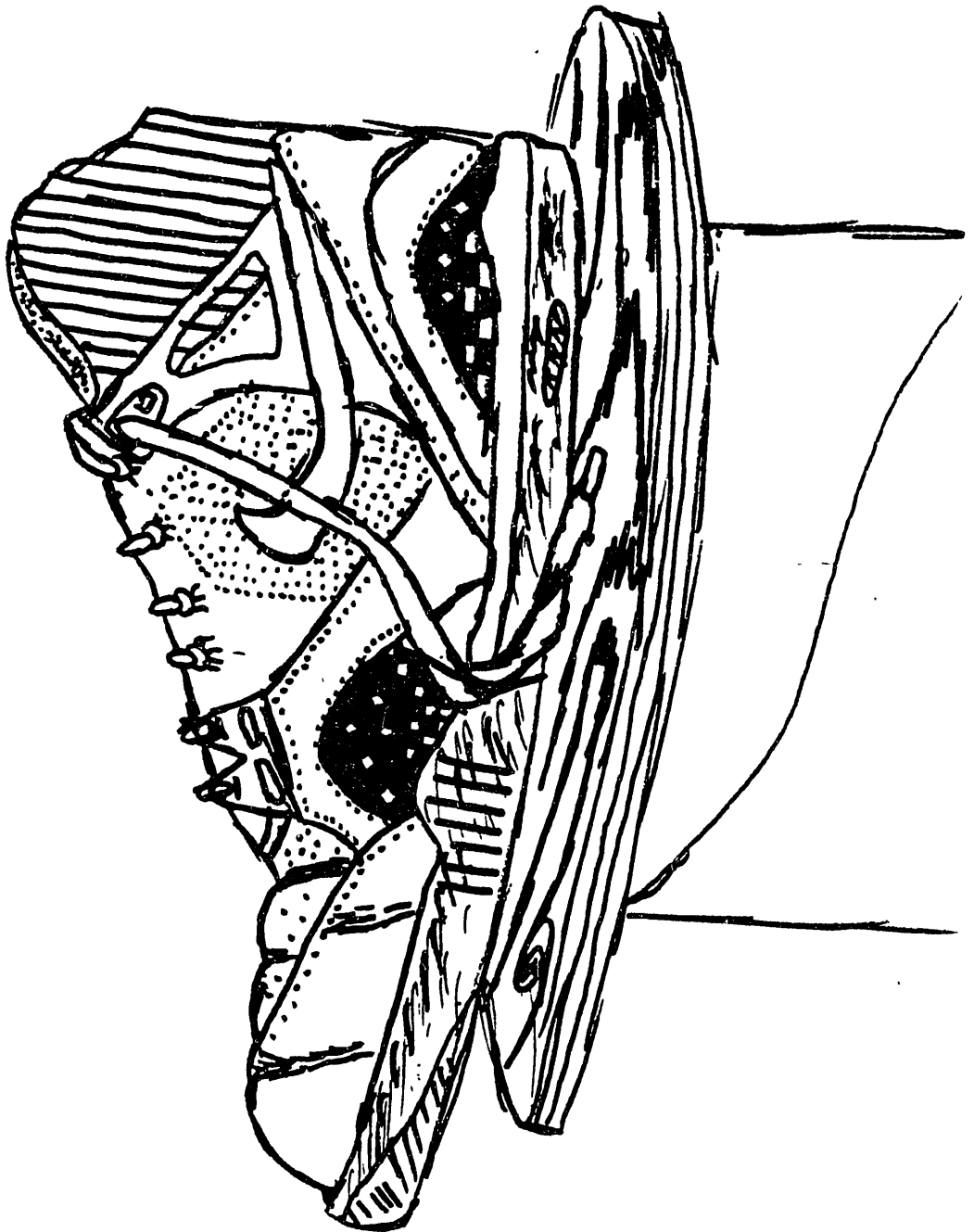
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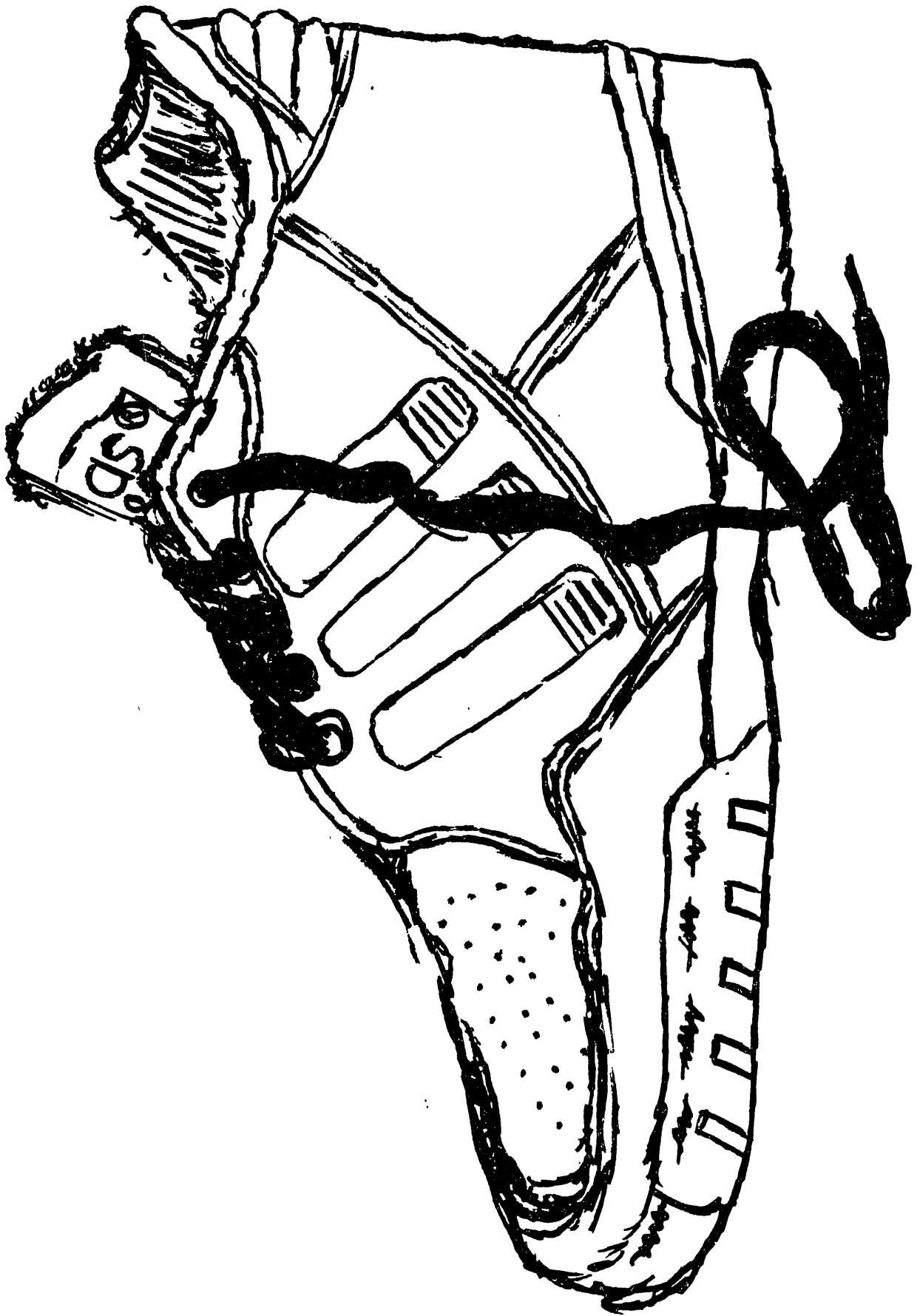


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Grade: 6

School: Richardson Heights Elementary, Richardson ISD

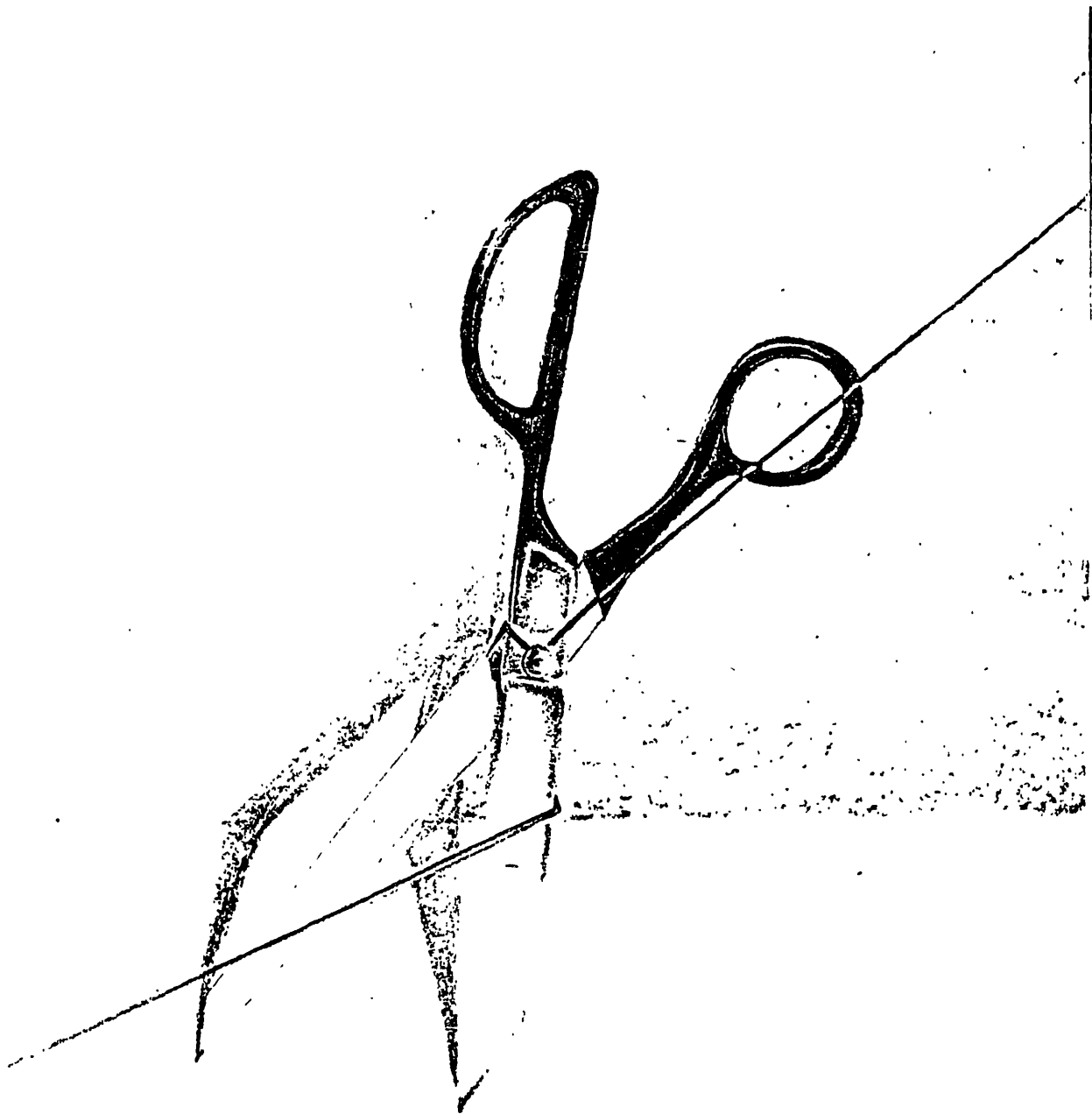
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Grade: 12

School: Plano East Senior High, Plano ISD





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Grade: 11

School: Plano East Senior High, Plano ISD

# Emergency Sections

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

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

## TITLE 4. Agriculture Part I. Texas Department of Agriculture

### Chapter 11. Herbicide Regulations

#### • 4 TAC §11.2

The Texas Department of Agriculture (the department) adopts on an emergency basis, an amendment to §11.2, concerning special provisions for regulated counties.

The department is acting upon orders issued by county officials in Archer, Clay, and Wichita counties establishing those counties as counties regulated under the Texas Agriculture Code (the Code), Chapter 75, and requests from county officials for exemption from the permit requirements of Chapter 75 and the establishment of a prohibition period for the application of 2,4-D esters in those counties. County officials have requested that the applications of 2, 4-D esters be prohibited in Archer, Clay, and Wichita counties from May 1 to September 15 of each year and that permits not be required for the application of hormone herbicides in those counties.

The department believes that the establishment of a prohibition period and exemption of Archer, Clay, and Wichita counties from the permit requirements of Chapter 75 for the calendar year 1992, is appropriate and necessary. Climatic conditions in Archer, Clay, and Wichita counties during the period between May 1 and September 15 are not conducive to the use of the volatile ester formulations of 2,4-D and applications of 2,4-D esters during that period have resulted in harm to susceptible crops in those counties. Requiring permits for the application of hormone herbicides in Archer, Clay, and Wichita counties for the first year of regulation will cause an economic burden to persons in those counties needing to spray hormone herbicides for weed control and may result in delays in necessary applications due to the unavailability of staff to issue permits when needed.

Further, it is necessary that the adoption of the permit exemption and prohibition period for the application of 2,4-D esters be effective immediately so that losses to producers in Archer, Clay, and Wichita counties due to 2,4-D ester exposure and permit requirements may be minimized during the 1992 crop season.

Emergency amendment to §11.2 adds special provisions for Archer, Clay, and Wichita counties providing for a prohibition of the

spraying of 2,4-D ester in those counties for the period between May 1 and September 15 of each year and provide that no permits are required for the application of hormone herbicides in those counties for the calendar year 1992.

The amendment is adopted on an emergency basis under the Texas Agriculture Code, §75.018, which gives the department the authority to consider a request for revision of a section, an exemption from a requirement of Chapter 75, or prohibition of spraying in one area and to adopt rules as the department deems appropriate; and Texas Civil Statutes, Article 6252-13(a)(5), which provide for the adoption of administrative rules on an emergency basis, without notice and comment.

#### §11.2. County Special Provisions.

(a)-(II) (No change.)

(mm) Archer, Clay, and Wichita.

(1) Applications of 2,4-D esters are prohibited for the period beginning May 1 and ending September 15 of each year.

(2) Permits are not required for the applications of regulated herbicides for the calendar year 1992.

Issued in Austin, Texas, on May 7, 1992.

TRD-9206281

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Effective date: May 7, 1992

Expiration date: August 27, 1992

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

## TITLE 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 519. Practice and Procedure

#### • 22 TAC §§519.3, 519.6, 519.9, 519.11, 519.17, 519.19, 519.20, 519.21, 519.23, 519.26, 519.27, 519.29

The Texas State Board of Public Accountancy adopts on an emergency basis amend-

ments to §§519.3, 519.6, 519.9, 519.11, 519.17, 519.19, 519.20, 519.21, 519.23, 519.26, 519.27, and 519.29, concerning rules of practice and procedure. These amendments are necessary in order to enable the board to effectively prosecute major cases. These amendments are necessary in order to enable the board to immediately prosecute the major cases as mandated in the Appropriations Bill 4, fiscal year 1992.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules to effectuate the Act

§519.3. *Extensions.* Unless otherwise provided by statute, the time for filing any pleading, except a notice of protest, may be extended upon the granting of a written motion duly filed with the board. [A copy of any such motion shall be served upon all of the parties of record to the proceedings contemporaneously with its filing thereof.]

#### §519.6. *Notice and Service in Nonrulemaking Proceedings.*

[(a) Notice. Where published notice is permitted or prescribed by these sections or by statute, it shall be made by incorporating it into the printed memorandum of notices circulated by the board to those persons entitled by law to receive such notices.]

(a)[(b)] Personal service. All notices for which personal service is required by law shall be addressed to the person entitled thereto, and shall set forth the names of all other parties, the nature and subject matter of the proceedings, and time and place of hearing, and any other matter required by law. The board shall mail the notice by certified or registered mail to the last known place of address of the person entitled to receive such notice. [Where personal service of notice by the board is required, the board shall mail the same, certified or registered mail, to the last known place of address of the person entitled to receive such notice.]

(b)[(c)] Service of pleadings. A copy of any protest, reply, answer, motion, or other pleading filed by any party in any proceeding subsequent to the institution thereof shall be mailed or otherwise deliv-

cred by the party filing the same to every other party of record. If any party has appeared in the proceeding by attorney or other representative authorized under these sections to make an appearance, service shall be made upon such attorney or other representative. The willful failure of any party to make such service shall be sufficient grounds for the entry of an order by the executive director or the board striking the protest, reply, answer, motion, or other pleading from the records.

(c) [(d)] Certificate of service. A certificate by the party attorney, or representative who files a pleading, stating that it has been served on the other parties shall be prima facie evidence of such service. The following form of certificate will be sufficient in this connection: " I hereby certify that I have this \_\_\_ day of \_\_\_, 19\_\_ , served copies of the foregoing pleading upon all other parties to this proceeding, by ( here state the manner of service). Signature."

§519.9. *Appearances in Person or by Representative.* Any party may appear and be represented by an attorney at law authorized to practice law before the highest court in Texas [of any state]. Any person may appear on his own behalf or be represented by a bonafide full-time employee. A firm may appear and be represented by any bonafide officer, partner, or full-time employee. This right may be expressly waived.

§519.11. *Form and Content of Pleadings.*

(a) Pleadings filed with the board through the executive director shall be applications, protests, petitions, complaints, answers, replies, motions for rehearing, and other motions. Regardless of any error in the designation of a pleading, it shall be accorded its true status in the proceeding in which it is filed.

(b) Pleadings shall be typewritten or printed upon paper 8 1/2 inches wide and 11 inches long, with an inside margin of at least one inch wide, and exhibits annexed thereto shall be folded to the same size. Reproductions are acceptable provided all copies are clear and permanently legible.

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

§519.17. Motions [Relating to Disciplinary Actions].

(a) All motions, unless made during a hearing, shall:

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

(3) be served on all interested parties, not less than five days prior to the hearing [in accordance with §519.30 of this title (relating to Service by Mail)];

(4) be accompanied by a certificate of service signed by the movant [in

accordance with §519.31 of this title (relating to Certificate of Service)];

(5)-(6) (No change.)

(b) (No change.)

(c) Once the hearing has begun, disposition of all motions shall rest in the sound discretion of the hearings [presiding] officer [or board member].

§519.19. *Order of Procedure.*

(a) In all disciplinary proceedings [to revoke, suspend,] or proceedings where the board refuses [refuse] to renew any license, certificate, or registration, the representative of the board shall first present the evidence against the accused. The accused may then present such answer and witnesses as may offer relevant evidence. The board's representative shall be permitted to close.

(b) In all other proceedings, the applicant or petitioner, [or complainant] respectively, shall be entitled to open and close. The hearings officer [board] in all cases shall determine at what stage intervenors will be permitted to offer evidence. After all parties have completed the presentation of their evidence, the hearings officer [board] may call upon any party or the staff of the board for further material or relevant evidence upon any issue to be presented at further public hearing after notice to all parties of record.

(c) The hearings officer [board] shall direct all parties to enter their appearances on the record. If exceptions to the form or sufficiency of the pleading have been filed in writing at least three days prior to the date of the hearing, they shall be heard; otherwise not. If exceptions are sustained, the hearings officer [board] shall allow a reasonable time for amendment, subject to the provisions of these sections.

§519.20. *Reporters and Transcript.* When a party makes a written request that proceedings be transcribed, the party shall state in writing an election to furnish his own stenographic reporter or to utilize a reporter employed by the board. Such written request must be received by the executive director not less than 15 days before the scheduled date of the hearing. [The cost of the original transcript shall be assessed one-half ratably to the other parties.] The original transcript shall be delivered at no cost, to the executive director. The cost for [of copies of] the transcript shall be paid by the requesting party. Suggested corrections to the transcript of the record may be offered within 10 days after the transcript is filed in the proceeding, unless the board shall permit suggested corrections to be offered thereafter. Suggested corrections shall be served in writing upon each party of record, the official reporter, and the board. If sug-

gested corrections are not objected to, the board will direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the board who shall then determine the manner in which the record shall be changed, if at all.

§519.21. *Formal Exceptions.* Formal exceptions to the rulings of the hearings officer [board] made at hearings shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the hearings officer [board] the action which he desires.

§519.23. *The Record.* The Record in any case shall include:

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

(6) all staff memoranda or data submitted to or considered by the board in making decisions. [a decision;]

[(7) all staff records pertaining to direct administrative costs incurred. ]

§519.26. *Informal [Committee] Conferences.*

(a) Defined. An informal [committee] conference is defined as an informal meeting between a licensee and person(s) designated by the executive director or a board committee with subject-matter responsibility, held for the purpose of reaching agreement on a proposed informal disposition of a disciplinary action. An informal [committee] conference shall be voluntary and shall not be a prerequisite to a hearing in a disciplinary action.

(b) Procedure.

(1) The executive director, or a [A] committee, on his or its own motion or on the motion of any party, may request the parties, their attorneys, or representatives to appear [before the committee] at a specified time and place for an informal [committee] conference.

(2) Notice of an informal [committee] conference shall state the nature of the charge or charges against the respondent and shall be served on the respondent no less than 10 [20] days prior to the date of said conference either personally or by mailing a copy thereof by certified mail to the last known address of the respondent.

(3) (No change.)

[(4) All informal conferences shall be tape recorded.]

(c) Rights of respondent. At any informal [committee] conference, the respondent may appear in person and by counsel, produce evidence and witnesses on his own

behalf, cross-examine witnesses, and examine such evidence as may be produced against him.

(d) Informal disposition. In the event the parties agree to an informal disposition, an agreed consent order [a proposal for decision] shall be prepared and presented to the board for final decision thereon. The agreed consent order [proposal for decision] shall contain agreed findings of fact and conclusions of law, and shall be signed by all parties thereto.

(e) Ratification by the board. Agreed consent orders [Proposals for decision] shall be submitted to the board for ratification and the board may:

(1) adopt the order [proposal], at which time it becomes final; or

(2) reject the order [proposal] and order a hearing or [before a hearings panel];

(3) reject the order [proposal] and order an en banc hearing; or

(4) reject the order and remand; or

(5)[(4)] reject the order and order the disciplinary action dismissed.

(f) (No change.)

#### §519.27. Hearings in Disciplinary Action.

(a) General rule. Hearings in disciplinary actions shall be governed by the provisions of this section, the other provisions of this chapter, the Public Accountancy Act of 1991 and any amendments to it, [1979, as amended, Texas Civil Statutes, Article 41a-1, 1981,] §22, and the Administrative Procedure and Texas Register Act. Hearings shall be conducted by a hearings officer, [a hearings panel,] or the board en banc.

(b) Prehearing conferences. In any disciplinary actions, the hearings officer, on his own motion or on the motion of any party, may direct the parties, their attorneys, or representatives to appear before him at a specified time and place for a conference prior to the hearing for the purpose of considering:

(1) the simplification of issues;

(2) agreement regarding admissions or stipulations of fact to avoid the unnecessary introduction of proof;

(3) the procedure at the hearing; including, but not limited to, the use of prefiled testimony and objections;

(4) the limitation, where possible, of the number of witnesses;

(5) objections to evidence to be offered at the hearing; and

(6) such other matters as may aid in the simplification of the proceedings and disposition of the matters in controversy; the hearings officer shall cause any action taken at a prehearing conference to be recorded in an appropriate order.

[(b) Hearings officer. If the board directs the hearing before a hearings officer, the chairman of the board shall designate a hearings officer for such hearing. The designated hearings officer shall act as presiding and executive officer for all disciplinary action which the designated hearings officer is assigned.]

(c) Hearings officer. All decisions of a hearings officer shall be given full dissemination to all members of the board. If the decision of the hearings officer is adverse to a party to the proceeding other than the board itself, a final decision by the board may not be made until a proposal for decision is served on the parties, and an opportunity is afforded each party adversely affected to file exceptions and present briefs to the board. If any party files exceptions or presents briefs, an opportunity must be afforded to all other parties to file replies to the exceptions or briefs. The proposal for decision must contain a statement of the reasons for the proposed decision and of each finding of fact and conclusion of law necessary to the proposed decision, prepared by the hearings officer or panel which conducted the hearing. The proposal for decision may be amended pursuant to exceptions, replies, or briefs submitted by the parties without again being served on the parties. The parties by written stipulation may waive compliance with this section.

[(c) Hearings panel. If the hearing is to be conducted by a hearings panel, the hearings panel shall consist of three board members appointed by the chairman of the board. The chairman of the board shall appoint a presiding officer who shall be the executive officer for all disciplinary actions assigned to that panel.]

(d) Filing of exceptions and replies. Any party of record may, within 15 days of the date of service of the proposal for decision, unless the hearings officer has set a shorter or longer period of time, file exceptions to the proposal for decision. Replies to these exceptions shall be filed within 15 days after the date of filing the exceptions unless the hearings officer has set a shorter or longer period of time. A request for extension or decrease of time within which to file exceptions or replies shall be filed with the presiding officer, and a copy of the request shall be served on all parties of record by the party making the request. The hearings officer shall promptly no-

tify the parties of the decision with regard to these requests. Additional time shall be allowed only when the interests of justice so require. Upon the expiration of the time for filing exceptions or replies to exceptions, or after time for filing exceptions or replies to exceptions, or after the replies and exceptions have actually been timely filed, the proposal for decision will be considered by the board and either adopted, modified and adopted, or remanded to the hearings officer. If remanded to the hearings officer, the revised proposal for decision thereafter rendered by the hearings officer shall be clearly labeled as an amended proposal for decision.

[(d) Prehearing conferences. In any disciplinary actions, the presiding officer, on his own motion or on the motion of any party, may direct the parties, their attorneys, or representatives to appear before him at a specified time and place for a conference prior to the hearing for the purpose of considering:

(1) the simplification of issues;

(2) agreement regarding admissions or stipulations of fact to avoid the unnecessary introduction of proof;

(3) the procedure at the hearing; including, but not limited to, the use of prefiled testimony and objections;

(4) the limitation, where possible, of the number of witnesses;

(5) objections to evidence to be offered at the hearing; and

(6) such other matters as may aid in the simplification of the proceedings and disposition of the matters in controversy; the presiding officer shall cause any action taken at a prehearing conference to be recorded in an appropriate order. In the event that an informal disposition is proposed, no other order shall be necessary.]

(e) Form of exceptions and replies. Exceptions and replies to exceptions shall conform as nearly as practicable to the rules provided for pleadings. The specific exceptions shall be concisely stated. The evidence relied upon shall be pointed out with particularity, and that evidence and any arguments and legal authority relied upon shall be grouped under the exceptions to which they relate. Any party filing exceptions and replies shall provide the board with an original and 17 copies.

[(e) Informal dispositions. Informal dispositions may be made of any disciplinary action by stipulation, agreed settlement, consent order, or by default.

(1) Informal dispositions may be entered into any time prior to a hearing on the disciplinary action.

[(2) In the event the parties agree to an informal disposition, a proposal for decision shall be prepared and presented to the board for final decision thereon.

[(3) The proposal for decision shall contain findings of fact and conclusions of law, and shall be signed by all the parties thereto.

[(4) Proposals for decision shall be submitted to the board for ratification and the board may:

[(A) adopt the proposal at which time it becomes final;

[(B) reject the proposal and remand the disciplinary action for hearing before the hearings officer or hearings panel;

[(C) reject the proposal and order an en banc hearing; or

[(D) reject the proposal and order the disciplinary action dismissed.]

(f) **Oral argument before the board.** Any party may request oral argument before the board before the final determination of any proceeding, but oral argument shall be allowed only at the discretion of the board. A request for oral argument may be incorporated in the exception, reply to exceptions, or in a separate pleading. In the event oral argument is granted by the board, each party who has filed exceptions and replies may be limited to a maximum of 20 minutes for presentation thereof. The board shall require one spokesman per party and position.

[(f) En banc hearings. If after a disciplinary action has been assigned to a hearings officer or hearings panel, five members of the board demand, in writing, an en banc hearing, the board shall be required to hear that disciplinary action en banc.]

(g) **Motion for rehearing.** In the event a motion for rehearing is filed, the executive director shall have authority to act for the board in either granting or denying such motion.

[(g) Hearings officer or panel decision. All decisions of a hearings officer or a hearings panel shall be given full dissemination to all members of the board. If the decision of the hearings officer or hearings panel is adverse to a party to the proceeding other than the board itself, a final decision by the board may not be made until a proposal for decision is served on the parties, and an opportunity is afforded each party adversely affected to file exceptions and present briefs to the board. If any party files exceptions or presents briefs, an oppor-

tunity must be afforded to all other parties to file replies to the exceptions or briefs. The proposal for decision must contain a statement of the reasons for the proposed decision and of each finding of fact and conclusion of law necessary to the proposed decision, prepared by the hearings officer or panel which conducted the hearing. The proposal for decision may be amended pursuant to exceptions, replies, or briefs submitted by the parties without again being served on the parties. The parties by written stipulation may waive compliance with this section.

[(h) Filing of exceptions and replies. Any party of record may, within 15 days of the date of service of the proposal for decision, unless the presiding officer has set a shorter or longer period of time, file exceptions to the proposal for decision. Replies to these exceptions shall be filed within 15 days after the date of filing the exceptions unless the presiding officer has set a shorter or longer period of time. A request for extension or decrease of time within which to file exceptions or replies shall be filed with the presiding officer, and a copy of the request shall be served on all parties of record by the party making the request. The presiding officer shall promptly notify the parties of the decision with regard to these requests. Additional time shall be allowed only when the interests of justice so require. Upon the expiration of the time for filing exceptions or replies to exceptions, or after time for filing exceptions or replies to exceptions, or after the replies and exceptions have actually been timely filed, the proposal for decision will be considered by the board and either adopted, modified and adopted, or remanded to the hearings officer or hearings panel. If remanded to the hearings officer or hearings panel, the revised proposal for decision thereafter rendered by the hearings officer or hearings panel shall be clearly labeled as an amended proposal for decision.

[(i) Form of exceptions and replies. Exceptions and replies to exceptions shall conform as nearly as practicable to the rules provided for pleadings. The specific exceptions shall be concisely stated. The evidence relied upon shall be pointed out with particularity, and that evidence and any arguments and legal authority relied upon shall be grouped under the exceptions to which they relate. Any party filing exceptions and replies shall provide the board with an original and 12 copies.

[(j) Oral argument before the board. Any party may request oral argument before the board before the final determination of any proceeding, but oral argument shall be allowed only at the discretion of the board. A request for oral argument may be incorporated in the exception, reply to excep-

tions, or in a separate pleading. In the event oral argument is granted by the board, each party who has filed exceptions and replies shall be limited to a maximum of 30 minutes for presentation thereof.

[(k) Motion for rehearing. In the event a motion for rehearing is filed, the chairman of the board shall have authority to act for the board in either granting or denying such motion.]

**§519.29. Publication of Disciplinary/Administrative Sanctions.** The Texas State Board of Public Accountancy (the board) may [shall] cause to be published in the board's official publication, the Texas State Board Report, and may publish in newspapers of general distribution in the state, the name of any certificate or registration holder who is the subject of a reprimand, suspension of certificate or registration, revocation of certificate or registration, or surrender of certificate or registration in lieu of disciplinary action, or any other disciplinary action. Such publication shall not occur until a final board order has been issued and the appeal period expired, without appeal having been taken. In the event of appeal of the board order, publication will be made after completion of the appeal process in which the board is sustained. The publication may [shall] contain a narrative factual summary of the actions giving rise to the disciplinary/administrative action.

Issued in Austin, Texas, on April 22 1992.

TRD-9206347

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: May 7, 1992

Expiration date: September 4, 1992

For further information, please call: (512) 450-7066

◆ ◆ ◆  
• **22 TAC §§519.10, 519.13, 519.15, 519.16, 519.30, 519.31**

The Texas State Board of Public Accountancy adopts on an emergency basis the repeal of §§519.10, 519.13, 519.15, 519.16, 519.30, and 519.31, concerning rules of practice and procedure. These repeals are necessary in order to enable the board to effectively prosecute major cases. These repeals are necessary in order to enable the board to immediately prosecute the major cases as mandated in the Appropriations Bill 4, fiscal year 1992.

The repeals are adopted on an emergency basis under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules to effectuate the Act.

*§519.10. Classification of Pleadings.*

§519.13. *Motions.*

§519.16. *Personal Service*

TRD-9206347

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

§519.15. *Publication of Notice in  
Nonrulemaking Proceedings.*

§519.30. *Service by Mail.*

Effective date: May 7, 1992

§519.31. *Certificate of Service.*

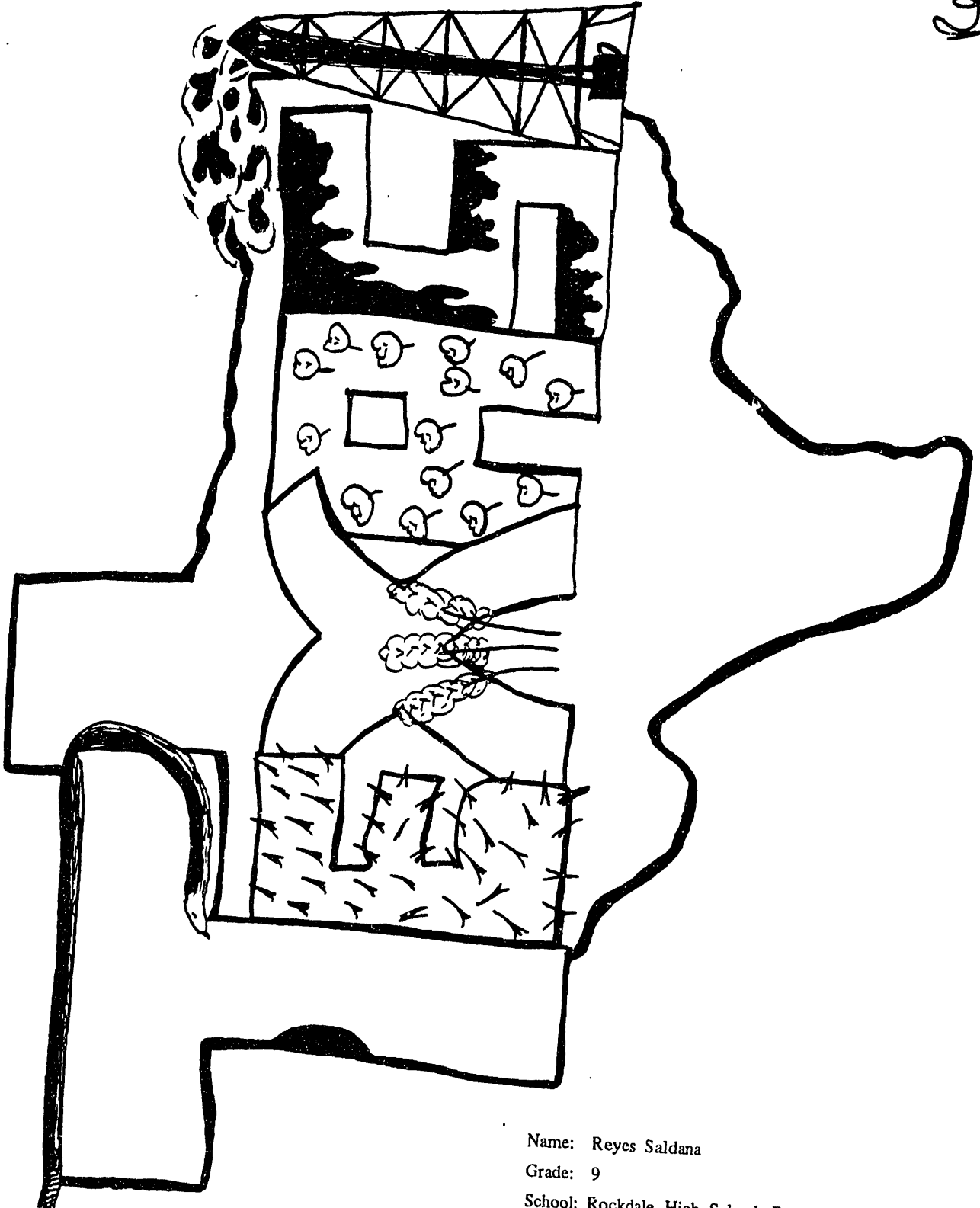
Expiration date: September 4, 1992

Issued in Austin, Texas, on April 22, 1992.

For further information, please call: (512)  
450-7066

◆ ◆ ◆

Reyes Saldana



Name: Reyes Saldana

Grade: 9

School: Rockdale High School, Rockdale ISD

# Proposed Sections

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

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

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

### Chapter 11. Herbicide Regulations

#### • 4 TAC §11.1, §11.2

*(Editor's Note: The Texas Department of Agriculture proposes for permanent adoption the amended §11.2 it adopts on an emergency basis in this issue. The text of the amended §11.2 is in the Emergency Rules section of this issue.)*

The Texas Department of Agriculture (the department) proposes amendments to §11.1, concerning counties regulated and §11.2, concerning special provisions for regulated counties

The department is acting upon orders, effective January 1, 1992, issued by county officials in Archer, Clay, and Wichita counties establishing those counties as counties regulated under the Texas Herbicide Law, Chapter 75, Texas Agriculture Code. In addition, the department is acting upon the requests from county officials in Archer, Clay, and Wichita counties for special provisions for those counties. The amendment to §11.2 has been adopted by the department after the holding of a public hearing in accordance with Code, §75.018.

The amendment to §11.1 add Archer, Clay, and Wichita counties to the list of counties regulated under Chapter 75. Amendment to §11.1 is proposed to update the list of counties regulated.

Amendment to §11.2 adds special provisions for Archer, Clay, and Wichita counties that provide for a prohibition of the spraying of 2, 4-D esters in those counties for the period between May 1 and September 15 of each year and provide that no permits are required for the application of hormone herbicides in those counties for the calendar year 1992. Amendment to §11.2 is proposed to minimize the risk of exposure of susceptible crops in Archer, Clay, Wichita counties to 2, 4-D esters and to allow persons in those counties needing to use regulated herbicides for weed control to use those herbicides without requirement of permits for the first year of regulation.

Alvin Ashorn, assistant commissioner for regulatory programs, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or

local government as a result of enforcing or administering the sections.

Mr. Ashorn, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a decreased risk of economic loss and harm to susceptible crops in Archer, Clay, and Wichita counties from exposure to hormone, herbicides. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Alvin Ashorn, Assistant Commissioner for Regulatory Programs, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of this proposal in the *Texas Register*.

The amendments are proposed under the Texas Agriculture Code, §75.018, which gives the department the authority to consider a request for revision of a section, an exemption from a requirement of Chapter 75, or prohibition of spraying in one area and to adopt rules as the department deems appropriate.

**§11.1. Counties Regulated.** The following counties shall be subject to all of the provisions of the Texas Agriculture Code, Chapter 75 (1981), unless specifically excepted by the provisions of §11.2 of this title (relating to County Special Provisions): Aransas, Archer, Austin, Bell, Bexar, Brazoria, Brazos, Briscoe, Burleson, Calhoun, Clay, Cochran, Collin, Collingsworth, Cottle, Culberson, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Dimmit, Donley, El Paso, Falls, Foard, Fort Bend, Frio, Gaines, Galveston, Hall, Hardin, Harris, Haskell, Hidalgo, Houston, Hudspeth, Jackson, Jefferson, Karnes, Kaufman, King, Knox, Lamar, Liberty, Loving, McLennan, Martin, Matagorda, Midland, Milam, Motley, Newton, Orange, Parmer, Rains, Reeves, Refugio, Robertson, Rockwall, Runnels, San Patricio, Swisher, Travis, Tyler, Waller, Ward, Wharton, Wichita, Wilbarger, Williamson, Wilson.

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

Issued in Austin, Texas, on May 7, 1992.

TRD-9206436 Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: June 15, 1992

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

## ◆ ◆ ◆ Part VII. Texas Agricultural Resources Protection Authority

### Chapter 101. General Rules

#### Subchapter B. Special Proceedings

#### • 4 TAC §§101.10-101.13

The Texas Agriculture Resources Protection Authority (the Authority) proposes new §§101.10-101.13, concerning special proceedings and procedures to be followed in the exercise of the general powers and duties conferred upon the Authority.

The Authority is the coordinating body for the policies and programs of management, regulation, and control of pesticides conducted by the Texas Department of Agriculture (the department), the State Soil and Water Conservation Board, the Texas Agricultural Extension Service, the Texas Department of Health, the Texas Water Commission, and the Texas Structural Pest Control Board under the provisions of the Texas Agriculture Code, Chapter 76, as amended by the Texas Legislature effective September 1, 1989 (the Code).

Under the Code, new §76.009(g)(1), the Authority, with specific exceptions (none of which are applicable here), is authorized to promulgate rules and regulations not inconsistent with the Code as may be necessary to carry out the activities set out within the Code in respect to pesticides.

These proposed regulations are intended to clarify the procedures to be followed in conducting the general operations of the Authority under various particular provisions included in the Code. The proposed regulations further define key terms found both in the law and in the proposed regulations.

Alvin Ashorn, assistant commissioner for regulatory programs at the department, has de-



terminated that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections. There will be no fiscal implications for local government or local employment as a result of enforcing or administering the sections.

Mr. Ashom also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide for a more coordinated regulation of pesticide use in Texas. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Alvin Ashom, Assistant Commissioner for Regulatory Programs, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

The new sections are proposed under the Code, §76.009, which authorizes the Authority to promulgate rules and regulations, not inconsistent with the Code, as may be necessary to carry out the activities set out within the Code in respect to pesticides.

**§101.10. Purpose.** The purpose of this subchapter is to provide for a simple and efficient system of procedure by establishing uniform standards of practice and procedure for proceedings before the Texas Agriculture Resources Protection Authority (the Authority), thereby encouraging public participation and notice of agency actions. The Authority's rules are designed to supplement procedures established by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a or other applicable statute and therefore any statutory procedure not specifically included in this chapter shall be liberally construed, with a view towards the purpose for which they were adopted.

**§101.11. Scope of Rules.** The provisions of this chapter shall govern the procedure for the institution, conduct, and determination of all activities delegated by statute to the Texas Agriculture Resources Protection Authority (the Authority), as well as the procedure for the adoption by a pesticide agency for which the Authority is the coordinating body. The rules shall not be construed as to enlarge, diminish, modify, or alter the jurisdiction, powers, authority, or the substantive rights of any person.

**§101.12. Procedure for Adoption of Rules.**

(a) All rules of the Texas Agriculture Resources Protection Authority (the Authority) itself, as well as of the pesticide agencies for which the Authority is the coordinating body, shall be promulgated in accordance with the provisions of the Ad-

ministrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

(b) The Authority itself may adopt any rule relating to pesticides, including a rule that amends or repeals an existing rule of a pesticide agency, under the following terms and conditions.

(1) The Authority may not:

(A) adopt, amend, or repeal a rule under the Code, Chapter 125;

(B) repeal a rule that was adopted by a pesticide agency and that was in effect on May 1, 1989; or

(C) amend a pesticide agency rule that was in effect on May 1, 1989, in such a manner as to make the rule less protective of public health, safety, or welfare.

(2) Any person may petition the Authority for the adoption of a proposed rule of the Authority or a pesticide agency, including a rule that amends or repeals an existing rule of a pesticide agency. Such petition shall:

(A) be in writing;

(B) be addressed to the Authority and dated;

(C) give a brief explanation of the proposed rule;

(D) set out the precise text of the proposed rule;

(E) contain a request that rule be adopted;

(F) be signed by the petitioner with the petitioner's mailing address set out thereunder; and

(G) set out the benefits to be derived by the public from the proposed rule.

(3) Unless it is determined that the petition should be denied in conformity with the requirements of the Act, §11, the Authority shall cause the text of the proposed rule or rules, with required explanation and additional information, to be published in the *Texas Register* and provide each affected pesticide agency with a separate written notice containing the same information.

(4) All comments concerning a proposed rule submitted to the Authority

pursuant to the provisions of the Act, §5 shall:

(A) clearly identify the party or parties wishing the comment to be registered with the Authority;

(B) concisely address the proposed rule(s) upon which comment is made; and

(C) be filed with the Authority no later than 30 days from the date the proposed rule is published in the *Texas Register*.

(5) Whenever hearing on a proposed rule or rules is required by statute or deemed appropriate by the Authority, at least a majority of the members of the Authority shall conduct the proceeding.

(6) The Authority order finally adopting a rule must meet the requirements set forth in the Act, §5(c)(1).

(7) Copies of comments and petitions for rule making will be timely mailed by the Authority to its members.

**§101.13. Procedure for Review of Pesticide Agency Rules.**

(a) When a pesticide agency proposes to adopt a rule relating to a pesticide regulation, a copy of the proposed rule must be sent to each member of the Texas Agriculture Resources Protection Authority (the Authority) at the time the rule is submitted for publication in the *Texas Register*.

(b) As comments are received in regard to the proposed rule by the pesticide agency, copies thereof shall be provided to the members of the Authority.

(c) When the pesticide agency has completed its comment period and hearings on the proposed rule and has developed its finalized version, the finalized version of the proposed rule shall be submitted to each member of the Authority along with the pesticide agency's response to the comments received by it.

(d) Within 20 days after receipt of the finalized version of the pesticide agency's proposed rule, each member of the Authority shall in writing to the commissioner either:

(1) state approval of the proposed rule; or

(2) state a desire to review the proposed rule.

(e) If three or more members of the Authority state their desire to review the proposed rule, the proposed rule may not be adopted by the pesticide agency until the Authority has reviewed the proposed rule

under the procedure hereinafter stated.

(f) The pesticide agency proposing the rule shall:

(1) notify each person who commented on the proposed rule that the Authority will review the proposed rule; and

(2) prepare and submit to each member of the Authority a written justification for the proposed rule including the pesticide agency's reasons for not following any suggestions for changes in the proposed rule made in comments received by it.

(g) Any person who commented on the proposed rule before the pesticide agency may comment in writing to the Authority on the proposed rule at any time prior to the final action by the Authority.

(h) A meeting of the Authority shall be held to consider the proposed rule within 30 days of the date the members receive the pesticide agency's written justification for the rule.

(i) The Authority shall consider the proposed rule at its next quarterly meeting if a quarterly meeting of the pesticide agency's written justification for the rule. If a quarterly meeting is not scheduled during such period of time, the commissioner shall timely call a special meeting to consider the proposed rule within the 30-day period. The Authority may take testimony on the proposed rule at its meeting if the Authority so desires.

(j) At its meeting to consider the proposed rule, the Authority may:

- (1) approve the proposed rule;
- (2) disapprove the proposed rule; or
- (3) postpone action on the proposed rule.

(k) No pesticide agency may adopt a proposed rule until approved by the Authority under this section. No pesticide agency may change a proposed rule after the submission of the finalized version of the proposed rule to the member under subsection (c) of this section without the approval of the Authority.

(l) If the proposed rule has not been finally acted upon by the Authority within 90 days of the receipt of the pesticide agency's written justification, the proposed rule shall be deemed approved by the Authority.

(m) If the proposed rule is approved by the Authority, the pesticide agency may finally adopt the rule in conformity with the requirements of the Administrative Procedure and Texas Register Act, §5(c)(1).

(n) For the purpose of this section a rule may be any independent part of a set of

rules proposed by a pesticide agency.

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

Issued in Austin, Texas, on May 6, 1992.

TRD-9206282 Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: June 15, 1992

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

## Chapter 105. Procedures for Appeal

### • 4 TAC §§105.1-105.10

The Texas Agriculture Resources Protection Authority (the Authority) proposes new §§105.1-105.10, concerning the appeal procedures to be followed by aggrieved parties appealing agency decisions to the authority.

The Authority is authorized to regulate appellate procedures and to accept such appeals under the provisions of the Texas Agriculture Code, Chapter 76 (the Code), as amended by the Texas Legislature effective September 1, 1989. Amendments by the Legislature added §76.009 to the Texas Agriculture Code, creating the Agriculture Resources Protection Authority.

Under the Code, new §76.009(g), one of the Authority's primary roles is to serve as the coordinating body for the policies and programs of management, regulation, and control of pesticides conducted Texas Department of Agriculture (the department), the State Soil and Water Conservation Board, the Texas Agricultural Extension Service, the Texas Department of Health, the Texas Water Commission, and the Texas Structural Pest Control Board.

Under the Code, §76.009(g)(10), the Authority was given further authority to hear and determine all appeals from orders entered by an agency for which the Authority is the coordinating body, under the Code, Chapters 75, 76, or 125.

The proposed regulations are intended to clarify the procedure to be followed by all of the parties who will be involved in an appeal from a final determination by an agency on subject matter overseen by the authority. The proposed regulations further define key terms found both in the law and in the proposed regulations.

The proposed sections set out specific procedures to be followed by the appellants, appellees, and the authority itself when appeals are made from orders of the agencies listed.

Alvin Ashom, assistant commissioner for regulatory programs at the department, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcing or administer-

ing the sections. The effect on state government will be an estimated additional cost of \$25,000 in the first full year and \$25,000 per year for the succeeding four years. There will be no fiscal implications for local government and no fiscal implications for local employment.

Mr. Ashom also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the opportunity for parties to appeal agency decisions to the authority.

The anticipated economic cost to persons who are required to comply with the sections as proposed will generally be legal costs associated with representation before the authority. Those costs cannot be determined at this time.

Comments on the proposal may be submitted to Alvin Ashom, Assistant Commissioner for Regulatory Programs, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

The new sections are proposed under the Code, §76.009, which authorizes the Authority to promulgate rules and regulations not inconsistent with the Code as may be necessary to carry out the activities set out within the Code in respect to pesticides.

#### §105.1. Purpose.

(a) The Agriculture Resources Protection Authority shall hear and determine all appeals from final orders concerning the policies and programs of management, regulation, and control of pesticides entered by the Texas Department of Agriculture, the State Soil and Water Conservation Board, the Texas Agriculture Extension Service, the Texas Department of Health, the Texas Water Commission, and the Texas Structural Pest Control Board. The Agriculture Resources Protection Authority shall not stay final orders of affected agencies during the pendency of Agriculture Resources Protection Authority appeals of those orders.

(b) The appellate process is commenced upon the filing of Appellant's Notice of Appeal and Statement of Position by an adversely affected party to an action in which a final order has been entered by the agency for which the Agriculture Resources Protection Authority is the appellant forum.

#### §105.2. Appellant's Notice of Appeal and Statement of Position.

(a) Notice of intention to appeal a final order entered by an agency for which the Agriculture Resources Protection Authority is the appellant forum shall be filed with the Agriculture Resources Protection Authority at its offices in Austin, not later than 30 days from the date of the entry of the final order from which the appeal is taken. Appellant's notice of appeal and statement of position must:

- (1) be in writing;
- (2) clearly and accurately identify:

(A) the agency from which the order is being appealed;

(B) the cause or file number assigned to the order by the agency from which the appeal is being taken; and

(C) the statute(s) or regulation(s) involved.

(b) Appellant's notice of appeal and statement of position shall include a statement of position setting forth in detail appellant's points of appeal and the law and facts supporting appellant's position.

(c) Upon receipt of notice of appeal, the affected agency shall prepare and transmit a certified copy of the official record of the case. The record shall include:

(1) all pleadings, motions, and intermediate rulings on file with the agency from which the appeal is being taken;

(2) all evidence received or considered by the agency from which the appeal is being taken;

(3) a statement of matters officially noticed by the agency from which the appeal is being taken;

(4) questions and offers of proof, objections, and rulings made on them by the agency from which the appeal is being taken;

(5) proposed findings and exceptions made by the agency from which the appeal is being taken;

(6) any decision, opinion, or report regarding the case made by the officer presiding at the hearing held by the agency from which the appeal is being taken; and

(7) all staff memoranda and data submitted to or considered by the hearing officer and members of the agency from which the appeal is being taken and who are involved in making the decision being appealed.

(d) The affected agency shall transmit a certified copy of the official case record to the Texas Agriculture Resources Protection Authority no later than 30 days from the agency's receipt of a notice of appeal.

**§105.3. Notice of All Interested parties.** At the time appellant's notice of appeal and statement of position is filed with the Agriculture Resources Protection Authority, appellant shall deliver by United States certified mail a copy of appellant's

notice of appeal and statement of position to all interested parties named in the action made the basis of the appeal.

**§105.4. Appellant's Statement of Position.** Not later than 45 days from the date of entry of the final order being appealed, and after notice of appeal has been received, appellees shall file a statement of position with the Agriculture Resources Protection Authority. Appellee's statement of position shall address appellant's points of appeal and shall set forth in detail the facts and law supporting appellee's position.

**§105.5. Timely Filing.** Appellant's notice of appeal and statement of position and appellee's statement of position will be considered timely only if received by the Agriculture Resources Protection Authority at its Austin office during business hours on the last permissible day of filing. When the last day for filing is a legal holiday, or is Sunday, the time is extended so as to include the next succeeding business day.

**§105.6. Docketing.** Upon timely receipt of appellant's notice of appeal and statement of position, the Agriculture Resources Protection Authority shall assign a docket number to each appeal and each appeal shall then be assigned to a hearing panel. Each hearing panel shall consist of three members of the Agriculture Resources Protection Authority. Hearing panels shall be assigned by the presiding officer of the Agriculture Resources Protection Authority pursuant to a random number generator selection process.

**§105.7. Panel Hearing.**

(a) On its own motion or on the motion of an interested party, the hearing panel shall convene a hearing on each appeal with not less than 10 days notice to all interested parties.

(b) The review of the hearing panel shall be limited to a review of the record presented to the panel by the affected agency. No new evidence shall be taken at the panel hearing.

(c) All parties may respond and present arguments on all issues involved at this hearing. The hearing panel may continue a hearing from time to time and from place to place. The notice of hearing must indicate the times and places at which the hearing may be continued. If a hearing is not concluded on the day it commences, the hearing panel shall, to the extent possible, proceed with the conduct of the hearing on each subsequent working day until the hearing is concluded.

**§105.8. Proposal for Decision.**

(a) After hearing argument of the parties, reviewing appellant's notice of appeal and statement of position and appellee's statement of position, each hearing panel shall prepare a written proposal for decision recommending to the Agriculture Resources Protection Authority the final decision to be rendered in each appeal.

(b) The proposal for decision shall contain a statement of the reasons for the proposed decision and each finding of fact and conclusion of law necessary to the proposed decision.

(c) The proposal for decision and notice of final hearing shall be mailed to all parties by the Agriculture Resources Protection Authority by First Class United States Mail. All parties shall be notified of the final hearing and afforded the opportunity to file exceptions and present briefs regarding the proposal for decision, not later than 10 days prior to final hearing by the Agriculture Resources Protection Authority.

**§105.9. Notice of Final Hearing.** All parties to an appeal shall receive not less than 30 days written notice of final hearing before the Agriculture Resources Protection Authority.

**§105.10. Final Decisions.** All final decisions shall be in writing and shall include findings of fact and conclusions of law. All final decisions shall be rendered within 60 days after the final hearing is closed. All parties shall be notified by mail individually or through their attorney of record of all final decisions.

**§105.11. Motions for Rehearing.**

(a) After the issuance of a final order by the Agriculture Resources Protection Authority, a party may file a motion for rehearing, directed to the Authority requesting a rehearing before the Texas Agriculture Resources Protection Authority.

(b) Requirements and time limitations for the filing and responding to a motion for rehearing shall be governed by the provisions of Texas Civil Statutes, Article 6252-13a, §16.

**§105.12. Appeal of a Final Order of the Texas Agriculture Resources Protection Authority.** Any appeal of a final order of the Texas Agriculture Resources Protection Authority shall be governed by the provisions of Texas Civil Statutes, Article 6252-13a, §19.

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

Issued in Austin, Texas, on May 6, 1992.

TRD-9206283

Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: June 15, 1992

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

## TITLE 10. COMMUNITY DEVELOPMENT

### Part IV. Texas Department of Housing and Community Affairs

#### Chapter 49. Low-Income Rental Housing Tax Credit Rules

##### • 10 TAC §§49.1-49.14

The Texas Department of Housing and Community Affairs proposes new §§49.1-49.14, concerning low-income rental housing tax credit rules. The sections are proposed for adoption in final form to provide procedures for the allocation by the department of certain low-income rental housing tax credits available under federal income tax laws to owners of qualified low-income rental housing projects.

Virginia Brown, deputy for housing finance and development, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Brown also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be enhancement of the state's ability to provide safe, sanitary housing for Texans through the efficient and coordinated allocation of federal income tax credit authority available to the state for administration by state housing agencies. There will be no effect on small businesses. The department is unable to determine whether the administration of these rules will have any fiscal implications on persons.

Comments on the proposal may be submitted to Virginia Brown, Deputy for Housing Finance and Development, P.O. Box 13941, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 4413(501), which provide the Texas Department of Housing and Community Affairs with the authority to adopt rules governing the administration of the department and its programs.

**§49.1. Scope.** The rules in this chapter apply to the allocation by the Texas Department of Housing and Community Affairs of certain low-income rental housing tax credits authorized by applicable federal income

tax laws. The Internal Revenue Code of 1986, §42, as amended, provides for credits against federal income taxes for owners of qualified low-income rental housing projects. That Section provides for the allocation of the available tax credit amount by state housing credit agencies. Pursuant to Executive Order AWR-91-4 (June 17, 1991), the Texas Department of Housing and Community Affairs was authorized to make housing credit allocations for the State of Texas. As required by the Code, §42(m)(1), the department developed a qualified allocation plan which is set forth in §49.6 of this title (relating to Threshold to the Criteria; Evaluation Factors; Selection Criteria; Final Ranking; Credit Amount; Tax Exempt Bond Financed Projects) and §49.7 of this title Texas department of Housing and Community Affairs Low Income Housing Tax Credit Rules Page 2 of (51) (relating to Compliance Monitoring). The qualified allocation plan was adopted by the governor of Texas on February 25, 1992. Therefore, the purpose of the sections in this chapter is to establish procedures for applying for and obtaining an allocation of the low-income rental housing tax credit, along with insuring that the proper selection criteria, priorities, and preferences are followed in making such allocations. It is a goal of this department, through these sections, to encourage diversity through broad geographic allocation of tax credits within the state. The sections are intended to promote maximum utilization of the available tax credit amount, consistent with ensuring that the tax credits are allocated to owners of projects that will serve the department's public policy objectives and federal requirements to provide housing to persons and families of low income.

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

**Agreement and election statement—**An agreement between the department, the project owner, and all successors in interest to the project owner as to the aggregate housing credit allocation amount that will be allocated to the building or buildings comprising the project, and an irrevocable election by the project owner to fix the applicable credit percentage(s) for the project in the month in which the commitment is issued.

**Applicable fraction—**The fraction used to determine the qualified basis of the qualified low-income building, which is the smaller of the unit fraction or the floor space fraction, as defined more fully in the Code, §42(c)(1).

**Applicable percentage—**The percentage used to determine the amount of the low-income housing tax credit, as defined more fully in the Code, §42(b).

**Application—**An application in the form prescribed by the department, including any required exhibits or other supporting materials, filed with the department by a project owner requesting a housing credit allocation.

**Board—**The board of directors of the department.

**Building in default project—**A project where the building(s) is acquired from an insured depository institution in default (as defined in the Federal Insurance Act, §3) or from a receiver or conservator of such an institution.

**Carryover allocation—**An allocation of current year tax credit authority by the department pursuant to the provisions of the Code, §42(h)(1)(E).

**Carryover allocation document—**A carryover allocation document issued by the department to a project owner pursuant to §49.4(1) and (m) of this title (relating to Applications; Market Study; Reservations; Notifications; Commitments; Extensions; Carryover; Allocations; Agreement and Elections; Extended Commitments).

**Code—**The Internal Revenue Code of 1986, as the same may be amended from time to time, together with any applicable regulations, rules, rulings, revenue procedures, information statements, or other official pronouncements issued thereunder by the United States Department of the Treasury or the Internal Revenue Service relating to the low-income rental housing tax credit program authorized by §42 thereof.

**Commitment notice—**A commitment notice issued by the department to a project owner pursuant to §49.4(j) of this title.

**Compliance period—**With respect to a project, the period of 15 taxable years beginning with the first taxable year of the credit period with respect to the project, during which the project owner is required by the Code, §42, to maintain the project as rental property and to satisfy certain low-income occupancy requirements, as more fully defined in the Code, §42(i)(1).

**Credit period—**With respect to a building within a project, the period of 10 taxable years beginning with the taxable year the building is placed in service or, at the election of the project owner, the succeeding taxable year, as more fully defined in the Code, §42(f)(1).

**Department—**The Texas Department of Housing and Community Affairs, a public and official governmental department of the State of Texas created and organized under Texas Civil Statutes, Article 4413(501).

**Eligible basis—**With respect to a building within a project, the building's eligible basis as defined in the Code, §42(d).

**Extended low-income housing commitment agreement—**An agreement between the department, the project owner, and all successors in interest to the project owner concerning the extended low-income hous-

ing use of buildings within the project as provided in the Code, §42(h)(6). This period shall commence on the first day of the compliance period and end on the date which is 30 years after said commencement date.

**Governmental contribution**—Any form of financial assistance or insurance made available by any federal or state or local governmental unit to a project owner in connection with a project, provided that the amount of such assistance or insurance equals or exceeds 5.0% of the total development cost of the project, and provided further that any project financed under the Housing Act of 1949, which includes, but is not limited to, FmHA §515, shall be deemed to have received a governmental contribution.

**Handicapped person**—A person having an impairment that is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that the ability to live independently could be improved by a stable residential situation, as more fully defined in 24 Code of Federal Regulations, §841.1.

**Homeless person**—An individual or family that lacks a fixed, regular, and adequate nighttime residence as more fully defined in 24 Code of Federal Regulations, §841.1.

**Housing credit allocation**—An allocation by the department to a project owner of a low-income rental housing tax credit in accordance with §49.8 of this title (relating to Housing Credit Allocations).

**Housing credit allocation amount**—With respect to a building within a project, the product of the applicable percentage and the qualified basis specified by the department in making a housing credit allocation to the project owner.

**Local tax-exempt organization**—A project owner which is described in the Code, §501(c)(3) or (4), and which has a scope of business operation limited to the State of Texas or the governmental unit wherein the project will be situated.

**Project**—A low-income rental housing project the owner of which represents to be a qualified low-income housing project within the meaning of the Code, §42(g).

**Project owner**—Any individual, joint venture, partnership, corporation, cooperative, trust, or other person or entity that owns a project or expects to acquire a project pursuant to a purchase contract satisfactory to the department.

**Qualified Allocation Plan**—An allocation plan which sets forth the selection criteria, priorities, and preferences provided in the Code, §42(m)(1).

**Qualified basis**—With respect to a building within a project, the building's eligible basis multiplied by the applicable fraction, as more fully defined in the Code, §42(c).

**Qualified nonprofit organization**—An organization that is described in the Code, §501(c)(3) or (4), that is exempt from federal income taxation under the Code, §501(a), and includes as one of its exempt purposes the fostering of low-income housing, as more fully defined in the Code, §42(h)(5)(C), and Temporary Treasury Regulation, §1.42-1T(c)(5)(ii).

**Qualified nonprofit project**—A project with respect to which a qualified nonprofit organization is to materially participate (within the meaning of the Code, §469(h)) in the development and continuing operation of the project throughout the compliance period.

**Rehabilitation expenditure**—Amounts incurred in connection with the rehabilitation of a project the owner of which represents to be "rehabilitation expenditures" within the meaning of the Code, §42(e). The minimum expenditures to qualify are the greater of \$3,000 per unit or 10% of the adjusted basis of the building.

**Reservation notice**—A reservation notice issued by the department to a project owner pursuant to §49.4(h) of this title.

**Rural project**—A project located either outside the boundaries of any metropolitan statistical area (MSA) or primary metropolitan statistical area (PMSA) or within the boundaries of an MSA or a PMSA designated by the Farmers Home Administration (FmHA) as an eligible area for purposes of FmHA housing assistance programs.

**Selection criteria**—The criteria used to determine housing priorities of the department which are appropriate to conditions in the state.

**State housing credit ceiling**—The limitation imposed by the Code, §42(h), on the aggregate amount of housing credit allocations that may be made by the department during any calendar year, as determined from time to time by the department in accordance with the Code, §42(h).

**Sustaining occupancy**—The figure at which occupancy income is equal to all expenses and debt service.

**Threshold criteria**—Criteria used to determine the application's qualifications which are the minimum level of acceptability for consideration under the low-income housing tax credit program.

**Total housing development cost**—The total of all costs incurred by the project owner in acquiring, constructing, rehabilitating, and financing a project, as determined by the department based on the information contained in the project owner's application.

**Unit**—Any self-contained component for occupancy within a project which contains, at a minimum, kitchen facilities, bathroom facilities, and utilities.

#### §49.3. State Housing Credit Ceiling.

(a) The department shall determine the state housing credit ceiling for each calendar year as provided in the Code, §42(h)(3)(C).

(b) The department shall publish each such determination in the *Texas Register* as soon as may be practicable after the making of such determination.

(c) The aggregate amount of housing credit allocations made by the department during any calendar year shall not exceed the state housing credit ceiling for such year as provided in the Code.

#### §49.4. Applications; Market Study; Reservations; Notification; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments.

(a) Any project owner requesting a housing credit allocation for a project must submit an application to the department which application shall be executed by an authorized representative of the project owner, and said application is hereby incorporated as part of this chapter by reference. This application shall contain full and complete information as to each item specified in the application. When any item is marked "not applicable," the project owner shall explain in detail why such item is "not applicable." The department reserves the right to request the project owner to provide any additional information it deems relevant as an addendum to the application.

(b) Prior to the awarding of any low-income housing tax credits on a project, the applicant must submit a Phase I environmental assessment of the property. This environmental assessment should include, but is not limited to, a review of records, interviews with people knowledgeable about the property, an inspection of the property, the building(s), the fence line, and adjoining properties. If the report establishes that environmental hazards currently exist on the property, then the project owner must provide either:

(1) a plan for the abatement of the hazard; or

(2) an operation and maintenance plan for the control of the hazard.

(c) The environmental assessment shall be conducted by an individual who has been properly certified to perform this analysis, and be prepared at the expense of the project owner. It is important to note that costs associated with either the abatement or encapsulation of environmental hazards may be eligible for tax credits.

(d) Properties financed through FmHA or properties with four units or less will not be required to supply this information; however, the project owners are hereby notified that it is their responsibility

to ensure that the property is maintained in compliance with all state and federal environmental hazard requirements.

(e) The market study requirement in the application shall comply with paragraphs (1)-(4) of this subsection as applicable.

(1) A market study prepared by a qualified market appraiser is required as part of the complete application when the project is either new construction or the rehabilitation of an existing project which is currently below 70% occupancy. The market study shall be prepared at the expense of the project owner and which shall include, at a minimum, the following information:

(A) an evaluation of the existing occupancy rates in comparable multifamily rental residential developments in the same market area as the proposed project;

(B) project absorption rates for at least one year from the date of the study for units in comparable multifamily rental residential developments in the same market area as the project that are suitable for occupancy by low- and very low-income tenants. Further, provide a projection of the time necessary for the project to achieve sustaining occupancy;

(C) an evaluation of the current physical condition of existing low-income rental housing units in the market area;

(D) an evaluation of the need for affordable housing within the project market area;

(E) an evaluation of the appropriateness of the unit size, in terms of number of bedrooms, for the low-income housing market area;

(F) an evaluation of the appropriateness of the location and per unit cost of the project for the low-income target population;

(G) a summary of qualifications for the individuals who participated in the development of the market appraisal;

(H) a statement from the market appraiser concerning any identity of interest in the development of the property;

(I) such other matters as the department, in its sole discretion, may determine to be relevant to the department's

evaluation of the need for the project and the allocation of the requested housing credit allocation amount.

(2) The department reserves the right to require that the project owner obtain a market study even if current occupancy is above 70%.

(3) A written certification is required, from the market appraiser who prepared the market study required under the preceding paragraph, stating that:

(A) the projected total housing development costs of the proposed project are/are not reasonable;

(B) the proposed project, in light of vacancy and absorption rates for the applicable market area, is/is not likely to result in a vacancy rate for comparable units within such market area (i.e., standard, well-maintained units within such market area that are reserved for occupancy by low- and very low-income tenants) that is unreasonable for such market area;

(C) the projected initial rents for the project are/are not reasonably affordable by low- and very low-income tenants and within the rental range for the comparable projects within the market area; and

(D) the information submitted by the project owner with respect to the project is/is not credible and reasonably accurate (with any exceptions noted);

(E) project reserves are/are not adequate to cover operating shortfalls until project achieves sustaining occupancy;

(F) the project does/does not require publicly supported subsidies in order to be viable.

(4) If a project owner requests a waiver of the required market study, the project owner shall provide the department a separate written document, with any support information attached thereto, setting forth the exact reasons why such waiver is requested. The department, at the pleasure of the board, may, in its discretion, waive any of the provisions of paragraph (1) of this subsection.

(f) A project owner may file an application at any time through April 30, 1992. The department reserves the right to extend the application acceptance cycle.

(g) The department will reject any application that is incomplete or that is not accompanied by the application fee specified in §49.11 of this title (relating to Program Fees).

(h) Within a reasonable amount of time after evaluation, ranking, and underwriting of an application as provided in §49.6 of this title (relating to Threshold Criteria; Evaluation Factors; Selection Criteria; Final Ranking; Credit Ranking; Credit Amount; Tax Exempt Bond Financed Projects), the department shall respond to the project owner in accordance with paragraphs (1), (2), or (3) of this subsection, as applicable.

(1) Unless the entire state housing credit ceiling for the applicable calendar year has been reserved, committed, or allocated in accordance with this chapter, owners receiving a total of 14 points or more, will be eligible for an evaluation by an underwriter as provided in §49.6(b) of this title. If such evaluation warrants, a reservation notice shall be issued. The reservation notice:

(A) shall confirm that the department has received the project owner's application and has found the application to be in satisfactory form and to contain either all required information or shall clearly specify any remaining conditions which are in need of being resolved prior to the presentation of the application to the Ad Hoc Tax Credit Committee; and

(B) shall reserve to the project owner the housing credit allocation amount specified therein, subject to the conditions set forth in §49.8(a) of this title (relating to Housing Credit Allocations), and compliance by the project owner with the remaining requirements of this chapter, and subject further to approval by the board of the project owner's application. The reservation notice shall expire on the date specified therein.

(2) If the entire state housing credit ceiling for the applicable calendar year has then been reserved, committed, or allocated in accordance with this chapter, the department shall place an application receiving a total of 14 points or more as prescribed in §49.6(b) of this title on a waiting list and shall issue to the project owner a written notice of that action. If at any time prior to the last business day of the applicable calendar year, one or more reservation notices, commitment notices, or carryover allocation documents expire and a sufficient amount of the state housing credit ceiling becomes available, then the department shall issue a reservation notice to the project owner in the manner and with the effect described in paragraph (1) of this subsection.

(3) Applications not receiving a total of 14 points but meeting threshold criteria will be held in reserve until such time as all other applications which scored

more points have been considered and considered at such time for the issuance of a reservation notice as provided in §49.6(b) of this title, if a sufficient amount of the state housing credit ceiling is available.

(i) On the date an application is received, the department shall notify in writing the mayor or other equivalent chief executive officer if the project or a part thereof is located in a municipality, otherwise the department shall notify the chief executive officer of the county in which the project or a part thereof is located, to advise such individual that the project or a part thereof will be located in his/her jurisdiction and request any comments which such individual may have concerning such project. Such comments shall be part of the documents required to be reviewed by the board if received by the department within 20 days after same are mailed to said individual; otherwise, if comments are received by the department after 20 days, same may be reviewed at the discretion of the board.

(j) As soon as may be practicable following issuance of a reservation notice the department shall place the application on the agenda for review by the board at the next meeting of the board at which applications will be considered. Within 10 calendar days after the board reviews the application, the department shall act upon the application in accordance with either paragraph (1) or paragraph (2) of this subsection, as applicable.

(1) If the board approves the application, the department shall issue a commitment notice to the project owner which commitment notice:

(A) shall confirm that the department has approved the application; and

(B) shall state the department's commitment to make a housing credit allocation to the project owner in a specified amount, subject to the conditions set forth in §49.8(a) of this title, and compliance by the project owner with the remaining requirements of this chapter. This commitment notice shall expire on the date specified therein.

(2) If the board disapproves or fails to act upon the application, the department shall issue to the project owner a written notice so stating.

(k) A project owner may request the department to extend the expiration date of a commitment notice which has not expired, by submitting a written request for such action, accompanied by the extension fee specified in §49.11 of this title. The request shall specify the term of the extension requested and the reason or reasons why the project owner has been unable to

satisfy the requirements of this chapter prior to the original expiration date; provided, however, that the commitment fee specified in §49.11 of this title has been received by the department. The department may consider and grant such extension requests in its sole discretion; provided, however, that in no event shall the expiration date of a commitment notice be extended beyond the last business day of the applicable calendar year.

(l) A project owner, who has been issued a commitment notice which has not expired, may request the department to execute an agreement and election statement which has been duly dated and signed by the project owner and received by the department prior to the end of the month in which said agreement and election statement was so dated and signed by the project owner, provided, however, that the commitment fee specified in §49.11 of this title (relating to Program Fees) has been received by the department. Upon receipt thereof, the department shall, if the project owner is in full compliance with the rules in this chapter and the commitment notice, execute such agreement and return a copy to the project owner.

(m) Prior to the expiration of the commitment notice a project owner who has been issued a commitment notice may request the department to execute a carryover allocation document which has been properly completed, signed, dated, and notarized by the project owner and delivered to the department along with evidence supporting at least a 10% expenditure in accumulated basis. The commitment fee as specified in §49.11 of this title, must be received by the department prior to the processing of any carryover allocation documentation.

(n) Prior to the issuance of a housing credit allocation to a project owner, the project owner shall date, sign, and acknowledge before a notary, an extended low-income housing commitment agreement and deliver same to the department. The property owner shall then record said extended low-income housing commitment agreement in the real property records of the county where the project is located and return the original document, duly certified as to recordation by the appropriate county official, to the Department. Receipt of such certified recorded original by the department is required prior to issuance of the housing credit allocation.

#### §49.5. Set-Asides, Reservations, and Preferences.

(a) 10.0% of the state housing credit ceiling for each calendar year shall be set aside exclusively for qualified nonprofit projects.

(b) 90.0% of the state housing

credit ceiling for each calendar year shall be available for all projects (including qualified nonprofit projects).

(c) No reservation notice or commitment notice shall be issued with respect to any project, of which the total development cost, as determined by the department, or the acquisition, construction, or rehabilitation cost (excluding financing and other soft costs) exceed the square foot limitations established from time to time by the board.

(d) The department reserves the right to adopt and implement such other set-asides, reservations, and preferences as the department may deem appropriate in connection with the making of housing credit allocations.

#### §49.6. Threshold Criteria; Evaluation Factors; Selection Criteria; Final Ranking; Credit Amount; Tax Exempt Bond Financed Projects.

(a) Threshold criteria. To be considered for a reservation of tax credits, a project must first demonstrate that it meets the threshold criteria set forth as follows.

(1) certification from the project owner that the application that has been filed with the department is in conformance with the provisions of both the Code, §42, and this chapter;

(2) detailed narrative from the project owner which discusses at a minimum the following topics:

(A) describe in detail the reasons why the applicant's request for low-income housing tax credits is necessary to provide the planned affordable housing;

(B) describe in detail the reasons why the applicant's request for low income housing tax credits is necessary in order to make the project viable;

(C) describe in detail the construction costs associated with the proposed new construction or rehabilitation;

(3) readiness to proceed as documented by:

(A) evidence of site control in the form of a deed, or contract for sale, or option to purchase agreement;

(B) zoning approval evidence of current zoning from the appropriate municipal authority. If the property is currently a non-conforming use, as per zoning regulations, then the project owner must provide the following information from said municipal authority:

- (i) nature of non-conformance;
- (ii) applicable destruction threshold;
- (iii) owners rights to reconstruct in event of damage;

(C) evidence of all necessary utilities extended to the site; and

(D) evidence of conditional or firm financing commitment. In order to qualify as a conditional or firm financial commitment, the commitment should include, at a minimum, the following items (initial letters of interest from a financial institution will not satisfy this requirement):

(i) written evidence of commitment from the financial institution along with a contact person (commitment letters contingent upon receipt of tax credits are acceptable) ;

(ii) terms of the financing including, but not limited to, the original amount of financing, amortization period, interest rate, balloon term, and monthly payment;

(iii) listing of all conditions which must be met prior to the issuance of a firm commitment or the closing of said firm commitment and the date by which all conditions must be satisfied;

(4) a statement signed by the project owner stating that he or she intends to enter into an extended low-income housing commitment (declaration of land use restrictive covenants) with the department as provided in the Code, §42(h)(6) prior to the allocation of tax credits to the project;

(5) a statement signed by the first lienholder stating that he or she is aware of the declaration of land use restrictive covenants and accept its terms and provisions as a restrictive covenant on the property;

(6) for nonprofit projects:

(A) must be a qualified nonprofit organization as defined in the Code, §42(h)(5)(C) and must submit a copy of their nonprofit certification documents;

(B) a statement that the nonprofit will regularly, continuously, and substantially participate in the development and operation of the project throughout the compliance period;

(7) project owner must provide current financial statements of any and all project owners and/or its general partners;

(8) only those applications meeting threshold criteria will be further

considered. Project owners whose applications do not meet threshold criteria will be so informed in writing.

(b) Evaluation factors. The department will consider applications for a housing credit allocation using the following evaluation and point system.

(1) Applications will be evaluated against the threshold criteria as they are received in the department during the application cycle. Applications not meeting the threshold criteria will be cancelled and returned to the applicant without further review.

(2) Applications not meeting the threshold criteria may be revised and subsequently reapply to the department along with a new application fee.

(3) The applications will then be ranked according to the seven selection criteria hereinafter set forth.

(4) The application will either receive a "yes" (one point unless otherwise indicated) or "no" (zero point) in each of the subcategories of the seven selection criteria.

(5) Applications, other than the types of housing proposed in paragraph (6) of this subsection, receiving a total of 14 points, if a sufficient amount of state housing credit ceiling is available, will be eligible for an evaluation by an underwriter. If such evaluation warrants, a reservation notice will be issued as provided in §49.4(e) of this title (relating to Applications; Market Study; Reservations; Notifications; Commitments; Extensions; Carryover; Allocations; Agreement and Elections; Extended Commitments), and the application will be scheduled for review by Ad Hoc Tax Credit Committee and a recommendation by such committee to the board concerning the issuance of a commitment notice at the next scheduled board meeting.

(6) Applications for projects developed for special housing needs characteristics that include mental health/mental retardation projects, group homes, housing for homeless, transitional housing and congregate care facilities receiving a total of eight points, if sufficient amount of state housing credit ceiling is available, will be eligible for an evaluation by an underwriter. If such evaluation warrants, a reservation notice will be issued as provided in §49.4(e) of this title, and the application will be scheduled for review by the Ad Hoc Tax Credit Committee, and a recommendation made by such committee to the board concerning the issuance of a commitment notice at a scheduled board meeting.

(7) Applications not meeting the required number of points and not receiving a reservation notice will not be rejected, but, provided that a sufficient amount of

state housing credit is available, will be held in reserve until such time as all other applications which scored more points have been considered.

(8) Applications not meeting the required number of points and not receiving a reservation notice may be withdrawn, and reapply to the department if so desired.

(c) Selection criteria. The seven selection criteria, and subcategories thereof, are:

(1) Project location.

(A) Project is located in a difficult development area or qualified census tract as defined by the secretary of HUD as an area with high construction costs, land and utility costs relative to area median gross income, and qualifies for the 130% credit allowance, as per the Code, §42(d)(5)(C) (two points). If answering yes, the project owner must provide the census tract number of the project which corresponds with the census tract number designated by HUD. A copy of the census map and city or location map is required, which indicates the location of the project.

(B) Project contributes significantly to the economic development of the community by supporting neighborhood conservation in a targeted community development block grant area. If answering yes, the project owner must provide evidence from the appropriate authority in the form of a letter, on the appropriate letterhead, and a copy of the census map, showing the project is within a targeted community development block grant area.

(C) Project is a rural project as such term is defined in the rules.

(D) Project is located within one of the 20 poorest counties in Texas as listed by the department (two points).

(E) Project provides desegregated housing opportunities for low-income occupancy outside of qualified census tracts, difficult development areas, locally targeted areas, etc. If answering yes, the project owner must provide evidence from the city/county office in the form of a letter, on the appropriate letterhead, stating that the project will be a low-income project located in an area not normally considered to be low-income, and that it provides housing for low-income citizens which will desegregate the area and is outside a target area.

(F) Project is located within a designated enterprise zone. If answering



yes, the project owner must provide evidence from the local city/county authority in the form of a letter, on the appropriate letterhead, stating that the project is located within a designated enterprise zone.

(G) Project represents new construction in an area in which there is a measurable need. If answering yes, provide a letter from the city/county authority which clearly documents the need for new construction of affordable rental housing.

(2) Housing needs characteristics.

(A) Project is located in a county in which more than 28% of the rental units are occupied by tenants at or below the poverty level (two points). If answering yes, the project owner must provide the appropriate percentage for the county in which the project is located, using the Texas Department of Housing and Community Affairs County Data Elements Guide (Exhibit A).

(B) Project is located in a county in which more than 35% of the rental units have one or more problems as defined in the Texas Department of Housing and Community Affairs County Data Elements Guide (Exhibit A). If answering yes, the project owner must provide the appropriate percentage for the county in which the project is located, using the Texas Department of Housing and Community Affairs County Data Elements Guide (Exhibit A).

(C) Project is located in counties of the state where more than 39% of the occupied housing units are renter occupied. If answering yes, the project owner must provide the percentage of renter occupied units in the project county by following the Texas Department of Housing and Community Affairs County Data Elements Guide (Exhibit A).

(3) Project characteristics.

(A) Project is a federally assisted building in danger of having the mortgage assigned to HUD, FmHA, or a federal mortgage insurance fund. If answering yes, the project owner must provide evidence in the form of a letter from the institution which the project is in danger of being assigned to.

(B) Project is a low-income building eligible for prepayment of mortgage as provided in the Code, §42(d)(6)(C). If answering yes, the project owner must provide either the deed, deed of trust, or a letter from the lending institution evidenc-

ing the prepayment clause to be in compliance with the requirement of the Code.

(C) Property is owned by an insured depository institution in default, or by a receiver or conservator of such an institution, or is an REO property held by Fannie Mae, FHLMC, federally chartered banks, or by a federally approved mortgage company or savings and loan association. If answering yes, the project owner must submit sufficient documentation in order to support this point.

(D) Project is housing that provides supportive services which may include, but are not limited to, meals, elderly and/or child day care, and transportation. The project owner must provide a letter from the appropriate professional entity that is providing these services stating the extent to which these services are to be provided.

(E) Project composition offers a unit mix which is conducive to family housing. Selection criteria points will be awarded based upon the following percentages of two bedroom and greater size units as compared to the total number of units: 30-40% one point 41% +two points. If answering yes, the project owner must set aside a proportional number of these units for occupancy by very low or low-income tenants.

(F) The project will be placed in service prior to December 31, 1992. If answering yes, the project owner must certify as to the date by which all construction and/or rehabilitation will be completed.

(G) Project design promotes energy conservation. If answering yes, the project owner must provide documentation from the engineering or architectural firm performing the work describing the components to be installed, and that the installation of these materials will promote energy conservation. In order to claim this point, the energy conservation measures must be a portion of the work to be performed on the project.

(H) Project retains existing federal, state, and local subsidies, or HOME funds through the additional assistance of the tax credit as an area targeted for special assistance through some recognized local plan (two points). If answering yes, the project owner must provide documentation from the entity providing the subsidy, on appropriate letterhead, that the project is receiving the subsidies.

(I) Project provides scattered site, low density housing (less than 10 units per acre).

(J) Evidence of syndication commitment on the subject property (two points). If answering yes, provide a copy of the syndication commitment.

(K) Evidence of a letter of intent for the syndication of the tax credit for the subject property. If answering yes, provide a copy of the syndication letter of intent.

(4) Sponsor (project owner) characteristics.

(A) Project owner has a track record in successfully developing and placing in service housing of the type the project owner is proposing. If answering yes, the project owner must provide a schedule which should indicate the location of each project, the number of units and whether a project is dedicated "affordable housing."

(B) The management agent designated by the project owner has successful previous experience in continuing management of the housing type being proposed. If answering yes, the project owner must provide a schedule of the management agent's experience, which should indicate the location of each project, the number of units and whether a project is dedicated "affordable housing."

(C) Project owner has entered into a management agreement that specifies how the project will be managed. If answering yes, the project owner must provide a copy of the management agreement for the project, prepared by the management agent and signed by both the project owner and management agent.

(D) Project owner offers a right of first refusal to tenants of the property to purchase the property after the end of the compliance period. If answering yes, the project owner must provide a notarized certification outlining his or her intention to offer the right of first refusal to the tenants at the end of the compliance period.

(5) Participation of local tax exempt organizations.

(A) Project owner has a community based board and/or the project is sponsored and developed by a community development corporation (two points). If answering yes, the project owner must provide a schedule of board members names, addresses, telephone numbers, occupations,

and position titles.

(B) Project is a joint venture project between a local tax-exempt organization and private for profit entity with experience in the type of housing being proposed in this application (two points). If answering yes, the project owner must provide a copy of the agreement between the two entities, along with sufficient information concerning the previous experience of the for profit entity.

(6) Tenant populations with special housing needs.

(A) Project is located in an area in which more than 14% of the population is over 65 years of age as indicated in the Texas Department of Housing and Community Affairs County Data Elements Guide (Exhibit A). The project must be designed and equipped for elderly tenants. This point is only eligible for senior rental housing applications. If answering yes, the project owner must provide evidence that the previously stated age threshold has been met. The applicant must also submit evidence that the project design is supportive of elderly tenants.

(B) The project provides for at least 10% of the units to be accessible to handicapped persons. The project owner understands that these units must meet ANSI building standards. The project owner must provide design plans for the units that are handicapped accessible including, but not limited to, the number of wheelchair ramps, entryway dimensions, cabinet and doorway dimensions, and restroom dimensions and features. These features must be certified in writing, and the department must be provided with a sketch plan of each handicapped unit.

(C) Project is a rural project which is intended to assist in the housing for agricultural workers. The project owner must submit a marketing plan that indicates a strategy for attracting these tenants. Project is considered a rural project if it meets the definition within the rules.

(D) Property provides transitional housing for homeless persons, on a non-transient basis, with supportive services designed to assist tenants in locating and retaining permanent housing (two points). If answering yes, the project owner must provide a marketing plan indicating the strategy to attract homeless persons. The marketing plan must also include a descriptive narrative of the types of services provided and the qualification measures used to determine these services and the recipients of such services.

(7) Public housing waiting lists.

(A) The project owner has received a letter from the appropriate authority citing the need for additional affordable housing units within its jurisdiction as evidenced by existing housing waiting lists. If answering yes, provide a copy of such letter.

(B) Project owner has committed in writing to the local public housing authority of availability of units and agrees it will consider those households on the public housing authority waiting list for the occupancy of such units. Project owner has prepared a marketing plan with details and provided a copy to the local public housing authority and the department. If answering yes, provide a copy of your letter to the public housing authority, along with a marketing plan for the project.

(d) Final ranking. The department will evaluate projects according to the strength of the project to meet the selection criteria. The results of the evaluation will be determined by the department in its sole discretion and will not be subject to challenge or contest by any applicant. After evaluating and scoring all applications received, the department will rank such applications according to the number of points received. Among those applications scoring 14 points or greater, the department will give preference in allocating credit dollar amounts to projects:

(1) which spend the highest percentage on project costs other than the costs of intermediaries;

(2) serve the lowest income tenants; and/or

(3) obligate the project owner (as evidenced by some type of agreement) to serve qualified tenants for the longest period of time.

(e) Project owner's history. In reaching the final ranking of an application, the department will take into consideration the project owner's history of placing into service projects which have been awarded tax credits. The department reserves the right to deduct up to three points from the final score pursuant to this review.

(f) Credit amount. The department shall issue tax credits only in the amount needed for the financial feasibility and viability of a project throughout the credit period. The issuance of tax credits or the determination of any allocation amount in no way represents or purports to warrant the feasibility or viability of the project by the department.

(g) Tax exempt bond financed projects. Tax exempt bond financed projects

which will not receive tax credits through the state allocation authority are also subject to the requirements for the allocation of a housing credit dollar amount under the qualified allocation plan.

**§49.7. Compliance Monitoring.** The Code, §42(m)(1)(B)(iii) requires state allocating agencies to monitor compliance on all tax credit projects, and to notify the IRS in cases of noncompliance which the department becomes aware of. In connection with this requirement, the department requires the following.

(1) Recordkeeping provision. The owner of a low-income housing project must keep records for each qualified low-income building in the project showing:

(A) the total number of residential rental units in the building;

(B) the percentage of residential rental units in the building that are low-income units;

(C) the rent charged on each residential unit in the building;

(D) the low-income unit vacancies in the building and the rentals of the next available units;

(E) the income certifications of each low-income tenant;

(F) documentation to support each low-income tenant's income certification (for example, a copy of the tenant's federal income tax return, or verifications from third parties);

(G) the character and use of the nonresidential portion of the building included in the building's eligible basis under the Code, §42(d); and

(H) a tenant statistical summary in a form prescribed by the department.

(2) Record retention provision. The owner of a low-income housing project is required to retain the records described in paragraph (1) of this section, for each building in the project for at least six years beyond the end of the compliance period of the building.

(3) Certification and review.

(A) Certification. The owner of a low-income housing project must certify to the following items under penalty of

perjury, on the forms provided by the department:

(i) that the project meets the minimum set aside test which is applicable to the project;

(ii) that the owner has received an annual income certification from each low-income tenant and documentation to support that certification;

(iii) that each low-income unit in the project is rent-restricted under the Code, §42(g)(2);

(iv) that all units in the project are for use by the general public and are used on a nontransient basis;

(v) that each building in the project is suitable for occupancy, taking into account local health, safety, and building codes;

(vi) either that there has been no change in the eligible basis as defined in the Code, §42(d), of any building in the project, or that there has been a change, and the nature of the change;

(vii) that all tenant facilities included in the eligible basis under the Code, §42(d), of any building in the project, such as swimming pools, other recreational facilities, and parking areas, are provided on a comparable basis without charge to all tenants in the building;

(viii) that if a low-income unit in the project became vacant during the year, reasonable attempts were made to rent that unit to tenants having a qualifying income and while the unit was vacant, no units of comparable or smaller size were rented to tenants not having a qualifying income; and

(ix) that if the income of tenants of a low-income unit in the project increased above the limit allowed in the Code, §42(g)(2)(D)(ii), the next available unit of comparable or smaller size in the project was rented to tenants having a qualified income.

(B) Review. The department requires an owner of a low-income housing project to submit to the department each year during the compliance period, at the time prescribed by the department:

(i) the owner's certification as described in subparagraph (A) of this paragraph;

(ii) a copy of the annual income certification from each low-income tenant occupying a low-income unit during the previous year; and

(iii) a copy of the documentation the owner has received to support that tenant income certification; and

(iv) the tenant statistical summary described in paragraph (1)(H) of this section.

(4) Exception. Buildings financed by the Farmers Home Administration (FmHA) under its §515 program are exempt from the requirements of paragraph (3) of this section. However, an owner of a low-income housing project financed by FmHA §515 must certify to the department under penalty of perjury, on the form provided by the department, that:

(A) each building complies with the requirements for FmHA assistance;

(B) each building also meets the minimum set-aside, income, rent, and suitability for occupancy requirements of the Code, §42;

(C) the owner would be able to make all of the certifications otherwise required under paragraph (3)(A) of this section; and

(D) the tenant statistical summary described in paragraph (1)(H) of this section.

(5) Auditing provision. The department retains the right to perform an audit of any low-income housing project through the end of the compliance period of the buildings in the project. An audit would include an inspection of any building in the project, as well as a review of the records described in paragraphs (1) and (3) of this section.

(6) Notification of noncompliance.

(A) Notice to owner.

(i) The department will provide prompt written notice to the owner of a low-income housing project if the department does not receive the certification described in paragraphs (3)(A) or (4) of this section, or discovers through audit, inspection, review or any other manner, that the project is not in compliance with the provisions of the Code, §42.

(ii) Correction period. The correction period shall not exceed 90 days from the date of the notice to owner described in clause (i) of this subparagraph. During the correction period, an owner must supply any missing certifications and bring the project into compliance with the provisions of the Code, §42. The department may extend the correction period for up to six months if it determines there is good cause for granting an extension.

(B) Notice to the Internal Revenue Service. The department is required to file Form 8823, Low-Income Housing Credit Agencies Report of Non-compliance, with the Internal Revenue Service no later than 45 days after the end of the correction period as described previously, including any extension, whether or not the noncompliance or failure to certify is corrected.

(7) Notices to the department.

(A) An owner of a low-income housing project must notify the department in writing prior to any sale, transfer, or exchange of the project or any portion of the project.

(B) An owner of a low-income housing project must notify the department in writing to designate any further or different address to which subsequent notices or communications shall be sent.

(8) Liability. Compliance with the requirements of the Code, §42, is the responsibility of the owner of the building for which the credit is allowable. The department's obligation to monitor for compliance does not make the department liable for an owner's noncompliance.

(9) These provisions apply to all buildings for which a low-income housing credit is, or has been, allowable at any time. However, these regulations do not require monitoring for whether a building or project was in compliance with the requirements of the Code, §42, prior to January 1, 1992.

#### §49.8. Housing Credit Allocations.

(a) The housing credit allocation amount shall not exceed the dollar amount the department determines is necessary for the financial feasibility of the project and its viability as a project throughout the credit period. Such determination shall be made by the department at the time of issuance of the reservation notice, at the time of review by the board prior to issuance of commitment notice, at the time the department makes a housing credit allocation and the date the building is placed in service. Any housing credit allocation amount specified in a reservation notice, commitment notice, allocation and/or carryover allocation document is subject to change by the department dependent upon such determination. Such a determination shall be made solely at the discretion of the department, considering the items specified in the Code, §42(m)(2)(B), and the department in no way or manner represents or warrants to any project owner, sponsor, investor, lender, or other entity that the project is, in fact, possible or viable.

(b) The department shall make a

housing credit allocation to any project owner who holds a commitment notice which has not expired, and which all fees as specified in §49.11 of this title (relating to Program Fees), have been received by the department, upon receipt from the project owner of evidence satisfactory to the department that one or more buildings within the project are completed and have been placed in service, and compliance with the department's placement in service procedures. The department shall make each such housing credit allocation by mailing or delivering IRS Form 8609 (or any successor form adopted by the Internal Revenue Service) to the project owner, with Part I thereof completed in all respects and signed by an authorized official of the department. The delivery of the IRS Form 8609 will only occur after the project owner has attended a compliance monitoring workshop conducted by the department. A separate housing credit allocation shall be made with respect to each building within a project which is eligible for a housing credit.

(c) The department shall execute, when the project owner is in full compliance with the rules in this chapter and the commitment notice and all fees as specified within §49.11 of this title, have been received by the department, a carryover allocation document which has been properly completed, executed, and notarized by the project owner, along with evidence supporting at least a 10% expenditure in accumulated basis and return one executed copy to the project owner. In this situation, the department shall, pursuant to the Code, §42(h)(1)(E), mail or deliver IRS Form 8609 (or any successor form adopted by the Internal Revenue Service) to the project owner, with Part I thereof completed in all respects and signed by an authorized official of the department, in the calendar year that such buildings are placed in service provided that such buildings may not be placed in service later than the close of the second calendar year following the calendar year in which the allocation is made.

(d) In making a housing credit allocation, the department shall specify a maximum applicable percentage, not to exceed the applicable percentage for the building permitted by the Code, §42(b), and a maximum qualified basis amount. In specifying the maximum applicable percentage and the maximum qualified basis amount, the department shall disregard the first-year conventions described in the Code, §42(f)(2)(A) and 42(f)(3)(B). The housing credit allocation made by the department shall not exceed the amount necessary to support the extended low-income housing commitment specified in the Code, §42(h)(6)(C)(i).

#### §49.9. Department Records; Certain Re-

#### quired Filings.

(a) At all times during each calendar year, the department shall maintain a record of the following:

(1) the cumulative amount of the state housing credit ceiling that has been reserved pursuant to reservation notices during such calendar year;

(2) the cumulative amount of the state housing credit ceiling that has been committed pursuant to commitment notices during such calendar year;

(3) the cumulative amount of the state housing credit ceiling that has been committed pursuant to carryover allocation documents during such calendar year;

(4) the cumulative amount of housing credit allocations made during such calendar years; and

(5) the remaining unused portion of the state housing credit ceiling for such calendar year.

(b) Not less frequently than quarterly during each calendar year, the department shall publish in the *Texas Register* each of the items of information referred to in subsection (a) of this section.

(c) The department shall mail to the Internal Revenue Service, not later than the 28th day of the second calendar month after the close of each calendar year during which the department makes housing credit allocations, the original of each completed (as to Part I) IRS Form 8609, a copy of which was mailed or delivered by the department to a project owner during such calendar year, along with a single completed IRS Form 8610, Annual Low-Income Housing Credit Agencies Report. When a carryover allocation is made by the department, a copy of Form 8609 will be mailed or delivered to the project owner by the department in the year in which the building(s) is placed in service, and thereafter the original will be mailed to the Internal Revenue Service in the time sequence previously mentioned. The original of the carryover allocation document will be filed by the department with IRS Form 8610 for the year in which the allocation is made. The original of all executed agreement and election statements shall be filed by the department with the department's IRS Form 8610 for the year a housing credit allocation is made as provided in this section.

(d) The project owner shall be responsible to furnish to the Department by May 31 following each calendar year during the compliance period copies of the completed Form 8609 with Schedule A, Annual Statement, and Form 8586 (or any successor form adopted by the IRS) filed with the IRS for the preceding tax year.

(e) Project inspections may be re-

quired to show that the project is built according to required plans and specifications. A copy of all project inspections required and accepted by the lender financing the project shall be acceptable to the department as a certification that the project is built to plans and specifications if such inspections are required by the lender during the construction of the project. At a minimum to be acceptable to the department, such inspections may include an inspection at the start-up phase, the interim phase, and a final inspection at the time the project is placed in service. If no project inspections are required by the lender financing the project, the department may require at least three inspections be made of the project; such inspections shall be at the start-up phase, the interim phase, and a final inspection at the time the project is placed in service, and shall be performed by an independent, third party inspector hired by the department. The project owner shall pay all fees to cover the cost of said inspections.

(f) At the time each building in the project is placed in service, the project owner shall be responsible to furnish the department a certified statement as to the costs attributable to said building. The department reserves the right to require copies of receipts and statements for materials and labor utilized for the new construction or rehabilitation and, if applicable, a closing statement for the acquisition of the project.

*§49.10. Department Responsibilities.* In making a housing credit allocation under this chapter, the department shall rely upon information contained in the project owner's application to determine whether a building is eligible for the credit under the Code, §42. The project owner shall bear full responsibility for claiming the credit and assuring that the project complies with the requirements of the Code, §42, provided, however, that the department will carry out its responsibilities under §49.7 of this title (relating to Compliance Monitoring). The department shall have no responsibility for ensuring that a project owner who receives a housing credit allocation from the department will qualify for the housing credit.

#### §49.11. Program Fees.

(a) Each project owner that submits an application shall submit to the department, along with such application, a non-refundable application fee, in the form of a certified check, in an amount equal to the following number of units 1-40-\$200; 41-100-\$500; 101 +-\$5.00 per unit.

(b) Each project owner that receives a commitment notice from the for-profit category shall submit to the department, not later than the expiration date on the commitment billing notice, a nonrefund-

able commitment fee in an amount equal to the greater of \$1,000 or 4.0% of the housing credit allocation amount. The commitment fee shall be paid by certified check. Each project owner that receives a commitment notice from the nonprofit category shall submit to the department, not later than the expiration date on the commitment billing notice, a nonrefundable commitment fee in an amount equal to the greater of \$1,000 or 2.0% of the housing credit allocation amount. The commitment fee shall be paid by certified check.

(c) Each project owner that requests an extension of the expiration date of a commitment notice shall submit to the department, along with such request, a nonrefundable extension fee in an amount equal to the greater of \$200 or \$5.00 multiplied by the number of dwelling units in the project, and shall be paid by certified check. Such extension shall only be granted at the sole discretion of the department, and only after the commitment fee described in subsection (b) of this section has been properly paid.

(d) Upon the project being placed in service, the project owner will pay a compliance monitoring fee in the form of a certified check in an amount equal to the following:

(1) for projects of 10 units or less, financed through the FmHA §515, or purchased from the RTC under the Affordable Housing Disposition Program and currently paying the required compliance monitoring fee as outlined within that program, the amount will be equal to the following: 1-10-\$100; 11-100-\$200; 100+-\$2.00 per unit;

(2) for all other projects not covered under paragraph (1) of this subsection, the compliance monitoring fee will be equal to the following: 11-100-\$500; 101+-\$5.00 per unit. This annual fee will be multiplied by 15 years and discounted at 7.0%; the resultant present value will be assessed up front. The project owner will satisfy the requirement prior to the release of the IRS Form 8609 on the project.

(e) Public information requests will be processed by the department in accordance with the provisions of Texas Civil Statutes, Article 6252-17a. The State Purchasing and General Services Commission determines the cost of copying.

(f) The amounts of the application fee, commitment fee, compliance monitoring fee, and extension fee specified in this section may be revised by the department from time to time as necessary to ensure that such fees cover the department's administrative expenses.

#### §49.12. Manner and Place of Filing Appli-

cations.

(a) All applications, letters, documents, or other papers filed with the department will be received only between the hours of 8 a.m. and 5 p.m. on any day which is not a Saturday, Sunday, or a holiday established by law for state employees.

(b) All items submitted to the department shall be mailed or delivered to Low-Income Housing Tax Credit Program, Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Suite 300, Austin, Texas 78704.

#### §49.13. Withdrawals, Amendments, Cancellations.

(a) A project owner may withdraw or amend an application prior to receiving a reservation, commitment, carryover allocation document or housing credit allocation, or may cancel a reservation notice or commitment notice by submitting to the department a notice, as applicable, of withdrawal, amendment, or cancellation.

(b) An amendment of an application that results in an increase in the requested housing credit allocation amount or increase in points shall cause the application to be treated as having been filed on the date of the amendment.

#### §49.14. Waiver and Amendment of Rules.

(a) The board, in its discretion, may waive any one or more of these rules in cases of natural disasters such as fires, hurricanes, tornados, earthquakes, or other acts of nature as declared by federal or state authorities.

(b) The department may amend this chapter at any time in accordance with the provisions of Texas Civil Statutes, Article 6252-13a.

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

Issued in Austin, Texas, on May 7, 1992.

TRD-9206365

Mario Aguilar  
Attorney  
Texas Department of  
Housing and  
Community Affairs

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 474-2974

## Chapter 51. Housing Trust Fund Rules

### • 10 TAC §§51.16-51.19

The Texas Department of Housing and Comm-

munity Affairs proposes new §§51.16-51.19, concerning housing trust fund rules. The sections are proposed for adoption in final form to provide procedures for the allocation by the department of certain funds available under state laws to qualified public entities, nonprofit organizations, and persons and families.

Virginia Brown, deputy for housing finance and development, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Brown also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to permit the adoption of new rules for the allocation of housing trust funds within the State of Texas to enhance the state's ability to provide affordable housing. There will be no effect on small businesses. The department is unable to determine whether the administration of these rules will have any fiscal implications on persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Virginia Brown, Deputy for Housing Finance and Development, P.O. Box 13941, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 4413(501), which provide the Texas Department of Housing and Community Affairs with the authority to adopt rules governing the administration of the department and its programs.

§51.16. *Department Funding.* Notwithstanding the application procedures set forth under §51.9 of this title (relating to Application Procedure and Requirements), the board, in its discretion may allocate funds to the department for new/current programs to provide assistance for persons and families of low- and very-low income to finance, acquire, rehabilitate, and develop affordable, decent, safe, and sanitary housing.

§51.17. *Funding Cap.* No more than 25% of the housing trust funds may be allocated to any single project for each/any calendar year. The board in its discretion, may waive the provisions of this section.

§51.18. *Non-Compliance.* The board may, in its discretion, exclude/reject applicants who fail to comply with any of the provisions of these rules.

§51.19. *Waiver.* The board may, in its discretion, waive any one or more of the rules set forth in this chapter to accomplish its legislative mandates and/or bond criteria.

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

adopt.

Issued in Austin, Texas, on May 7, 1992.

TRD-9206295

Mario Aguilar  
Attorney  
Texas Department of  
Housing and  
Community Affairs

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 474-2974

## TITLE 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 501. Professional Conduct

##### General Provisions

###### • 22 TAC §501.2

The Texas State Board of Public Accountancy proposes an amendment to §501. 2, concerning definitions. The proposed amendment adds a definition of "partnership" and expands the definition of "person."

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

Mr. Treacy also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the public will be able to refer to clear definitions of the language used throughout the section. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to J. Randal (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to definitions used in the rules of professional conduct.

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

Act—

**Partnership**—A partnership for the practice of public accountancy is presumed when there exists a relationship between or among two or more persons which share profits and:

(1) share control and management; or

(2) share ownership rights in specific partnership property; or

(3) share joint and several responsibility for partnership debts and liabilities.

**Person**—An individual, partnership, corporation, [or other legal entity] registered limited liability partnership, or limited liability company.

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

Issued in Austin, Texas, on April 2, 1992.

TRD-9206334

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 450-7066

##### Client Records

###### • 22 TAC §501.32

The Texas State Board of Public Accountancy proposes an amendment to §501. 32, concerning client records. The rule sets forth the circumstances in which CPAs must produce client records.

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

Mr. Treacy also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the types of client records that clients are entitled to are clearly defined. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to J. Randal (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to records used in the performance of public accounting.

###### *§501.32. Records.*

(a) (No change)

(b) A certificate or registration holder, when performing an engagement that is terminated prior to the completion of the engagement, is required to return

or furnish copies of only those records originally given to the certificate or registration holder by the client (Working papers developed by a certificate or registration holder during the course of a professional engagement as a basis for, and in support of, an accounting, audit, consulting, tax, or other professional report prepared by the certificate or registration holder for a client, shall be and remain the property of the certificate or registration holder or holders who developed the working papers).

(c) Client records consist of documents obtained from or obtained on behalf of a client.

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

Issued in Austin, Texas, on May 7, 1992.

TRD-9206335

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 450-7066

###### • 22 TAC §501.33

The Texas State Board of Public Accountancy proposes new §501.33, concerning working papers. The rule set forth different categories of working papers.

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

Mr. Treacy also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the public will have appropriate access to client records. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to J. Randal (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to records used in the performance of public accountancy.

###### *§501.33. Working Papers.*

(a) Working papers developed by a certificate or registration holder during the

course of a professional engagement as a basis for, and in support of, an accounting, audit, consulting, tax, or other professional report prepared by the certificate or registration holder for a client, shall be and remain the property of the certificate or registration holder or holders who developed the working papers.

(b) Working papers are those papers developed by the certificate or registration holder incident to the performance of his/her engagement which do not result in changes to the client's records or are not in themselves part of the records ordinarily maintained by the client.

(c) Analyses of inventory or other accounts as part of the certificate or registration holder's selective audit procedures, even when prepared by client personnel at the request of the certificate or registration holder, are the certificate or registration holder's working papers.

(d) Only to the extent the analyses result in changes to the client's records is the certificate or registration holder required to furnish the details from his/her working papers in support of the journal entries recording such changes unless the journal entries themselves contain all necessary details.

(e) Working papers include, but are not limited to:

- (1) letters of confirmation and representation;
- (2) excerpts of company documents;
- (3) audit programs;
- (4) internal memoranda;
- (5) schedules;
- (6) flowcharts; and
- (7) narratives.

(f) Working papers which constitute client records include, but are not limited to:

- (1) worksheet in lieu of books of original entry such as listings and distributions of cash receipts or cash disbursements.
- (2) worksheets in lieu of general ledger or subsidiary ledgers, such as accounts receivable, job cost and equipment ledgers, or similar depreciation records;
- (3) all adjusting and closing journal entries and supporting details when the supporting details are not fully set forth in the explanation of the journal entry;
- (4) consolidating or combining journal entries and worksheets and supporting detail in arriving at final figures incorporated in an end product such as financial statements or tax returns.

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

Issued in Austin, Texas, on April 30, 1992.

TRD-9206336

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 450-7066

## Other Responsibilities and Practices

### • 22 TAC §501.40

The Texas State Board of Public Accountancy proposes an amendment to §501.40, concerning licensing/registration requirements. The amendment allows CPAs to perform accounting functions through certain types of unregistered entities.

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

Mr. Treacy also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that CPAs working for the government or entities not offering services to the public may hold out as CPAs without requiring those types of entities to be registered. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to J. Randal (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to licensing and registered requirements.

**§501.40. Licensing/Registration Requirements.** A certificate or registration holder may not perform accounting functions without a license from the board and must perform the functions through an entity registered with the board pursuant to the Public Accountancy Act, §10. Accounting functions include, but are not limited to, the preparation of tax returns or the furnishing of advice on tax matters, bookkeeping services, the issuance of reports on financial statements, the furnishing of management of advising or consulting services, and the sale, advice, or management of computer software which includes or implies an ex-

pertise in accounting. Not included, however, is a certificate holder performing accounting services as an employee, partner, or shareholder of, exclusively for:

- (1) federal, state, or local governmental entities; or
- (2) an employer or firm not offering accounting services to the public.

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

Issued in Austin, Texas, on May 7, 1992.

TRD-9206337

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 450-7066

## Chapter 505. The Board

### • 22 TAC §505.8

The Texas State Board of Public Accountancy proposes an amendment to §505.8, concerning board meetings. The amendment changes the date scheduled for annual meetings from taking place in the month of January to taking place before the end of July.

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

Mr. Treacy also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the newly appointed members will have the opportunity to participate in the meeting. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to J. Randal (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to board meetings.

### §505.8. Board Meetings.

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

(c) An annual meeting shall be held each year, not later than July 31 [not earlier than January 1 and not later than January 31], and written notice of at least 10 days shall be given to each member of the time and place of such meeting.

(d) (No change.)

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

Issued in Austin, Texas, on May 7, 1992.

TRD-9206340

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 450-7066

## Chapter 519. Practice and Procedure

- 22 TAC §§519.3, 519.6, 519.9, 519.11, 519.17, 519.19, 519.20, 519.21, 519.23, 519.26, 519.27, 519.29

*(Editor's Note: The Texas State Board of Public Accountancy proposes for permanent adoption the amended sections it adopts on an emergency basis in this issue. The text of the amended sections is in the Emergency Rules section of this issue.)*

The Texas State Board of Public Accountancy proposes amendments to §§519.3, 519.6, 519.9, 519.11, 519.17, 519.19, 519.20, 519.21, 519.23, 519.26, 519.27, and 519.29, concerning rules of practice and procedure. The rules concern the agency's procedures for contested hearings.

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

Mr. Treacy also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that licensees will have procedural protections when involved in contested hearings before the agency. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendments are proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to practice and procedure.

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

Issued in Austin, Texas, on May 7, 1992.

TRD-9206346

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 450-7066

- 22 TAC §§519.10, 519.13, 519.15, 519.16, 519.30, 519.31

*(Editor's Note: The Texas State Board of Public Accountancy proposes for permanent adoption the repealed sections it adopts on an emergency basis in this issue. The text of the repealed sections is in the Emergency Rules section of this issue.)*

The Texas State Board of Public Accountancy proposes the repeal of §§519.10, 519.13, 519.15, 519.16, 519.30, and 519.31, concerning rules of practice and procedure. The repealed sections concern the agency's procedures for contested hearings.

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

Mr. Treacy also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be that the rules regarding practice and procedure are internally consistent, and that the public will be able to locate relevant provisions with greater ease. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The repeals are proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to practice and procedure.

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

Issued in Austin, Texas, on May 7, 1992.

TRD-9206349

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 450-7066

Issued in Austin, Texas, on May 7, 1992.

## Part XXIV. Texas Board of Veterinary Medical Examiners

### Chapter 573. Rules of Professional Conduct

#### Supervision of Personnel

- 22 TAC §573.10

The Texas Board of Veterinary Medical Examiners proposes an amendment to §573.10, concerning direct supervision of lay personnel. The amendment expands the guidelines to include emergency care and/or hospitalized animals.

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

Mr. Matthijetz also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to allow for the emergency care of animals when the DVM is not on the premises; however, is available by telephone or radio, to give orders for the treatment that is essential for prevention of death or alleviation of extreme suffering. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Texas Board of Veterinary Medical Examiners, 1946 South IH 35, Suite #306, Austin, Texas 78704.

The amendment is proposed under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to "...make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

#### §573.10. Direct Supervision of Lay Personnel [Laymen].

(a) **Official health documents. A licensee must personally sign any official health documents issued by said licensee. The issuance of any pre-signed official health documents by a licensee is a violation of this rule. [A licensed veterinarian shall not allow an unlicensed person to issue pre-signed certificates with the veterinarian's signature affixed thereto.]**

(b) **Authorized procedures by lay personnel. The licensee may [shall not] permit under direct supervision an unlicensed person to inoculate, clean, and polish teeth on small domestic animals, float equine teeth and/or treat animals, unless the procedures [inoculation or treatment] are prohibited by law. [are done under the direct supervision of the licensed veterinarian; provided however, an] An unlicensed**



individual shall not perform the following health care services: surgery; invasive dental procedures; diagnosis and prognosis of animal diseases and/or conditions; and prescribing of drugs, medicine, and appliances for domestic animals.

(c) **Emergency care.** A licensee, in an emergency situation where prompt treatment is essential for the prevention of death or alleviation of extreme suffering, may, after determining the nature of the emergency, and the condition of the animal, issue treatment directions to an unlicensed person by means of telephone or radio communication. The board can take action against a veterinarian if, in the board's sole discretion, the veterinarian uses this privilege to circumvent subsection (b) of this section. The veterinarian assumes full responsibility for such treatment. However, nothing in this rule requires a licensee to accept a case under these circumstances.

(d) **Care of hospitalized animals.** It is permissible for an unlicensed person, in the absence of direct supervision, to follow the oral or written treatment orders of a licensed veterinarian in the care of hospitalized animals; provided however, that the veterinarian has examined the animal(s) and that a valid veterinarian/client/patient relationship exists.

(e) **Direct supervision.** Direct supervision, as defined by the board, requires the presence of the licensee on the premises and his [(b) Direct supervision shall mean the supervision of those tasks or procedures that do not require the presence of a veterinarian in the room where performed, but require the presence of a licensee on the premises and] availability for prompt consultation and treatment; provided however, that in cases involving emergency treatment under subsection (c) of this section, direct supervision may be effected through radio or telephone communication. It is further provided, however, that once a veterinarian has established a veterinarian/client/patient relationship, and the veterinarian has determined the care necessary for hospitalized animals, an unlicensed person may provide routine treatment that has been ordered by the veterinarian. The veterinarian is the sole judge of the employee qualifications necessary for the performance of routine treatment. Consequently, the licensee will be held accountable before the board for the actions and misdeeds of employees acting at his/her direction.

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

Issued in Austin, Texas, on May 8, 1992.

TRD-9206376

Buddy Matthjetz  
Executive Director  
Texas Board of Veterinary  
Medical Examiners

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 447-1183

## TITLE 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 402. Client Assignment and Continuity of Services

##### Subchapter H. Placement Appeals Procedures—Mental Retardation Services

###### • 25 TAC §§402.281-402.301

*(Editor's note: The text of the following sections proposed for repeal will not be published. The section\* may be examined in the offices of the Texas Department of Mental Health or Mental Retardation or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes the repeal of §§402.281-402.301, concerning placement appeals procedures—mental retardation services. The sections would be replaced by new §§402.281-402.295, concerning, placement appeals procedures—mental retardation services, which is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The sections are being repealed to allow for the proposal of new procedures which would implement provisions of the settlement agreement in *Lelsz v Kavanaugh* which require the department to simplify the placement appeals process and to describe that process in a simply worded and easily understood format.

Leilani Rose, director, financial services department, has determined that for the first five-year period the repeals are in effect there will be no significant fiscal implications for state or local government as a result of enforcing or administering the repeals. There is no significant local economic impact anticipated.

Jaylon Fincannon, deputy commissioner, mental retardation services, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be replacement of complex, hard-to-understand, and burdensome procedures with streamlined, simplified, and easily followed procedures for appealing decisions regarding community placement of individuals who are residents of mental retardation facilities. There will be no effect on small

businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Written comments on the proposal may be sent to Linda Logan, Director, Policy Development, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

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

§402.281. Purpose.

§402.282. Application.

§402.283. Definitions.

§402.284. Recommendation for Residential Placement.

§402.285. Recommendation for Residential Placement Appeals Process—Special Interdisciplinary Team.

§402.286. Alternative Community Residential Placement Staffing Process.

§402.287. Residential Placement Appeals Process—Administrative Hearing.

§402.288. Appointment of a Hearing Officer.

§402.289. Access to Records.

§402.290. Prehearing Conference.

§402.291. Standard and Burden of Proof.

§402.292. Notice of Filing; Service of Notices; Certificate of Service.

§402.293. Representation of Parties.

§402.294. Notice of Hearing.

§402.295. Setting a Time and Place for the Administrative Hearing.

§402.296. Rules of Evidence; Official Notice; Witnesses; Transcription.

§402.297. Final Decisions.

§402.298. Residential Placement Appeals Process—Abbreviated Letter Review.

§402.299. Exhibits.

§402.300. Distribution.

§402.301. References.

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

Issued in Austin, Texas, on May 11, 1992.

TRD-9206440

Ann Utley  
Chairman  
Texas Board of Mental  
Health and Mental  
Retardation

Earliest possible date of adoption: June 15, 1992

For further information, please call: (512) 465-4670

◆ ◆ ◆  
• 25 TAC §§402.281-402.295

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes new §§402.281-402.295, concerning placement appeals procedures— mental retardation services. The new sections would replace existing Chapter 402, Subchapter H of this title, relating to placement appeals procedures— mental retardation services, which is contemporaneously proposed for repeal in this issue of the *Texas Register*.

The new sections implement provisions of the settlement agreement in *Lelsz v Kavanaugh* which require the department to simplify the placement appeals process and to describe that process in a simply worded and easily understood format.

The proposed sections describe a process which eliminates the complex series of IDT and special IDT meetings, reviews, and appeals leading to either an administrative hearing or abbreviated letter review contained in the subchapter proposed for repeal. Key provisions include: an initial IDT meeting to consider the issue of continued placement in the facility or alternate placement in a community residential setting; a subsequent IDT meeting when a potentially appropriate setting is located; ability of the parent of an incompetent individual to veto the placement; possible overriding of the veto by facility staff under certain circumstances with a request by staff for an administrative hearing.

The proposed process further requires that recommendations for placement reflect consensus by the interdisciplinary team; responsibility for requesting an appeal to an administrative hearing falls on staff, as does the burden of proof that the proposed placement is the most appropriate for the individual.

The sections adopt by reference an operating instruction which in language and format provides an easy to follow and comprehensive discussion of both the policy regarding placement appeals and the specific procedures required to implement the policy.

Leilani Rose, director, financial services department, has determined that for the first five-year period the sections are in effect there will be no significant fiscal implications for state or local government as a result of enforcing or administering the sections. There is no significant local economic impact anticipated.

Jaylon Fincannon, deputy commissioner, mental retardation services, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the implementation of streamlined, simplified, and easily followed procedures for appealing decisions regarding community placement of individuals who are residents of mental retardation facilities. In addition, the new sections would be in compliance with the lawsuit settlement agreement. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Written comments on the proposal may be sent to Linda Logan, Director, Policy Development, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

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

§402.281. Purpose. The purpose of this subchapter is to:

(1) describe the review and appeals process for community placement decisions concerning individuals receiving residential services in a mental retardation facility; and

(2) establish that the burden of proof concerning the appropriateness of a proposed placement lies with facility staff serving on an individual's interdisciplinary team.

§402.282. Application. The provisions of this subchapter apply to all mental retardation facilities of the Texas Department of Mental Health and Mental Retardation.

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

Competent—As determined by the interdisciplinary team, and consistent with Title 7 of the Health and Safety Code, Chapters 591-596 (formerly the Mentally Retarded Persons Act of 1977, Texas Civil Statutes, Article 5547-300), a term used to designate the ability to give legally adequate consent, which means consent given by an individual when each of the following

conditions has been met:

(A) legal capacity: the individual giving the consent is of the minimum legal age and has not been adjudicated incompetent to manage personal affairs by an appropriate court of law;

(B) comprehension of information: the individual giving the consent has been informed of and comprehends the nature, purpose, consequences, risks, and benefits of and alternatives to the procedure, and the fact that withholding or withdrawal of consent shall not prejudice the future provision of care and services to the individual with mental retardation; and

(C) voluntariness: the consent has been given voluntarily and free from coercion and undue influence.

Consensus—An agreement that all involved parties can and will support in implementation. The process involves allowing all parties to express an opinion, discussing ideas, and negotiating an agreement.

Department—The Texas Department of Mental Health and Mental Retardation.

Deputy commissioner—The deputy commissioner for mental retardation services.

Facility—Any state school or state center of the department which provides residential mental retardation services.

Guardian—

(A) a plenary guardian of the person of an individual with mental retardation; or

(B) a limited guardian who is authorized to request a comprehensive diagnosis and evaluation of a ward or who is authorized to consent to the admission or withdrawal of a ward to or from mental retardation services of the department.

Head of the facility—The superintendent or director of a facility.

Hearing officer—Any person designated or appointed by the deputy commissioner to conduct hearings pursuant to this subchapter.

Individual—A person receiving mental retardation services provided by a facility. This does not include a person receiving services provided through a facility's community-based services program.

Interdisciplinary team (IDT)—A group of persons functioning as a team to include:

(A) the individual with mental retardation, that individual's family, and/or parent, as appropriate;

(B) persons who are professionally qualified, certified, or both, in various professions with special training and experience in the diagnosis, management, needs, and treatment of individuals with mental retardation;

(C) persons who are directly involved in the delivery of mental retardation services to the individual with mental retardation;

(D) representative(s) of the appropriate mental retardation authority; and

(E) members of the facility responsibility committee (PRC), if the PRC requests to be involved.

**Mental retardation authority (MRA)**—The entity designated by the commissioner to direct, operate, facilitate, and/or coordinate services to individuals with mental retardation in the various service areas of the state as are required to be performed at the local level by state law and the department.

**Parent**—For the purpose of this subchapter, parent includes:

(A) the natural or adoptive mother or father of an individual with mental retardation, but does not include a parent whose parent-child relationship has been legally terminated;

(B) a family member or advocate who acts in behalf of the individual with mental retardation instead of the mother or father and is listed as the primary correspondent for the individual;

(C) a legally appointed guardian of the individual with mental retardation; or

(D) a legally appointed managing conservator of the individual with mental retardation.

**Pleadings**—Written statements filed by participants concerning their respective positions, claims, and rights in administrative hearings.

**Preponderance of the evidence**—The body of evidence which, when fairly considered, produces the stronger impression. The superiority of weight of testimony is determined by the opportunity for knowledge, the information possessed, and the manner of testifying, rather than by the greater number of witnesses.

**§402.284. Adoption by Reference of Specific Procedures.** This subchapter sets forth general policy guidelines for the re-

view and appeals process concerning placement recommendations. Specific procedures are described in detail in Operating Instruction (OI) 403-B, governing placement appeals procedures, which is herein adopted by reference as Exhibit A. A copy of page 4 of the OI (concerning possible stages in the placement appeals process) shall be included with each written notice required in this subchapter to be sent to the competent individual or the parent of the incompetent individual.

**§402.285. Interdisciplinary Team Meeting to Consider Placement.**

(a) During the annual planning meeting (or during a special planning meeting held because of pending closure of a facility) the interdisciplinary team (IDT), by consensus, shall determine whether the current placement in the facility meets the criteria of least restrictive environment as described in Chapter 402, Subchapter G of this title (relating to Determination of the Least Restrictive Environment—Mental Retardation Services).

(b) The competent individual or parent of the incompetent individual shall be notified 14 calendar days in advance of the date for the meeting. Family attendance and participation in the meeting shall be encouraged, and every reasonable attempt shall be made to schedule the meeting at a time convenient for the family. However, the competent individual has the right to exclude family members from participation.

(c) In the minutes of the meeting, objections raised by any member should be noted and attributed to the appropriate person or persons. The IDT shall strive to arrive at a consensus.

(d) If the consensus of the IDT is that the facility no longer constitutes the least restrictive environment for the individual, a recommendation will be made that staff consider seeking an alternative placement in the community. Any significant disagreements will be documented in the record of the meeting.

(e) A letter from a designated IDT member shall be prepared summarizing the discussion and any recommendations and shall be sent to the competent individual or the parent of the incompetent individual within 14 calendar days of the meeting.

**§402.286. Interdisciplinary Team Meeting to Consider a Proposed Setting.**

(a) If the interdisciplinary team (IDT) recommends that alternative placement in the community be considered, facility staff shall begin to seek a setting which meets the individual's needs as determined in §402.285 of this title (relating to Interdisciplinary Team Meeting to Consider Place-

ment). An IDT meeting shall be convened when a potentially appropriate setting becomes available.

(b) The competent individual or parent of the incompetent individual shall be notified 14 calendar days in advance of the date for the meeting. Family attendance and participation in the meeting shall be encouraged, and every reasonable attempt shall be made to schedule the meeting at a time convenient for the family. However, the competent individual has the right to exclude family members from participation.

(c) A facility employee serving on the IDT who personally knows the individual shall visit the proposed setting prior to the meeting. The individual and/or parent and family members shall be encouraged strongly to visit the proposed setting prior to the meeting.

(d) The IDT shall consider the appropriateness of the setting based on the criteria outlined in Chapter 402, Subchapter G of this title (relating to Determination of Least Restrictive Environment—Mental Retardation Services).

(e) If the consensus of the IDT is that the proposed setting is appropriate for the individual and the competent individual or the parent of the incompetent individual supports the placement, activities shall begin to affect the placement.

(f) The competent individual or the parent of an incompetent individual who believes that the proposed setting is inappropriate may veto the placement. If the parent of the incompetent individual is not present at the IDT meeting described in subsection (a) of this section, notice of the placement recommendation shall be mailed to the parent by the head of the facility or designee within five working days of the meeting. The notice shall direct the parent to contact the head of the facility within 14 days of receipt of the notice if the parent wishes to veto the placement recommendation.

(g) If the parent of the incompetent individual vetoes the placement, facility staff on the IDT may consider overriding the veto by requesting an administrative hearing as described in §402.287 of this title (relating to Request for Administrative Hearing) if staff believes that the failure to place the person in the proposed setting would result in a clear and consistent denial of the individual's right to live in the least restrictive setting appropriate to the individual's needs and abilities as guaranteed in the Health and Safety Code, Title 7, Subtitle D, §592.013 and §592.032 (formerly the Mentally Retarded Persons Act).

**§402.287. Request for Administrative Hearing.**

(a) Written notice of the request for an administrative hearing must be submitted to the head of the facility within five working days of the interdisciplinary team (IDT) meeting during which the proposed setting was considered. At the same time, notice that a hearing is being requested shall be sent to the competent individual or the parent of the incompetent individual by the facility staff requesting the hearing.

(b) The head of the facility shall transmit the request to the deputy commissioner.

(c) Pursuit of a community placement shall not be undertaken while an appeal is in process.

(d) The facility staff requesting the hearing shall have the burden to prove, by preponderance of the evidence, that the recommended placement is of significant benefit to the individual and clearly and consistently meets the right of the individual to live in the least restrictive environment as guaranteed in the Health and Safety Code, Title 7, Subtitle D, §592.013 and §592.032 (formerly the Mentally Retarded Persons Act).

**§402.288. Appointment of a Hearing Officer.** Within five calendar days of receipt of the request for an administrative hearing, the deputy commissioner shall appoint a hearing officer. The hearing officer will be selected in the manner most economical to the department with consideration being given to the distance which the hearing officer must travel and the amount of time required away from the hearing officer's place of permanent employment.

**§402.289. Representation of Parties During Administrative Hearing.**

(a) The competent individual or the parent of an incompetent individual shall have the right to be present at the hearing and to be accompanied and represented by any person of their choosing, including legal counsel and lay representatives. The individual shall always have the right to be present at the hearing and may be represented independently of a parent or guardian. However, the competent individual has the right to exclude family members from participation in the appeals process.

(b) The department and the head of the facility may be represented by a departmental attorney.

(c) The hearing officer may request a different departmental attorney to provide advice in the proper conduct of the administrative hearing.

(d) Designation of representatives

shall be communicated to the hearing officer at least five calendar days before the hearing date and shall be recorded and filed with the pleadings and other documents pertaining to the administrative hearing.

(e) The facility may assist the competent individual or parent of the incompetent individual in obtaining representation.

**§402.290. Access to Records.**

(a) The competent individual or parent of the incompetent individual, and his or her legal counsel or lay representatives shall have reasonable access at a reasonable time prior to the hearing to any records concerning the individual. Copies of such records will be provided in accord with Operating Instruction 401-1, relating to inspection of department records.

(b) Access to the records referred to in subsection (a) of this section shall be authorized by the head of the facility upon the request of the competent individual, the parent of the incompetent individual, or their legal counsel or lay representative. The hearing officer shall have the authority, if necessary, to order the head of the facility to provide access to such records.

**§402.291. Notice of Hearing.** The hearing officer shall serve written notice of the administrative hearing on all parties not less than ten calendar days before the hearing is to be held.

**§402.292. Setting a Time and Place for the Administrative Hearing.**

(a) The hearing officer shall set a time and place for the administrative hearing. The hearing shall be held not less than 14 calendar days nor more than 30 calendar days from the date the request for the hearing is received by the head of the facility.

(b) The hearing officer shall set a time and place for the hearing that is convenient for all participants. The hearing officer may set a time outside regular business hours and a place away from the facility where the individual resides if a timely request is made by the competent individual or the parent of an incompetent individual and the hearing officer determines that good cause exists for such a determination.

(c) The location selected must be accessible to the handicapped. The department shall provide an interpreter for the hearing-impaired and language interpreters upon timely request made by the competent individual or the parent of the incompetent individual, legal representative, or upon order of the hearing officer.

(d) The hearing officer may subsequently postpone or continue the hearing

date until a later date if, in the officer's sound judgment and discretion, good cause requires a later date. Good cause includes, but is not limited to, a finding that a later date would result in a more just determination of the issues involved in the administrative hearing and that the welfare of the individual will not be endangered by reason of the postponement or continuance.

(e) The administrative hearing shall be closed to the public unless the competent individual or parent of the incompetent individual requests a hearing open to the public.

**§402.293. Final Decision.**

(a) A final decision must be in writing and stated in the record of the proceedings and in the record of the individual. It must include separately stated findings of fact and conclusions involved.

(b) The hearing officer shall render the final decision. The final decision must be rendered within 10 working days after the date the administrative hearing is concluded. There is no appeal from the final decision; however, this does not preclude the exercise of rights to appeal granted under Title 7 of the Health and Safety Code, Chapters 591-596 (formerly the Mentally Retarded Persons Act of 1977, Texas Civil Statutes, Article 5547-300).

(c) The competent individual or the parent of an incompetent individual and the head of the facility shall be notified within five calendar days of any decision. A copy of the decision shall be personally delivered or mailed to all participants or their legal representatives.

**§402.294. Distribution.**

(a) The provisions of this subchapter shall be distributed to members of the Texas Board of Mental Health and Mental Retardation, deputy commissioners, associate deputy commissioners, assistant deputy commissioners, directors and section chiefs of central office, superintendents and directors of all department facilities, and board chairpersons and executive directors of all community mental health and mental retardation centers.

(b) The superintendent, director, or executive director shall ensure distribution of this subchapter to appropriate staff.

(c) A copy of this subchapter shall be made available upon request to any staff member; any individual with mental retardation, parent, or legal guardian; counsel of record of any individual with mental retardation; or to any interested party.

**§402.295. References.** Reference is made to the following statutes and rules of the department:



sons required to comply with this section.

Comments on the proposal may be submitted to Wendy Gordon, Texas Water Commission, Standards and Assessments Division, P.O. Box 13087, Austin, Texas 78711. The deadline for submission of written comments will be 30 days after the date of publication of this proposal in the *Texas Register*. To facilitate public comment on the proposed amendment to §307.10, the commission has scheduled a public hearing in the following locations for the receipt of comments as follows.

Hearing on use attainability analysis and proposed change to designated aquatic life use for proposed Segment 1255 for the Upper North Bosque River will be held on June 29, 1992, at 6:30 p.m., City of Stephenville, Nations Bank Building Patio Room, 115 North Graham Street, Stephenville.

Hearing on use attainability analysis and proposed change to designated aquatic life use for Upper Oyster Creek Segment 1245 will be held on July 16, 1992, at 6:30 p.m., City of Sugarland, Community Center, Wedgewood South Room, 226 Matlage Way, Sugarland.

The purpose of the public hearings is to gather information and provide an opportunity for comment by the public regarding the use attainability analysis for Upper Oyster Creek (Segment 1245) and the new Upper North Bosque River (Segment 1255).

Interested persons are encouraged to attend the hearings and present relevant evidence or opinions concerning the use attainability analyses. Written testimony which is submitted prior to or during the public hearing will be included in the record. The commission would appreciate receiving a copy of all written testimony at least five days before the hearing.

Copies of written testimony and questions concerning the public hearing should be addressed to Wendy Gordon, or call (512) 463-8475.

A limited number of copies of the use attainability analyses are available for review in the Texas Water Commission Library, Room B-20 of the Stephen F. Austin Building, 1700 North Congress Avenue in Austin. A copy of the report may be obtained upon request from Sandra Garcia, Texas Water Commission, Standards and Assessments Division, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8475.

The data selected for this hearing is intended to comply with deadlines set by statute and regulation. Any publication of receipt of this notice less than 45 calendar days prior to the hearing date is due to the necessity of scheduling the hearing on the date selected.

The amendment is proposed under the Texas Water Code, §26.023, which provides the Texas Water Commission with the authority to make rules setting water quality standards for all water in the state; and under the Texas Water Code, §5.103, which authorizes the commission to adopt any rules necessary to carry out its powers and duties under the Water Code and other laws of this state.

§307.10. *Appendices A through D.* The following appendices are integral components of this chapter: Texas Surface Water Quality Standards: Appendix A—Segment Standards, Appendix B—Low-Flow Criteria, Appendix C—Segment Descriptions, Appendix D—Site-specific Receiving Water Assessments.

#### APPENDIX A. WATER USES AND NUMERICAL CRITERIA.

The following table identifies the water uses and supporting numerical criteria for each of the state's classified segments. The table is ordered by basin with the segment number and segment name given for each classified segment. Dissolved oxygen criteria in Appendix A are listed as 24-hour means. Absolute minimums and seasonal criteria are listed in §307.7 of this title (relating to Site-specific Uses and Criteria). Dissolved oxygen criteria of 2.0 mg/L in this appendix are allowed a daily variation down to 1.5 mg/L for no more than 8 hours per 24-hour period. Dissolved oxygen criteria of 1.0 mg/L in this appendix will be considered minimum values at any time.

*Fecal coliform criteria of 200 per 100 ml are applied as specified in §307.7(b)(1)(A) of this title. Fecal coliform criteria of 2,000 per 100 ml are applied as specified in §307.7(b)(1)(B) of this title.*

*Saltwater segments are those which are specifically titled as "tidal" in the segment name, plus all bays and estuaries.*

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0101	Canadian River Below Lake Meredith	CR	H			1,975	760	5,000	5.0	6.5-9.0	200	95
0102	Lake Meredith	CR	E	PS		400	350	1,300	6.0	6.5-9.0	200	85
0103	Canadian River Above Lake Meredith	CR	H			1,050	540	4,500	5.0	6.5-9.0	200	95
0104	Wolf Creek	CR	H			420	125	1,125	5.0	6.5-9.0	200	93
0105	Rita Blanca Lake	CR	H	PS		100	90	325	5.0	6.5-9.0	200	85

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
	RED RIVER BASIN											
0201	Lower Red River	CR	H	PS		375	250	1,100	5.0	6.5-9.0	200	93
0202	Red River Below Lake Texoma	CR	H	PS		375	250	1,100	5.0	6.5-9.0	200	93
0203	Lake Texoma	CR	H	PS		600	300	1,500	5.0	6.5-9.0	200	92
0204	Red River Above Lake Texoma	CR	H			2,000	1,200	6,000	5.0	6.5-9.0	200	93
0205	Red River Below Pease River	CR	H			5,000	2,000	10,000	5.0	6.5-9.0	200	93
0206	Red River Above Pease River	CR	H			12,000	4,000	25,000	5.0	6.5-9.0	200	93
0207	Lower Prairie Dog Town Fork Red River	CR	H			37,000	5,300	46,200	5.0	6.5-9.0	200	93
0208	Lake Crook	CR	H	PS		75	150	350	5.0	6.5-9.0	200	90
0209	Pat Mayse Lake	CR	H	PS		100	175	350	5.0	6.5-9.0	200	90
0210	Farmers Creek Reservoir	CR	H	PS		200	60	550	5.0	6.5-9.0	200	93
0211	Little Wichita River	CR	H	PS		250	50	500	5.0	6.5-9.0	200	91
0212	Lake Arrowhead	CR	H	PS		250	50	500	5.0	6.5-9.0	200	93
0213	Lake Kickapoo	CR	H	PS		100	50	400	5.0	6.5-9.0	200	90
0214	Wichita River Below Diversion Lake	CR	H			1,800	800	5,000	5.0	6.5-9.0	200	90
0215	Diversion Lake	CR	H			1,800	1,100	5,000	5.0	6.5-9.0	200	90
0216	Wichita River Below Lake Kemp	CR	H			1,925	960	5,000	5.0	6.5-9.0	200	90
0217	Lake Kemp*	CR	H			7,000	2,500	15,000	5.0	6.5-9.0	200	93
0218	Wichita/North Fork Wichita River	CR	H			7,500	2,800	16,250	5.0	6.5-9.0	200	93

\* It is anticipated that inorganic chemical quality in Segment 0217 should improve following completion and as a result of the operation of salinity control projects.



SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0219	Lake Wichita	CR	H			1,000	400	1,800	5.0	6.5-9.0	200	90
0220	Pease/North Fork Pease River	CR	H			12,000	3,500	30,000	5.0	6.5-9.0	200	91
0221	Middle Fork Pease River	CR	H			870	1,400	2,800	5.0	6.5-9.0	200	91
0222	Salt Fork Red River	CR	H			400	1,400	3,000	5.0	6.5-9.0	200	93
0223	Greenbelt Lake	CR	H	PS		250	200	750	5.0	6.5-9.0	200	93
0224	North Fork Red River	CR	H			800	1,200	2,500	5.0	6.5-9.0	200	91
0225	McKinney Bayou	CR	L	PS		60	90	400	5.0	6.0-8.5	200	93
0226	South Fork Wichita River*	CR	H			12,000	3,650	31,000	5.0	6.5-9.0	200	93
0227	South Fork Pease River	CR	H			270	200	1,000	5.0	6.5-9.0	200	91
0228	Mackenzie Reservoir	CR	H	PS		20	160	350	5.0	6.5-9.0	200	90
0229	Upper Prairie Dog Town Fork Red River	CR	H			300	400	1,500	5.0	6.5-9.0	200	93

\* It is anticipated that inorganic chemical quality in Segment 0226 should improve following completion and as a result of the operation of salinity control projects.

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0301	Sulphur River Below Wright Patman Lake	CR	H			120	100	500	5.0	6.0-8.5	200	90
0302	Wright Patman Lake	CR	H	PS		75	75	400	5.0	6.0-8.5	200	90
0303	Sulphur/South sulphur River	CR	H			80	180	600	5.0	6.0-8.5	200	93
0304	Days Creek	CR	I			525	75	850	4.0	6.0-8.5	200	90
0305	North Sulphur River	CR	H			190	475	1,320	5.0	6.0-8.5	200	93
0306	Upper south Sulphur River	CR	I			80	180	600	4.0	6.5-8.0	200	93

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0401	Caddo Lake	CR	H	PS		100	50	300	5.0	6.0-8.5	200	90
0402	Big Cypress Creek Below Lake O' the Pines	CR	H	PS		100	50	300	5.0	6.0-8.5	200	93
0403	Lake O' the Pines	CR	H	PS		80	50	300	5.0	6.0-8.5	200	93
0404	Big Cypress Creek Below Lake Bob Sandlin	CR	I			100	100	500	4.0	6.0-8.5	200	90
0405	Lake Cypress Springs	CR	H	PS		100	100	500	5.0	6.0-8.5	200	93
0406	Black Bayou	CR	I	PS		80	50	300	4.0	6.0-8.5	200	90
0407	James' Bayou	CR	I	PS		100	50	300	4.0	6.0-8.5	200	90
0408	Lake Bob Sandlin	CR	H	PS		35	65	150	5.0	6.5-9.0	200	90
0409	Little Cypress Bayou (Creek)	CR	H	PS		100	35	300	5.0	5.5-8.5	200	90

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0501	Sabine River Tidal	CR	H					4.0	6.0-8.5	200	95	
0503	Sabine River Below Toledo Bend Reservoir	CR	H	PS		30	25	120	5.0	6.0-8.5	200	91
0504	Toledo Bend Reservoir	CR	H	PS		70	30	240	5.0	6.0-8.5	200	93
0505	Sabine River Above Toledo Bend Reservoir	CR	H	PS		175	75	400	5.0	6.0-8.5	200	93
0506	Sabine River Below Lake Tawakoni	CR	H	PS		200	100	500	5.0	6.0-8.5	200	90
0507	Lake Tawakoni	CR	H	PS		20	35	200	5.0	6.0-8.5	200	93
0508	Adams Bayou Tidal	CR	H						4.0	6.0-8.5	200	95
0509	Murvaull lake	CR	H	PS		150	75	500	5.0	6.5-9.0	200	92
0510	Lake Cherokee	CR	H	PS		75	50	250	5.0	6.0-8.5	200	95
0511	Cow Bayou Tidal	CR	H						4.0	6.0-8.5	200	95
0512	Lake Fork Reservoir	CR	H	PS		30	30	200	5.0	6.5-9.0	200	95
0513	Big Cow Creek	CR	H	PS		75	50	300	5.0	5.5-8.5	200	90
0514	Big Sandy Creek	CR	H	PS		75	50	300	5.0	6.0-8.5	200	90
0515	Lake Fork Creek	CR	H	PS		100	75	400	5.0	6.0-8.5	200	90

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0601	Neches River Tidal	CR	I					3.0*	6.0-8.5	200	95	
0602	Neches River Below B. A. Steinhagen Lake	CR	H	PS		50	30	150	5.0	6.0-8.5	200	91
0603	B. A. Steinhagen Lake	CR	H	PS		50	30	150	5.0	6.0-8.5	200	93
0604	Neches River Below Lake Palestine	CR	H	PS		50	30	150	5.0	6.0-8.5	200	91
0605	Lake Palestine	CR	H	PS		50	30	150	5.0	6.0-8.5	200	90
0606	Neches River Above Lake Palestine	CR	I	PS		50	30	150	4.0*	6.0-8.5	200	95
0607	Pine Island Bayou	CR	H	PS		150	50	300	5.0	6.0-8.5	200	95
0608	Village Creek	CR	H	PS		150	75	300	5.0	6.0-8.5	200	90
0609	Angelina River Below Sam Rayburn Reservoir	CR	H	PS		70	40	250	5.0	6.0-8.5	200	90
0610	Sam Rayburn Reservoir	CR	H	PS		70	40	250	5.0	6.0-8.5	200	93
0611	Angelina River Above Sam Rayburn Reservoir	CR	H	PS		125	40	250	5.0	6.0-8.5	200	90
0612	Attoyac Bayou	CR	H	PS		75	50	150	5.0	6.0-8.5	200	90
0613	Lake Tyler/Lake Tyler East	CR	H	PS		30	30	150	5.0	6.5-9.0	200	93
0614	Lake Jacksonville	CR	H	PS		50	75	750	5.0	6.5-9.0	200	93

\* Dissolved oxygen criterion in Segment 0601 does not apply to flows of less than 1,000 ft<sup>3</sup>/s. Dissolved oxygen criterion in Segment 0606 does not apply to flows of less than 22.0 ft<sup>3</sup>/s.

NECHES-TRINITY COASTAL BASIN		USES				CRITERIA						
SEGMENT NUMBER	SEGMENT NAME	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0701	Taylor Bayou Above Tidal	CR	I			400	100	1,100	4.0	6.5-9.0	200	95
0702	Intracoastal Waterway	CR	H						4.0	6.5-9.0	200	95
0703	Sabine-Neches Canal	CR	H						4.0	6.5-9.0	200	95
0704	Hillbrandt Bayou	CR	I			250	100	600	4.0	6.5-9.0	200	95

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0801	Trinity River, Tidal	CR	H						4.0	6.5-9.0	200	95
0802	Trinity River Below Lake Livingston	CR	H	PS		125	100	600	5.0	6.5-9.0	200	93
0803	Lake Livingston	CR	H	PS		150	50	500	5.0	6.5-9.0	200	93
0804	Trinity River Above Lake Livingston	CR	H			150	150	600	5.0	6.5-9.0	200	93
0805	Upper Trinity River	CR	H			175	175	850	5.0*	6.5-9.0	200	95
0806	West Fork Trinity River Below Lake Worth	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
0807	Lake Worth	CR	H	PS		100	100	500	5.0	6.5-9.0	200	91
0808	West Fork Trinity River Below Eagle Mountain Reservoir	CR	H	PS		100	100	500	5.0	6.5-9.0	200	91
0809	Eagle Mountain Reservoir	CR	H	PS		75	75	300	5.0	6.5-9.0	200	94
0810	West Fork Trinity River Below Bridgeport Reservoir	CR	H	PS		100	100	500	5.0	6.5-9.0	200	90
0811	Bridgeport Reservoir	CR	H	PS		75	75	300	5.0	6.5-9.0	200	90
0812	West Fork Trinity River Above Bridgeport Reservoir	CR	H	PS		100	100	500	5.0	6.5-9.0	200	88
0813	Houston County Lake	CR	H	PS		75	75	300	5.0	6.5-9.0	200	93
0814	Chambers Creek Above Richland-Chambers Reservoir	CR	H	PS		90	160	500	5.0	6.5-9.0	200	90
0815	Bardwell Reservoir	CR	H	PS		50	50	300	5.0	6.5-9.0	200	91
0816	Lake Waxahachie	CR	H	PS		50	50	300	5.0	6.5-9.0	200	91
0817	Navarro Mills Lake	CR	H	PS		50	75	300	5.0	6.5-9.0	200	90
0818	Cedar Creek Reservoir	CR	H	PS		50	50	200	5.0	6.0-8.5	200	93
0819	East Fork Trinity River	CR	I			75	50	400	4.0	6.5-9.0	200	91

\* The dissolved oxygen criterion in Segment 0805 shall be 3.5 mg/L when headwater flow at USGS gaging station 08048000 (located on the West Fork Trinity River in Fort Worth) is less than 80 ft<sup>3</sup>/s.

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
TRINITY RIVER BASIN												
0820	Lake Ray Hubbard	CR	H	PS		40	50	400	5.0	6.5-9.0	200	93
0821	Lavon Lake	CR	H	PS		80	60	400	5.0	6.5-9.0	200	93
0822	Elm Fork Trinity River Below Lewisville Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0823	Lewisville Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0824	Elm Fork Trinity River Above Ray Roberts Lake	CR	H	PS		110	90	700	5.0	6.5-9.0	200	90
0825	Denton Creek	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0826	Grapevine Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	93
0827	White Rock Lake	CR	H			100	100	400	5.0	6.5-9.0	200	93
0828	Lake Arlington	CR	H	PS		100	100	300	5.0	6.5-9.0	200	95
0829	Clear Fork Trinity River Below Benbrook Lake	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
0830	Benbrook Lake	CR	H	PS		75	75	300	5.0	6.5-9.0	200	93
0831	Clear Fork Trinity River Below Lake Weatherford	CR	H	PS		100	100	500	5.0	6.5-9.0	200	90
0832	Lake Weatherford	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
0833	Clear Fork Trinity River Above Lake Weatherford	CR	H	PS		125	125	750	5.0	6.5-9.0	200	95
0834	Lake Amon G. Carter	CR	H	PS		150	150	400	5.0	6.5-9.0	200	93
0835	Richland Creek Below Richland-Chambers Reservoir	CR	H	PS		145	170	500	5.0	6.5-9.0	200	90
0836	Richland-Chambers Reservoir	CR	H	PS		75	110	400	5.0	6.5-9.0	200	91
0837	Richland Creek Above Richland-Chambers Reservoir	CR	H	PS		145	170	500	5.0	6.5-9.0	200	90
0838	Joe Pool Lake	CR	H	PS		100	100	300	5.0	6.5-9.0	200	90
0839	Elm Fork Trinity River Below Ray Roberts Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90



SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0840	Ray Roberts Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0841	Lower West Fork Trinity River	CR	I			175	175	850	4.0*	6.5-9.0	200	95

\* The dissolved oxygen criterion in segment 0841 shall be 2.5 mg/L when headwater flow at USGS Gauging Station 08048000 (located on the West Fork Fort Worth) is less than 80.0 ft.<sup>3</sup>/s.

SEGMENT NUMBER		SEGMENT NAME	USES				CRITERIA							
TRINITY-SAN JACINTO RIVER BASIN			RECREATION	CR										
			AQUATIC LIFE	H										
			DOMESTIC WATER SUPPLY	PS										
			OTHER											
			CHLORIDE (mg/L) Annual average not to exceed		200									
			SULFATE (mg/L) Annual average not to exceed		100									
			TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed		400									
			DISSOLVED OXYGEN (mg/L)		5.0	4.0								
			pH RANGE		6.5-9.0	6.5-9.0								
			FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed		200	200								
			TEMPERATURE (°F) Not to exceed		90	95								
0901		Cedar Bayou Tidal												
0902		Cedar Bayou Above Tidal												

SAN JACINTO RIVER BASIN		USES				CRITERIA						
SEGMENT NUMBER	SEGMENT NAME	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1001	San Jacinto River Tidal	CR	H						4.0	6.5-9.0	200	95
1002	Lake Houston	CR	H	PS		100	50	200	5.0	6.5-9.0	200	90
1003	East Fork San Jacinto River	CR	H	PS		80	40	400	5.0	6.0-8.5	200	91
1004	West Fork San Jacinto River	CR	H	PS		80	40	300	5.0	6.5-9.0	200	95
1005	Houston Ship Channel/San Jacinto River	MCR	H						4.0	6.5-9.0	200	95
1006*	Houston Ship Channel				N/IS				2.0	6.5-9.0	2,000	95
1007*	Houston Ship Channel/Bufalo Bayou				N/IS				1.0	6.5-9.0	2,000	95
1008	Spring Creek	CR	H	PS		80	40	300	5.0	6.5-9.0	200	90
1009	Cypress Creek	CR	H	PS		80	40	300	5.0	6.5-9.0	200	90
1010	Caney Creek	CR	H	PS		50	40	300	5.0	6.0-8.5	200	90
1011	Peach Creek	CR	H	PS		50	40	200	5.0	6.0-8.5	200	90
1012	Lake Conroe	CR	H	PS		50	40	200	5.0	6.5-9.0	200	90
1013	Bufalo Bayou Tidal	CR	I						3.0	6.5-9.0	200	92
1014	Bufalo Bayou Above Tidal	CR	L			110	65	600	3.0	6.5-9.0	200	92
1015	Lake Creek	CR	H	PS		80	20	300	5.0	6.0-8.5	200	90
1016	Greens Bayou Above Tidal	CR	L			110	65	600	3.0	6.5-9.0	200	92
1017	Whiteoak Bayou Above Tidal	CR	L			110	65	600	3.0	6.5-9.0	200	92

\* Chronic numerical toxic criteria and chronic total toxicity requirements apply to segments 1006 and 1007.

SAN JACINTO-BRAZOS COASTAL BASIN		USES				CRITERIA						
SEGMENT NUMBER	SEGMENT NAME	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1101	Clear Creek Tidal	CR	H						4.0	6.5-9.0	200	95
1102	Clear Creek Above Tidal	CR	H			200	100	600	5.0	6.5-9.0	200	95
1103	Dickinson Bayou Tidal	CR	H						4.0	6.5-9.0	200	95
1104	Dickinson Bayou Above Tidal	CR	I			200	100	600	4.0	6.5-9.0	200	90
1105	Bastrop Bayou Tidal	CR	H						4.0	6.5-9.0	200	95
1107	Chocolate Bayou Tidal	CR	H						4.0	6.5-9.0	200	95
1108	Chocolate Bayou Above Tidal	CR	H			150	50	600	5.0	6.5-9.0	200	90
1109	Oyster Creek Tidal	CR	H						4.0	6.5-9.0	200	95
1110	Oyster Creek Above Tidal	CR	H	PS		300	150	750	5.0	6.5-9.0	200	90
1111	Old Brazos River Channel	CR	H						4.0	6.5-9.0	200	95
1113	Armand Bayou Tidal	CR	H						4.0	6.5-9.0	200	95

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1201	Brazos River Tidal	CR	H	PS					4.0	6.5-9.0	200	95
1202	Brazos River Below Navasota River	CR	H	PS		300	200	750	5.0	6.5-9.0	200	95
1203	Whitney Lake	CR	H	PS		670	320	1,500	5.0	6.5-9.0	200	93
1204	Brazos River Below Lake Granbury	CR	H			750	380	1,600	5.0	6.5-9.0	200	91
1205	Lake Granbury	CR	H	PS		1,000	600	2,500	5.0	6.5-9.0	200	93
1206	Brazos River Below Possum Kingdom Lake	CR	H			1,020	500	2,300	5.0	6.5-9.0	200	90
1207	Possum Kingdom Lake	CR	H	PS		1,200	500	3,500	5.0	6.5-9.0	200	93
1208	Brazos River Above Possum Kingdom Lake	CR	H			5,000	2,000	12,000	5.0	6.5-9.0	200	95
1209	Navasota River Below Lake Limestone	CR	H	PS		140	100	600	5.0	6.5-9.0	200	93
1210	Lake Mexia	CR	H	PS		100	50	400	5.0	6.5-9.0	200	90
1211	Yegua Creek	CR	H	PS		140	130	640	5.0	6.5-9.0	200	91
1212	Somerville Lake	CR	H	PS		75	100	300	5.0	6.5-9.0	200	93
1213	Little River	CR	H	PS		75	75	400	5.0	6.5-9.0	200	90
1214	San Gabriel River	CR	H	PS		50	45	500	5.0	6.5-9.0	200	91
1215	Lampasas River Below Stillhouse Hollow Lake	CR	H	PS		100	75	500	5.0	6.5-9.0	200	91
1216	Stillhouse Hollow Lake	CR	E	PS		100	75	500	6.0	6.5-9.0	200	93
1217	Lampasas River Above Stillhouse Hollow Lake	CR	H			480	80	840	5.0	6.5-9.0	200	91
1218	Nolan Creek	CR	H	PS		100	75	500	5.0	6.5-9.0	200	93
1219	Leon River Below Belton Lake	CR	H	PS		150	75	500	5.0	6.5-9.0	200	91
1220	Belton Lake	CR	H	PS		100	75	500	5.0	6.5-9.0	200	93

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1221	Leon River Below Proctor Lake	CR	H	PS		150	75	500	5.0	6.5-9.0	200	90
1222	Proctor Lake	CR	H	PS		200	75	500	5.0	6.5-9.0	200	93
1223	Leon River Below Leon Reservoir	CR	H	PS		480	130	1,240	5.0	6.5-9.0	200	93
1224	Leon Reservoir	CR	H	PS		150	75	500	5.0	6.5-9.0	200	93
1225	Waco Lake	CR	H	PS		60	60	400	5.0	6.5-9.0	200	93
1226	North Bosque River	CR	H	PS		75	60	540	5.0	6.5-9.0	200	91
1227	Nolan River	CR	I			75	75	500	4.0	6.5-9.0	200	95
1228	Lake Pat Cleburne	CR	H	PS		100	100	300	5.0	6.5-9.0	200	93
1229	Paluxy River	CR	H	PS		35	65	400	5.0	6.5-9.0	200	91
1230	Lake Palo Pinto	CR	H	PS		100	100	450	5.0	6.5-9.0	200	93
1231	Lake Graham	CR	H	PS		200	75	500	5.0	6.5-9.0	200	95
1232	Clear Fork Brazos River	CR	H			1,250	2,200	4,900	5.0	6.5-9.0	200	93
1233	Hubbard Creek Reservoir	CR	H	PS		350	*75	750	5.0	6.5-9.0	200	93
1234	Lake Cisco	CR	H	PS		75	75	350	5.0	6.5-9.0	200	93
1235	Lake Stamford	CR	H	PS		580	400	2,100	5.0	6.5-9.0	200	93
1236	Fort Phantom Hill Reservoir	CR	H	PS		130	150	550	5.0	6.5-9.0	200	93
1237	Lake Sweetwater	CR	H	PS		250	225	730	5.0	6.5-9.0	200	93
1238	Salt Fork Brazos River	CR	H			23,000	4,000	40,000	5.0	6.5-9.0	200	93
1239	White River	CR	H	PS		100	100	500	5.0	6.5-9.0	200	92
1240	White River Lake	CR	H	PS		150	100	450	5.0	6.5-9.0	200	89

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
	BRAZOS RIVER BASIN											
1241	Double Mountain fork Brazos River	CR	H			2,500	2,400	5,500	5.0	6.5-9.0	200	95
1242	Brazos River Below Whitney Lake	CR	H	PS		450	250	1,400	5.0	6.5-9.0	200	95
1243	Salado Creek	CR	H	PS		50	50	300	5.0	6.5-9.0	200	90
1244	Brushy Creek	CR	H	PS		125	150	600	5.0	6.5-9.0	200	91
1245	Upper Oyster Creek	CR	I	PS		140	75	1,070	4.0	6.5-9.0	200	95
1246	Middle Bosque/South Bosque River	CR	H			45	260	700	5.0	6.5-9.0	200	91
1247	Granger Lake	CR	H	PS		25	30	290	5.0	6.5-9.0	200	90
1248	San Gabriel/North Fork San Gabriel River	CR	H	PS		35	30	350	5.0	6.5-9.0	200	95
1249	Lake Georgetown	CR	H	PS		20	20	280	5.0	6.5-9.0	200	90
1250	South Fork San Gabriel River	CR	H	PS		30	35	330	5.0	6.5-9.0	200	95
1251	North Fork San Gabriel River	CR	H	PS		35	30	330	5.0	6.5-9.0	200	91
1252	Lake Limestone	CR	H	PS		35	20	200	5.0	6.5-9.0	200	90
1253	Navasota River Below Lake Mexia	CR	H	PS		440	150	1,350	5.0	6.5-9.0	200	93
1254	Aquilla Reservoir	CR	H	PS		110	310	600	5.0	6.5-9.0	200	90
1255	Upper North Bosque River	CR	I	PS		75	60	540	4.0	6.5-9.0	200	91

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1301	San Bernard River Tidal	CR	H						4.0	6.5-9.0	200	95
1302	San Bernard River Above Tidal	CR	H	PS		100	50	500	5.0	6.5-9.0	200	90
1304	Caney Creek Tidal	CR	H						4.0	6.5-9.0	200	95
1305	Caney Creek Above Tidal	CR	H			200	75	1,000	5.0	6.5-9.0	200	90



SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1401	Colorado River Tidal	CR	H					4.0	6.5-9.0	200	95	
1402*	Colorado River Below Smithville	CR	H	PS		90	60	450	5.0	6.5-9.0	200	95
1403*	Lake Austin	CR	H	PS		85	60	375	5.0	6.5-9.0	200	90
1404*	Lake Travis	CR	E	PS		85	60	375	6.0	6.5-9.0	200	90
1405*	Marble Falls Lake	CR	H	PS		115	70	450	5.0	6.5-9.0	200	94
1406*	Lake Lyndon B. Johnson	CR	H	PS		115	70	450	5.0	6.5-9.0	200	94
1407*	Inks Lake	CR	H	PS		135	95	525	5.0	6.5-9.0	200	90
1408*	Lake Buchanan	CR	H	PS		145	95	525	5.0	6.5-9.0	200	90
1409*	Colorado River Above Lake Buchanan	CR	H	PS		200	155	875	5.0	6.5-9.0	200	91
1410*	Colorado River Below O. H. Ivie Reservoir	CR	H	PS		500	455	1,475	5.0	6.5-9.0	200	91
1411*	E. V. Spence Reservoir	CR	H	PS		950	450	1,500	5.0	6.5-9.0	200	93
1412*	Colorado River Below Lake J. B. Thomas	CR	H			11,000	2,500	20,000	5.0	6.5-9.0	200	93
1413	Lake J. B. Thomas	CR	H	PS		80	110	500	5.0	6.5-9.0	200	90
1414	Pedernales River	CR	H	PS		105	50	525	5.0	6.5-9.0	200	91
1415	Llano River	CR	H	PS		45	25	300	5.0	6.5-9.0	200	91
1416	San Saba River	CR	H	PS		40	30	425	5.0	6.5-9.0	200	90
1417	Lower Pecan Bayou	CR	H			310	120	1,025	5.0	6.5-9.0	200	90

\* Inorganic chemical quality in these segments have been affected by hypersaline overflows from Natural Dam Lake caused by heavy rains in 1986 and 1987. Ambient concentrations of chloride, sulfate, and total dissolved solids are exceeding or are expected to exceed applicable criteria for an extended period (until the affected water moves through the river system into the Gulf of Mexico). Therefore, when ambient concentrations for these parameters exceed listed criteria, then the applicable instream criteria to be met by permitted wastewater discharges will be based on average concentrations of the river upstream of discharge points--e.g., at the upstream river water intake point which supplies water to a particular discharger. Control programs, monitoring, and further analyses are being conducted.

COLORADO RIVER BASIN		USES				CRITERIA						
SEGMENT NUMBER	SEGMENT NAME	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1418	Lake Brownwood	CR	H	PS		150	100	500	5.0	6.5-9.0	200	90
1419	Lake Coleman	CR	H	PS		150	100	500	5.0	6.5-9.0	200	93
1420	Pecan Bayou Above Lake Brownwood	CR	H	PS		500	500	1,500	5.0	6.5-9.0	200	90
1421	Concho River	CR	H	PS		775	425	1,600	5.0	6.5-9.0	200	90
1422	Lake Nasworthy	CR	H	PS		450	400	1,500	5.0	6.5-9.0	200	93
1423	Twin Buttes Reservoir	CR	H	PS		200	100	700	5.0	6.5-9.0	200	90
1424	Middle Concho/South Concho River	CR	H	PS		150	150	700	5.0	6.5-9.0	200	90
1425	O. C. Fisher Lake	CR	H	PS		150	150	700	5.0	6.5-9.0	200	90
1426*	Colorado River Below E. V. Spence Reservoir	CR	H	PS		610	980	2,000	5.0	6.5-9.0	200	91
1427	Onion Creek	CR	H	PS/AP		50	50	300	5.0	6.5-9.0	200	90
1428*	Colorado River Below Town Lake	CR	H	PS		90	60	425	5.0	6.5-9.0	200	95
1429*	Town Lake**	CR	H	PS		75	60	375	5.0	6.5-9.0	200	90
1430	Barton Creek	CR	H	AP		40	40	500	5.0	6.5-9.0	200	90
1431	Mid Pecan Bayou	CR				410	120	1100	2.0	6.5-9.0	200	90

\* Inorganic chemical quality in these segments have been affected by hypersaline overflows from Natural Dam Lake caused by heavy rains in 1986 and 1987. Ambient concentrations of chloride, sulfate, and total dissolved solids are exceeding or are expected to exceed applicable criteria for an extended period (until the affected water moves through the river system into the Gulf of Mexico). Therefore, when ambient concentrations of these parameters exceed listed criteria, then the applicable instream criteria to be met by permitted wastewater discharges will be based on average concentrations of the river upstream of discharge points--e.g., at the upstream river water intake point which supplies water to a particular discharger. Control programs, monitoring, and further analyses are being conducted.

\*\* White Segment 1429 may exhibit quality characteristics which would make it suitable for contact recreation, the use is prohibited by local regulation for reasons unrelated to water quality.

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1432	Upper Pecan Bayou	CR	H	PS		190	140	760	5.0	6.5-9.0	200	90
1433*	O. H. Ivie Reservoir	CR	H	PS		**	**	**	5.0	6.5-9.0	200	93

\* Inorganic chemical quality in these segments have been affected by hypersaline overflows from Natural Dam Lake caused by heavy rains in 1986 and 1987. Ambient concentrations of chloride, sulfate, and total dissolved solids are expected to exceed applicable criteria for an extended period (until the affected water moves through the river system into the Gulf of Mexico). Therefore, when ambient concentrations exceed listed criteria, then the applicable instream criteria to be met by permitted wastewater discharges will be based on average concentrations of the river upstream of discharge points--e.g., at the upstream river water intake point which supplies water to a particular discharger. Control programs, monitoring, and further analyses are being conducted.

\*\* Numerical criteria for chloride, sulfate and total dissolved solids cannot be established at this time for this new reservoir.

SEGMENT NUMBER		SEGMENT NAME	USES				CRITERIA							
COLORADO-LAVACA COASTAL BASIN			RECREATION	CR										
			AQUATIC LIFE		E									
			DOMESTIC WATER SUPPLY											
			OTHER											
			CHLORIDE (mg/L) Annual average not to exceed			250								
			SULFATE (mg/L) Annual average not to exceed			100								
			TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed			600								
			DISSOLVED OXYGEN (mg/L)		5.0									
			pH RANGE		6.5-9.0									
			FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed		200									
			TEMPERATURE (°F) Not to exceed		95									
1501	Tres Palacios Creek Tidal			CR										
1502	Tres Palacios Creek Above Tidal			CR	H									

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1601	Lavaca River Tidal	CR	H					4.0	6.5-9.0	200	95	
1602	Lavaca River Above Tidal	CR	H	PS		150	75	500	5.0	6.5-9.0	200	91
1603	Navidad River Tidal	CR	H	PS					4.0	6.5-9.0	200	91
1604	Lake Texana	CR	H	PS		80	25	450	5.0	6.5-9.0	200	93
1605	Navidad River Above Lake Texana	CR	H	PS		100	30	550	5.0	6.5-9.0	200	91

SEGMENT NUMBER	SEGMENT NAME	LAVACA-GUADALUPE COASTAL BASIN	
USES	RECREATION	NCR	
	AQUATIC LIFE	H	
	DOMESTIC WATER SUPPLY		
	OTHER		
CRITERIA	CHLORIDE (mg/L) Annual average not to exceed		
	SULFATE (mg/L) Annual average not to exceed		
	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed		
	DISSOLVED OXYGEN (mg/L)	4.0	
	pH RANGE	6.5-9.0	
	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	200	
	TEMPERATURE (°F) Not to exceed	95	

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1801	Guadalupe River Tidal	CR	E					5.0	6.5-9.0	200	95	
1803	Guadalupe River Below San Marcos River	CR	H	PS		100	50	400	5.0	6.5-9.0	200	93
1804	Guadalupe River Below Comal River	CR	H	PS		80	50	400	5.0	6.5-9.0	200	90
1805	Canyon Lake	CR	E	PS/AP		40	40	400	6.0	6.5-9.0	200	90
1806	Guadalupe River Above Canyon Lake	CR	E	PS		35	30	375	6.0	6.5-9.0	200	90
1807	Coleta Creek	CR	H	PS		250	100	500	5.0	6.5-9.0	200	93
1808	Lower San Marcos River	CR	H	PS		60	50	400	5.0	6.5-9.0	200	90
1809	Lower Blanco River	CR	H	PS		40	50	400	5.0	6.5-9.0	200	92
1810	Plum Creek	CR	H			350	150	1,120	5.0	6.5-9.0	200	90
1811	Comal River	CR	H	PS		25	30	400	5.0	6.5-9.0	200	90
1812	Guadalupe River Below Canyon Dam	CR	E	PS/AP		40	40	400	6.0	6.5-9.0	200	90
1813	Upper Blanco River	CR	E	PS/AP		30	35	400	6.0	6.5-9.0	200	92
1814	Upper San Marcos River	CR	E			25	25	380	6.0	6.5-9.0	200	80
1815	Cypress Creek	CR	E	PS		20	20	350	6.0	6.5-9.0	200	86
1816	Johnson Creek	CR	E	PS		40	20	350	6.0	6.5-9.0	200	86
1817	North Fork Guadalupe River	CR	E	PS		20	20	350	6.0	6.5-9.0	200	86
1818	South Fork Guadalupe River	CR	E	PS		20	20	350	6.0	6.5-9.0	200	86

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
SAN ANTONIO RIVER BASIN												
1901	Lower San Antonio River	CR	H			180	140	750	5.0	6.5-9.0	200	90
1902	Lower Cibolo Creek	CR	H			170	275	900	5.0	6.5-9.0	200	90
1903	Medina River Below Medina Diversion Lake	CR	H	PS		120	120	700	5.0	6.5-9.0	200	90
1904	Medina Lake	CR	H	PS/AP		80	75	350	5.0	6.5-9.0	200	88
1905	Medina River Above Medina Lake	CR	E	PS		50	100	400	6.0	6.5-9.0	200	88
1906	Lower Leon Creek	CR	H	PS		120	120	700	5.0	6.5-9.0	200	95
1907	Upper Leon Creek	CR	H	PS/AP		55	240	550	5.0	6.5-9.0	200	95
1908	Upper Cibolo Creek	CR	H	PS/AP		50	50	400	5.0	6.5-9.0	200	90
1909	Medina Diversion Lake	CR	H	PS/AP		50	75	400	5.0	6.5-9.0	200	90
1910	Salado Creek	CR	H	PS/AP		140	200	600	5.0	6.5-9.0	200	90
1911	Upper San Antonio River	CR	H			95	95	620	5.0	6.5-9.0	200	90
1912	Medio Creek	CR	I			100	125	550	4.0	6.5-9.0	200	95
1913	Mid Cibolo Creek	CR	L			80	90	650	3.0	6.5-9.0	200	90



SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
2001	Mission River Tidal	CR	H						4.0	6.5-9.0	200	95
2002	Mission River Above Tidal	CR	H			850	100	2,000	5.0	6.5-9.0	200	95
2003	Aransas River Tidal	CR	H						4.0	6.5-9.0	200	95
2004	Aransas River Above Tidal	CR	H			300	50	600	5.0	6.5-9.0	200	95

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
2101	Nueces River Tidal	CR	E					5.0	6.5-9.0	200	95	
2102	Nueces River Below Lake Corpus Christi	CR	H	PS		250	250	500	5.0	6.5-9.0	200	91
2103	Lake Corpus Christi	CR	H	PS		250	250	500	5.0	6.5-9.0	200	93
2104	Nueces River Above Frio River	CR	H	PS		700	300	1,500	5.0	6.5-9.0	200	90
2105	Nueces River Above Holland Dam	CR	H	PS		200	200	900	5.0	6.5-9.0	200	90
2106	Nueces/Lower Frio River	CR	H	PS		250	250	500	5.0	6.5-9.0	200	90
2107	Atascosa River	CR	H	PS		600	500	1,500	5.0	6.5-9.0	200	90
2108	San Miguel Creek	CR	H	PS		700	700	2,000	5.0	6.5-9.0	200	95
2109	Leona River	CR	H	PS/AP		650	500	2,000	5.0	6.5-9.0	200	90
2110	Lower Sabinal River	CR	H	PS		200	75	700	5.0	6.5-9.0	200	90
2111	Upper Sabinal River	CR	H	PS/AP		40	75	500	5.0	6.5-9.0	200	90
2112	Upper Nueces River	CR	H	PS/AP		40	40	300	5.0	6.5-9.0	200	90
2113	Upper Frio River	CR	E	PS/AP		25	30	300	6.0	6.5-9.0	200	90
2114	Hondo Creek	CR	H	PS/AP		30	60	300	5.0	6.5-9.0	200	90
2115	Seco Creek	CR	H	PS/AP		30	70	350	5.0	6.5-9.0	200	90
2116	Choke Canyon Reservoir	CR	H	PS		250	250	500	5.0	6.5-9.0	200	90
2117	Frio River Above Choke Canyon Reservoir	CR	H	PS/AP		620	380	1,700	5.0	6.5-9.0	200	90

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
2201	Arroyo Colorado Tidal	CR	H						4.0	6.5-9.0	200	95
2202	Arroyo Colorado Above Tidal	CR	I			1,200	1,000	4,000	4.0	6.5-9.0	200	95
2203	Petronila Creek Tidal	CR	H						4.0	6.5-9.0	200	95
2204	Petronila Creek Above Tidal*	CR	I			1,500	500	4,000	4.0	6.5-9.0	200	95

\* High concentrations of chlorides, sulfates and total dissolved solids in Segment 2204 are due to past brine discharges which were halted effective 1/10/87 by order of the Texas Railroad Commission. Water quality is expected to improve as residual brines are flushed from the system. These estimated criteria are subject to modification as improvement in water quality is documented.

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
2301	Rio Grande Tidal	CR	E					5.0	6.5-9.0	200	75	
2302	Rio Grande Below Falcon Reservoir	CR	H	PS		270	350	880	5.0	6.5-9.0	200	90
2303	International Falcon Reservoir	CR	H	PS		140	300	700	5.0	6.5-9.0	200	93
2304	Rio Grande Below Amistad Reservoir	CR	H	PS		200	300	1,000	5.0	6.5-9.0	200	95
2305	International Amistad Reservoir	CR	H	PS		150	270	800	5.0	6.5-9.0	200	88
2306	Rio Grande Above Amistad Reservoir	CR	H	PS		300	570	1,550	5.0	6.5-9.0	200	93
2307	Rio Grande Below Riverside Diversion Dam	CR	H	PS		300	550	1,500	5.0*	6.5-9.0	200	93
2308	Rio Grande Below International Dam	NCR	L			250	450	1,400	3.0	6.5-9.0	2,000	95
2309	Devils River	CR	E	PS		30	20	300	6.0	6.5-9.0	200	90
2310	Lower Pecos River	CR	H	PS		1,000	500	3,000	5.0	6.5-9.0	200	92
2311	Upper Pecos River	CR	H			7,000	3,500	15,000	5.0	6.5-9.0	200	92
2312	Red Bluff Reservoir	CR	H			6,000	3,500	15,000	5.0	6.5-9.0	200	90
2313	San Felipe Creek	CR	H	PS		25	30	500	5.0	6.5-9.0	200	90
2314	Rio Grande Above International Dam	CR	H	PS		340	600	1,800	5.0	6.5-9.0	200	92

\* The dissolved oxygen criterion in the upper reach of Segment 2307 (Riverside Diversion Dam to the end of the rectified channel below Fort Quitman) shall be 3.0 mg/L when headwater flow over the Riverside Diversion Dam is less than 35 ft<sup>3</sup>/s.

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA					
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed
2411	Sabine Pass	CR	E/O					5.0	6.5-9.0	14	95
2412	Sabine Lake	CR	H/O					4.0	6.5-9.0	14	95
2421	Upper Galveston Bay	CR	H/O					4.0	6.5-9.0	14	95
2422	Trinity Bay	CR	H/O					4.0	6.5-9.0	14	95
2423	East Bay	CR	H/O					4.0	6.5-9.0	14	95
2424	West Bay	CR	H/O					4.0	6.5-9.0	14	95
2425	Clear Lake	CR	H					4.0	6.5-9.0	200	95
2426	Tabbs Bay	CR	H					4.0	6.5-9.0	200	95
2427	San Jacinto Bay	CR	H					4.0	6.5-9.0	200	95
2428	Black Duck Bay	CR	H					4.0	6.5-9.0	200	95
2429	Scott Bay	CR	H					4.0	6.5-9.0	200	95
2430	Burnett Bay	CR	H					4.0	6.5-9.0	200	95
2431	Moses Lake	CR	H					4.0	6.5-9.0	200	95
2432	Chocolate Bay	CR	H/O					4.0	6.5-9.0	14	95
2433	Bastrop Bay/Oyster Lake	CR	H/O					4.0	6.5-9.0	14	95
2434	Christmas Bay	CR	H/O					4.0	6.5-9.0	14	95
2435	Drum Bay	CR	H/O					4.0	6.5-9.0	14	95
2436	Barbours Cut	CR	H					4.0	6.5-9.0	200	95
2437	Texas City Ship Channel	NCR	H					4.0	6.5-9.0	200	95
2438	Bayport Channel	NCR	H					4.0	6.5-9.0	200	95

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
2439	Lower Galveston Bay	CR	H/O						4.0	6.5-9.0	14	95
2441	East Matagorda Bay	CR	E/O						5.0	6.5-9.0	14	95
2442	Cedar Lakes	CR	H/O						4.0	6.5-9.0	14	95
2451	Matagorda Bay/Powderhorn Lake	CR	E/O						5.0	6.5-9.0	14	95
2452	Tres Palacios Bay/Turtle Bay	CR	E/O						5.0	6.5-9.0	14	95
2453	Lavaca Bay/Chocolate Bay	CR	E/O						5.0	6.5-9.0	14	95
2454	Cox Bay	CR	E/O						5.0	6.5-9.0	14	95
2455	Keller Bay	CR	E/O						5.0	6.5-9.0	14	95
2456	Carancahua Bay	CR	E/O						5.0	6.5-9.0	14	95
2461	Espiritu Santo Bay	CR	E/O						5.0	6.5-9.0	14	95
2462	San Antonio Bay/Hynes Bay/Guadalupe Bay	CR	E/O						5.0	6.5-9.0	14	95
2463	Mesquite Bay/Carlos Bay/Avres Bay	CR	E/O						5.0	6.5-9.0	14	95
2471	Aransas Bay	CR	E/O						5.0	6.5-9.0	14	95
2472	Copano Bay/Port Bay/Mission Bay	CR	E/O						5.0	6.5-9.0	14	95
2473	St. Charles Bay	CR	E/O						5.0	6.5-9.0	14	95
2481	Corpus Christi Bay	CR	E/O						5.0	6.5-9.0	14	95
2482	Nueces Bay	CR	E/O						5.0	6.5-9.0	14	95
2483	Redfish Bay	CR	E/O						5.0	6.5-9.0	14	95
2484	Corpus Christi Inner Harbor	NCR	1						3.0	6.5-9.0	200	95
2485	Oso Bay	CR	E/O						5.0	6.5-9.0	14	95

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
2491	Laguna Madre	CR	E/O						5.0	6.5-9.0	14	95
2492	Baffin Bay/Alazan Bay/Cayo del Grullo/Laguna Salada	CR	H/O						4.0	6.5-9.0	14	95
2493	South Bay	CR	E/O						5.0	6.5-9.0	14	95
2494	Brownsville Ship Channel	NCR	E						5.0	6.5-9.0	200	95

2501	Gulf of Mexico	SEGMENT NUMBER	SEGMENT NAME	GULF OF MEXICO	
CR			RECREATION	USES	
E/O			AQUATIC LIFE		
			DOMESTIC WATER SUPPLY		
			OTHER		
			CHLORIDE (mg/L) Annual average not to exceed	CRITERIA	
			SULFATE (mg/L) Annual average not to exceed		
			TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed		
5.0			DISSOLVED OXYGEN (mg/L)		
6.5-9.0			pH RANGE		
14			FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed		
95			TEMPERATURE (°F) Not to exceed		





**APPENDIX B. LOW FLOW CRITERIA.** The flow value listed for each Texas Water Commission Stream Monitoring Network (SMN) Station represents the statistically calculated seven-day two-year low flow (7Q2). The 7Q2 is the lowest average flow for seven consecutive days with a recurrence interval of two years. The calculated values are based on USGS period of record streamflow data for established gauging stations. Where USGS stream gauging stations are not present, low flow values have been estimated by using data from nearby stations with similar hydrologic characteristics or from the best information available. The 7Q2 values presented in Appendix B are intended as guidelines, and the 7Q2 flows used to set effluent limits for discharges may be recalculated as additional data becomes available.

SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
0101	0101.0100	0.2
	0101.0200	0.1
	0101.0300	0.1
	0101.0400	0.1
0103	0103.0100	2.3
	0103.0200	0.1
0104	0104.0100	0.3
0201	0201.0100	1803.9
	0201.0200	1460.4
0202	0202.0100	1300.3
	0202.0200	1066.4
	0202.0400	200.0
0204	0204.0100	211.7
	0204.0200	148.2
0205	0205.0100	58.5
0206	0206.0100	0.8
0207	0207.0100	0.4
	0207.0130	0.4
	0207.0300	0.1
0211	0211.0100	0.1
0214	0214.0100	55.0
	0214.0200	26.9
0216	0216.0100	2.5
0218	0218.0100	0.1
	0218.0210	4.4
	0218.0250	5.2
	0218.0300	0.1
0220	0220.0050	0.1
	0220.0100	0.1
	0220.0200	0.1
	0220.0300	0.2
0221	0221.0100	2.7
0222	0222.0100	2.7

SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
0224	0224.0100	0.1
	0224.0200	0.1
0225	0225.0100	0.1
0226	0226.0300	0.1
0227	0227.0200	0.1
0301	0301.0100	6.9
0303	0303.0100	1.1
	0303.0200	0.8
	0303.0500	0.1
0304	0304.0100	0.1
0305	0305.0300	0.1
0306	0306.0580	1.0
0402	0402.0100	29.0
0404	0404.0100	3.8
0406	0406.0100	0.1
0407	0407.0100	0.1
0409	0409.0300	0.4
	0409.0310	0.1
0503	0503.0100	870.6
	0503.0200	545.1
	0503.0300	181.3
	0503.0400	110.9
0505	0505.0160	44.7
0506	0506.0100	30.8
	0506.0180	4.0
	0506.0400	0.7
0513	0513.0605	25.3
0514	0514.1350	15.3
0515	0515.0100	0.4

SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
0602	0602.0100	1299.1
	0602.0200	1097.7
0604	0604.0100	85.3
	0604.0200	64.9
	0604.0520	50.1
0606	0606.0200	16.0
0607	0607.0100	100.0
	0607.0300	2.4
0608	0608.0100	80.0
	0608.0200	64.7
0609	0609.0100	50.0
0611	0611.0100	45.3
	0611.0200	34.6
0612	0612.0100	24.0
0701	0701.0100	38.4
0802	0802.0100	781.4
	0802.0180	703.5
	0802.0200	565.3
0804	0804.0300	698.3
	0804.0400	565.5
	0804.0600	480.7
0805	0805.0100	460.4
	0805.0300	429.9
	0805.0400	213.6
	0805.0500	106.7
	0805.0700	8.4
0806	0806.0120	4.2
0808	0808.0100	0.5
0810	0810.0100	4.3
0812	0812.0100	0.1
0814	0814.0400	0.1

SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
0819	0819.0100	35.3
	0819.0220	21.0
0822	0822.0100	42.0
	0822.0200	25.0
0824	0824.2700	0.1
0825	0825.0100	9.5
0829	0829.0100	0.6
0831	0831.0100	0.1
0833	0833.0100	0.1
0835	0835.0150	0.1
0837	0837.3630	0.1
0839	0839.0100	1.8
0902	0902.0100	0.3
1003	1003.0100	11.6
1004	1004.0100	20.0
1008	1008.0025	9.8
	1008.0100	5.8
	1008.0750	7.2
1009	1009.0100	13.9
	1009.0370	1.2
	1009.0500	0.1
1010	1010.0100	12.6
1011	1011.0050	7.2
	1011.0100	6.9
1014	1014.2825	20.3
	1014.2850	37.3
	1014.2900	7.9
1015	1015.5150	7.5
1102	1102.0200	0.5

SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
1104	1104.0100	1.5
1108	1108.0100	1.4
1110	1110.0100	29.1
1202	1202.0080	587.5
	1202.0100	724.4
1204	1204.0100	15.7
1206	1206.0050	32.0
	1206.0300	26.2
	1206.0400	23.3
1208	1208.0100	5.2
	1208.0130	4.6
	1208.0150	0.1
	1208.0200	0.1
	1208.0300	0.1
1209	1209.0200	10.7
	1209.0250	1.0
1211	1211.0100	0.1
	1211.0200	0.1
1213	1213.0100	75.1
	1213.0200	57.0
1214	1214.0010	3.3
	1214.0050	0.7
1215	1215.0100	4.3
1217	1217.0100	30.3
	1217.0200	11.4
1218	1218.0050	14.1
	1218.0100	7.5
	1218.0200	2.1
1219	1219.0075	2.4
	1219.0100	1.5
	1219.0200	0.5
1221	1221.0100	2.0
	1221.0300	0.6

SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
1223	1223.0100	0.1
1226	1226.0100	4.8
	1226.0150	2.0
1227	1227.0050	1.2
	1227.0100	0.1
1229	1229.0100	0.8
1232	1232.0100	0.1
	1232.0150	0.1
	1232.0200	0.1
	1232.0300	0.1
	1232.0400	0.2
	1232.0450	0.1
	1232.0600	0.1
1238	1238.0200	0.1
	1238.0300	0.1
	1238.0400	0.1
1239	1239.0100	0.1
1241	1241.0100	0.1
1242	1242.0150	489.0
	1242.0300	179.0
	1242.0600	152.7
	1242.0700	3.7
1243	1243.0100	25.0
1244	1244.0100	5.1
	1244.0200	3.4
1245	1245.0100	29.1
1246	1246.0380	0.1
	1246.0500	0.1
1248	1248.0100	12.9
1250	1250.0200	0.3
1251	1251.0300	0.1



SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
1253	1253.0300	0.1
1255	1255.0300	0.1
1302	1302.0100	12.4
1305	1305.0075	10.0
1402	1402.0025	127.0
	1402.0100	355.9
	1402.0250	265.9
1409	1409.0100	38.4
1410	1410.0100	6.8
	1410.0120	5.6
	1410.0125	3.2
	1410.0150	0.2
	1410.0300	0.1
1412	1412.0100	0.1
	1412.0125	0.1
	1412.0150	0.1
	1412.0175	0.1
	1412.0200	0.1
	1412.0300	0.1
1414	1414.0100	3.9
	1414.0200	0.5
1415	1415.0100	30.7
	1415.0200	39.9
	1415.0300	64.9
1416	1416.0100	25.9
	1416.0200	1.6
	1416.0300	0.8
1417	1417.0050	0.4
1420	1420.0100	0.1
1421	1421.0100	0.1
	1421.0175	1.3
	1421.0400	0.1
	1421.0500	0.1

SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
1424	1424.0100	9.1
	1424.0200	0.1
1426	1426.0100	0.3
	1426.0200	0.2
	1426.0400	0.1
1427	1427.0075	0.6
	1427.0100	0.3
1428	1428.0500	199.7
	1428.0560	184.3
	1428.0750	61.7
1430	1430.2020	0.1
	1430.2030	0.1
1431	1431.0100	0.4
1432	1432.0200	0.4
1502	1502.0100	50.0
	1502.0200	5.6
1602	1602.0100	21.6
	1602.0200	1.2
1603	1603.0100	19.0
1605	1605.0150	4.3
	1605.0200	4.3
1803	1803.0110	647.1
	1803.0220	580.1
1804	1804.0100	385.1
1806	1806.0100	66.9
	1806.0200	48.3
	1806.0300	25.2
1807	1807.0100	4.2
	1807.0200	2.9
1808	1808.0100	144.3
1809	1809.0100	13.4

SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
1810	1810.0060	2.0
	1810.0100	1.6
	1810.0200	0.1
1811	1811.0100	246.6
1812	1812.0100	97.3
	1812.0200	51.0
1813	1813.0200	32.0
1814	1814.0300	120.8
1815	1815.0100	5.0
1816	1816.0600	5.5
1817	1817.1525	15.2
1818	1818.1625	10.0
1901	1901.0100	180.3
1902	1902.0100	11.7
1903	1903.0100	54.6
	1903.0200	44.2
1905	1905.0100	24.7
	1905.0200	2.1
1906	1906.0100	10.0
	1906.0300	10.0
1907	1907.0100	0.1
	1907.0300	0.1
1908	1908.0100	0.7
1909	1909.0100	17.
1910	1910.0100	8.9
	1910.0162	0.1
	1910.0170	0.1
1911	1911.0200	149.6
	1911.0300	149.1
	1911.0650	10.4
1912	1912.0600	10.5

SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
1913	1913.0220	0.1
	1913.0250	0.1
	1913.0260	0.1
	1913.0270	0.1
	1913.0300	0.1
2002	2002.0100	4.9
2004	2004.0100	5.0
	2004.0200	1.0
2102	2102.0100	48.4
	2102.0400	73.4
2104	2104.0200	0.1
	2104.0300	0.1
2105	2105.0050	0.1
	2105.0100	0.1
2106	2106.0025	0.1
	2106.5050	2.4
	2106.5100	0.3
2107	2107.0100	1.0
	2107.0200	0.1
2108	2108.0100	0.1
2109	2109.0100	0.1
	2109.0200	0.1
2110	2110.0100	0.5
2111	2111.0100	6.8
2112	2112.0200	19.7
	2112.0300	35.2
2113	2113.0100	38.7
2114	2114.0100	2.2
2115	2115.0100	0.1
2117	2117.0100	3.6
	2117.0150	0.1

SEGMENT	SMN STATION	LOW FLOW(ft <sup>3</sup> /s)
2202	2202.0400	0.1
2204	2204.0300	0.4
2301	2301.0200	60.7
2302	2302.0100	---
	2302.0150	---
	2302.0200	---
	2302.0210	337.9
	2302.0250	---
	2302.0300	---
2304	2304.0050	---
	2304.0075	---
	2304.0097	804.6
	2304.0170	---
	2304.0150	---
	2304.0200	---
	2304.0250	---
	2304.0300	---
2306	2306.0100	368.1
	2306.0130	257.7
	2306.0160	141.7
	2306.0250	97.8
	2306.0300	52.8
2307	2307.0050	0.1
2308	2308.0050	34.6
2309	2309.0100	116.0
2310	2310.0100	58.0
2311	2311.0100	39.3
	2311.0200	5.7
	2311.0300	4.8
2313	2313.0350	0.1
2314	2314.0100	34.6

**APPENDIX C. SEGMENT DESCRIPTIONS.** The following descriptions define the geographic extent of the state's classified segments. Boundaries of bay and estuary segments have not been precisely defined; however, the approximate boundaries are illustrated in the commission publication, Segment Identification Maps for Texas River and Coastal Basins.

SEGMENT	DESCRIPTION
0101	<u>Canadian River Below Lake Meredith</u> - from the Oklahoma State Line in Hemphill County to Sanford Dam in Hutchinson County
0102	<u>Lake Meredith</u> - from Sanford Dam in Hutchinson County to a point immediately upstream of the confluence of Camp Creek in Potter County, up to the normal pool elevation of 2936.5 feet (impounds Canadian River)
0103	<u>Canadian River Above Lake Meredith</u> - from a point immediately upstream of the confluence of Camp Creek in Potter County to the New Mexico State Line in Oldham County
0104	<u>Wolf Creek</u> - from the Oklahoma State Line in Lipscomb County to a point 2.0 kilometers (1.2 miles) upstream of FM 3045 in Ochiltree County
0105	<u>Rita Blanca Lake</u> - from Rita Blanca Dam in Hartley County up to the normal pool elevation of 3860 feet (impounds Rita Blanca Creek)
0201	<u>Lower Red River</u> - from the Arkansas State Line in Bowie County to the Arkansas-Oklahoma State Line in Bowie County
0202	<u>Red River Below Lake Texoma</u> - from the Arkansas-Oklahoma State Line in Bowie County to Denison Dam in Grayson County
0203	<u>Lake Texoma</u> - from Denison Dam in Grayson County to a point immediately upstream of the confluence of Sycamore Creek in Cooke County, up to the normal pool elevation of 617 feet (impounds Red River)
0204	<u>Red River Above Lake Texoma</u> - from a point immediately upstream of the confluence of Sycamore Creek in Cooke County to the confluence of the Wichita River in Clay County
0205	<u>Red River Below Pease River</u> - from the confluence of the Wichita River in Clay County to the confluence of the Pease River in Wilbarger County
0206	<u>Red River Above Pease River</u> - from the confluence of the Pease River in Wilbarger County to a point immediately upstream of the confluence of Buck Creek in Hardeman County

## SEGMENT

## DESCRIPTION

- 0207 Lower Prairie Dog Town Fork Red River - from a point immediately upstream of the confluence of Buck Creek in Hardeman County to a point 100 meters (110 yards) upstream of the confluence of Salt Fork in Armstrong County
- 0208 Lake Crook - from Lake Crook Dam in Lamar County up to the normal pool elevation of 476 feet (impounds Pine Creek)
- 0209 Pat Mayse Lake - from Pat Mayse Dam in Lamar County up to the normal pool elevation of 451 feet (impounds Sanders Creek)
- 0210 Farmers Creek Reservoir - from Farmers Creek Dam in Montague County up to the normal pool elevation of 827 feet (impounds Farmers Creek)
- 0211 Little Wichita River - from the confluence with the Red River in Clay County to Lake Arrowhead Dam in Clay County
- 0212 Lake Arrowhead - from Lake Arrowhead Dam in Clay County up to the normal pool elevation of 926 feet (impounds the Little Wichita River)
- 0213 Lake Kickapoo - from Kickapoo Dam in Archer County up to the normal pool elevation of 1045 feet (impounds North Fork Little Wichita River)
- 0214 Wichita River Below Diversion Lake - from the confluence with the Red River in Clay County to Diversion Dam in Archer County.
- 0215 Diversion Lake - from Diversion Dam in Archer County to a point 1.5 kilometers (0.9 miles) downstream of the confluence of Cottonwood Creek in Baylor County, up to the normal pool elevation of 1051 feet (impounds Wichita River)
- 0216 Wichita River Below Lake Kemp - from a point 1.5 kilometers (0.9 miles) downstream of the confluence of Cottonwood Creek in Baylor County to Lake Kemp Dam in Baylor County
- 0217 Lake Kemp - from Lake Kemp Dam in Baylor County to a point 9.4 kilometers (5.8 miles) downstream of the confluence of Crooked Creek in Baylor County, up to the normal pool elevation of 1144 feet (impounds Wichita River)



SEGMENT	DESCRIPTION
0218	<u>Wichita/North Fork Wichita River</u> - from a point 9.4 kilometers (5.8 miles) downstream of the confluence of Crooked Creek in Baylor County to a point 8.5 kilometers (5.3 miles) downstream of the most upstream crossing of FM 193 in Dickens County
0219	<u>Lake Wichita</u> - from Lake Wichita Dam in Wichita County up to the normal pool elevation of 980.5 feet (impounds Holliday Creek)
0220	<u>Pease/North Fork Pease River</u> - from the confluence with the Red River in Wilbarger County to 6.0 kilometers (3.7 miles) upstream of the confluence of Dick Moore Canyon in Floyd County
0221	<u>Middle Fork Pease River</u> - from the confluence with the North Fork Pease River in Cottle County to the confluence of Boggy Creek and Mott Creek in Motley County
0222	<u>Salt Fork Red River</u> - from the Oklahoma State Line in Collingsworth County to Greenbelt Dam in Donley County
0223	<u>Greenbelt Lake</u> - from Greenbelt Dam in Donley County up to the normal pool elevation of 2664 feet (impounds Salt Fork Red River)
0224	<u>North Fork Red River</u> - from the Oklahoma State Line in Wheeler County to a point 4.0 kilometers (2.5 miles) upstream of FM 2300 in Gray County
0225	<u>McKinney Bayou</u> - from the Arkansas State Line in Bowie County to FM 1397 in Bowie County
0226	<u>South Fork Wichita River</u> - from the confluence with the North Fork Wichita River in Knox County to a point 15.0 kilometers (9.3 miles) upstream of US 82 in Dickens County
0227	<u>South Fork Pease River</u> - from the confluence with the Middle Fork Pease River in Cottle County to the confluence of Wolf Creek and Rustler Creek in Motley County
0228	<u>Mackenzie Reservoir</u> - from Mackenzie Dam in Briscoe County up to the normal pool elevation of 3100 feet (impounds Tule Creek)

SEGMENT	DESCRIPTION
0229	<u>Upper Prairie Dog Town Fork Red River</u> - from a point 100 meters (110 yards) upstream of the confluence of Salt Fork in Armstrong County to the confluence of Palo Duro Creek and Tierra Blanca Creek in Randall County
0301	<u>Sulphur River Below Wright Patman Lake</u> - from the Arkansas State Line in Bowie/Cass County to Wright Patman Lake Dam in Bowie/Cass County
0302	<u>Wright Patman Lake</u> - from Wright Patman Lake Dam in Bowie/Cass County to a point 1.5 kilometers (0.9 mile) downstream of Bassett Creek in Bowie/Cass County, up to the normal pool elevation of 220.5 feet (impounds the Sulphur River)
0303	<u>Sulphur/South Sulphur River</u> - from a point 1.5 kilometers (0.9 miles) downstream of Bassett Creek in Bowie/Cass County to a point 4.0 kilometers (2.5 miles) upstream of the confluence of Big Creek in Delta County
0304	<u>Days Creek</u> - from the Arkansas State Line in Bowie County to the confluence of Swampoodle Creek and Nix Creek in Bowie County
0305	<u>North Sulphur River</u> - from the confluence with the South Sulphur River in Lamar County to a point 6.7 kilometers (4.2 miles) upstream of FM 68 in Fannin County
0306	<u>Upper South Sulphur River</u> - from a point 4.0 kilometers (2.5 miles) upstream of the confluence of Big Creek in Delta County to SH 78 in Fannin County
0401	<u>Caddo Lake</u> - from the Louisiana State Line in Harrison/Marion County to a point 12.3 kilometers (7.6 miles) downstream of SH 43 in Harrison/Marion County, up to the normal pool elevation of 168.5 feet (impounds Big Cypress Creek)
0402	<u>Big Cypress Creek Below Lake O' the Pines</u> - from a point 12.3 kilometers (7.6 miles) downstream of SH 43 in Harrison/Marion County to Ferrell's Bridge Dam in Marion County
0403	<u>Lake O' the Pines</u> - from Ferrell's Bridge Dam in Marion County to a point 1.0 kilometer (0.6 mile) downstream of US 259 in Morris/Upshur County, up to the normal pool elevation of 228.5 feet (impounds Big Cypress Creek)

SEGMENT	DESCRIPTION
0404	<u>Big Cypress Creek Below Lake Bob Sandlin</u> - from a point 1.0 kilometer (0.6 mile) downstream of US 259 in Morris/Upshur County to Fort Sherman Dam in Camp/Titus County
0405	<u>Lake Cypress Springs</u> - from Franklin County Dam in Franklin County up to the normal pool elevation of 378 feet (impounds Big Cypress Creek)
0406	<u>Black Bayou</u> - from the Louisiana State Line in Cass County to FM 96 in Cass County
0407	<u>James' Bayou</u> - from the Louisiana State Line in Marion County to Club Lake Road northwest of Linden in Cass County
0408	<u>Lake Bob Sandlin</u> - from Fort Sherman Dam in Camp/Titus County to Franklin County Dam in Franklin County, up to the normal pool elevation of 337.5 feet (impounds Big Cypress Creek)
0409	<u>Little Cypress Bayou (Creek)</u> - from the confluence with Big Cypress Creek in Harrison County to a point 1.0 kilometer (0.6 mile) upstream of FM 2088 in Wood County
0501	<u>Sabine River Tidal</u> - from the confluence with Sabine Lake in Orange County to Morgan Bluff in Orange County
0503	<u>Sabine River Below Toledo Bend Reservoir</u> - from Morgan Bluff in Orange County to Toledo Bend Dam in Newton County
0504	<u>Toledo Bend Reservoir</u> - from Toledo Bend Dam in Newton County to a point immediately upstream of the confluence of Murvaul Creek in Panola County, up to the normal pool elevation of 172 feet (impounds Sabine River)
0505	<u>Sabine River Above Toledo Bend Reservoir</u> - from a point immediately upstream of the confluence of Murvaul Creek in Panola County to a point 100 meters (110 yards) downstream of US 271 in Gregg County
0506	<u>Sabine River Below Lake Tawakoni</u> - from a point 100 meters (110 yards) downstream of US 271 in Gregg County to Iron Bridge Dam in Rains County
0507	<u>Lake Tawakoni</u> - from Iron Bridge Dam in Rains County up to the normal pool elevation of 437.5 feet (impounds Sabine River)

SEGMENT	DESCRIPTION
0508	<u>Adams Bayou Tidal</u> - from the confluence with the Sabine River in Orange County to a point 1.1 kilometers (0.7 mile) upstream of IH 10 in Orange County
0509	<u>Murvaul Lake</u> - from Murvaul Dam in Panola County up to the normal pool elevation of 265.3 feet (impounds Murvaul Bayou)
0510	<u>Lake Cherokee</u> - from Cherokee Dam in Gregg/Rusk County up to the normal pool elevation of 280 feet (impounds Cherokee Bayou)
0511	<u>Cow Bayou Tidal</u> - from the confluence with the Sabine River in Orange County to IH 10 in Orange County
0512	<u>Lake Fork Reservoir</u> - from Lake Fork Dam in Wood County up to the normal pool elevation of 403 feet (impounds Lake Fork Creek)
0513	<u>Big Cow Creek</u> - from the confluence with the Sabine River in Newton County to a point 4.6 kilometers (2.9 miles) upstream of R 255 in Newton County
0514	<u>Big Sandy Creek</u> - from the confluence with the Sabine River in Upshur County to a point 2.6 kilometers (1.6 miles) upstream of SH 11 in Hopkins County
0515	<u>Lake Fork Creek</u> - from the confluence with the Sabine River in Wood County to Lake Fork Dam in Wood County
0601	<u>Neches River Tidal</u> - from the confluence with Sabine Lake in Orange County to a point 11.3 kilometers (7.0 miles) upstream of IH 10 in Orange County
0602	<u>Neches River Below B. A. Steinhagen Lake</u> - from a point 11.3 kilometers (7.0 miles) upstream of IH 10 in Orange County to Town Bluff Dam in Jasper/Tyler County
0603	<u>B. A. Steinhagen Lake</u> - from Town Bluff Dam in Jasper/Tyler County to a point immediately upstream of the confluence of Hopson Mill Creek on the Neches River Arm in Jasper/Tyler County and to a point immediately upstream of the confluence of Indian Creek on the Angelina River Arm in Jasper County, up to the normal pool elevation of 83 feet (impounds Neches River)

SEGMENT	DESCRIPTION
0604	<u>Neches River Below Lake Palestine</u> - from a point immediately upstream of the confluence of Hopson Mill Creek in Jasper/Tyler County to Blackburn Crossing Dam in Anderson/Cherokee County
0605	<u>Lake Palestine</u> - from Blackburn Crossing Dam in Anderson/Cherokee County to a point 6.7 kilometers (4.2 miles) downstream of FM 279 in Henderson/Smith County, up to the normal pool elevation of 345 feet (impounds Neches River)
0606	<u>Neches River Above Lake Palestine</u> - from a point 6.7 kilometers (4.2 miles) downstream of FM 279 in Henderson/Smith County to Rhines Lake Dam in Van Zandt County
0607	<u>Pine Island Bayou</u> - from the confluence with the Neches River in Hardin/Jefferson County to FM 787 in Hardin County
0608	<u>Village Creek</u> - from the confluence with the Neches River in Hardin County to Lake Kimble Dam in Hardin County
0609	<u>Angelina River Below Sam Rayburn Reservoir</u> - from a point immediately upstream of the confluence of Indian Creek in Jasper County to Sam Rayburn Dam in Jasper County
0610	<u>Sam Rayburn Reservoir</u> - from Sam Rayburn Dam in Jasper County to the aqueduct crossing 1.0 kilometer (0.6 mile) upstream of the confluence of Paper Mill Creek on the Angelina River Arm in Angelina/Nacogdoches County and to a point 3.9 kilometers (2.4 miles) downstream of Curry Creek on the Attoyac Bayou Arm in Nacogdoches/San Augustine County, up to the normal pool elevation of 164 feet (impounds Angelina River)
0611	<u>Angelina River Above Sam Rayburn Reservoir</u> - from the aqueduct crossing 1.0 kilometer (0.6 mile) upstream of the confluence of Paper Mill Creek in Angelina/Nacogdoches County to the confluence of Barnhardt Creek and Mill Creek at FM 225 in Rusk County
0612	<u>Attoyac Bayou</u> - from a point 3.9 kilometers (2.4 miles) downstream of Curry Creek in Nacogdoches/San Augustine County to FM 95 in Rusk County

SEGMENT	DESCRIPTION
0613	<u>Lake Tyler/Lake Tyler East</u> - from Whitehouse Dam and Mud Creek Dam in Smith County up to the normal pool elevation of 375.38 feet (impounds Prairie Creek and Mud Creek)
0614	<u>Lake Jacksonville</u> - from Buckner Dam in Cherokee County up to the normal pool elevation of 422 feet (impounds Gum Creek)
0701	<u>Taylor Bayou Above Tidal</u> - from the salt water lock 2.7 kilometers (1.7 miles) upstream of SH 87 in Jefferson County to the Lower Neches Valley Authority Canal in Jefferson County
0702	<u>Intracoastal Waterway</u> - from the confluence with Galveston Bay at Port Bolivar in Galveston County to the confluence with the Sabine-Neches/Port Arthur Canal in Jefferson County
0703	<u>Sabine-Neches Canal</u> - from the confluence with Sabine Pass at the southern tip of Pleasure Island in Jefferson County to the Sabine Lake seawall at the northern tip of Pleasure Island in Jefferson County
0704	<u>Hillebrandt Bayou</u> - from the confluence of Taylor Bayou in Jefferson County to a point 100 meters (110 yards) upstream of SH 124 in Jefferson County
0801	<u>Trinity River Tidal</u> - from the confluence with Anahuac Channel in Chambers County to a point 3.1 kilometers (1.9 miles) downstream of US 90 in Liberty County
0802	<u>Trinity River Below Lake Livingston</u> - from a point 3.1 kilometers (1.9 miles) downstream of US 90 in Liberty County to Livingston Dam in Polk/San Jacinto County
0803	<u>Lake Livingston</u> - from Livingston Dam in Polk/San Jacinto County to a point 1.8 kilometers (1.1 miles) upstream of Boggy Creek in Houston/Leon County, up to the normal pool elevation of 131 feet (impounds Trinity River)
0804	<u>Trinity River Above Lake Livingston</u> - from a point 1.8 kilometers (1.1 miles) upstream of Boggy Creek in Houston/Leon County to a point immediately upstream of the confluence of the Cedar Creek Reservoir discharge canal in Henderson/Navarro County

SEGMENT	DESCRIPTION
0805	<u>Upper Trinity River</u> - from a point immediately upstream of the confluence of the Cedar Creek Reservoir discharge canal in Henderson/Navarro County to a point immediately upstream of the confluence of Elm Fork Trinity River in Dallas County
0806	<u>West Fork Trinity River Below Lake Worth</u> - from a point immediately upstream of the confluence of Village Creek in Tarrant County to Lake Worth Dam in Tarrant County
0807	<u>Lake Worth</u> - from Lake Worth Dam in Tarrant County to a point 4.0 kilometers (2.5 miles) downstream of Eagle Mountain Dam in Tarrant County, up to the normal pool elevation of 594.3 feet (impounds West Fork Trinity River)
0808	<u>West Fork Trinity River Below Eagle Mountain Reservoir</u> - from a point 4.0 kilometers (2.5 miles) downstream of Eagle Mountain Dam in Tarrant County to Eagle Mountain Dam in Tarrant County
0809	<u>Eagle Mountain Reservoir</u> - from Eagle Mountain Dam in Tarrant County to a point 0.6 kilometer (0.4 mile) downstream of the confluence of Oates Branch in Wise County up to the normal pool elevation of 649.1 feet (impounds West Fork Trinity River)
0810	<u>West Fork Trinity River Below Bridgeport Reservoir</u> - from a point 0.6 kilometer (0.4 mile) downstream of the confluence of Oates Branch in Wise County to Bridgeport Dam in Wise County
0811	<u>Bridgeport Reservoir</u> - from Bridgeport Dam in Wise County to a point immediately upstream of the confluence of Bear Hollow in Jack County, up to the normal pool elevation of 836 feet (impounds West Fork Trinity River)
0812	<u>West Fork Trinity River Above Bridgeport Reservoir</u> - from a point immediately upstream of the confluence of Bear Hollow in Jack County to SH 79 in Archer County
0813	<u>Houston County Lake</u> - from Houston County Dam in Houston County up to the normal pool elevation of 260 feet (impounds Little Elkhart Creek)

SEGMENT	DESCRIPTION
0814	<u>Chambers Creek Above Richland-Chambers Reservoir</u> - from a point 4.0 kilometers (2.5 miles) downstream of Tupelo Branch in Navarro County to the confluence of North Fork Chambers Creek and South Fork Chambers Creek
0815	<u>Bardwell Reservoir</u> - from Bardwell Dam in Ellis County up to the normal pool elevation of 421 feet (impounds Waxahachie Creek)
0816	<u>Lake Waxahachie</u> - from South Prong Dam in Ellis County up to the normal pool elevation of 531.5 feet (impounds South Prong Creek)
0817	<u>Navarro Mills Lake</u> - from Navarro Mills Dam in Navarro County up to the normal pool elevation of 424.5 feet (impounds Richland Creek)
0818	<u>Cedar Creek Reservoir</u> - from Joe B. Hoggsett Dam in Henderson County up to the normal pool elevation of 322 feet (impounds Cedar Creek)
0819	<u>East Fork Trinity River</u> - from the confluence with the Trinity River in Kaufman County to Rockwall-Forney Dam in Kaufman County
0820	<u>Lake Ray Hubbard</u> - from Rockwall-Forney Dam in Kaufman County to Lavon Dam in Collin County, up to the normal pool elevation of 435.5 feet (impounds East Fork Trinity River)
0821	<u>Lavon Lake</u> - from Lavon Dam in Collin County up to the normal pool elevation of 492 feet (impounds East Fork Trinity River)
0822	<u>Elm Fork Trinity River Below Lewisville Lake</u> - from the confluence with the West Fork Trinity River in Dallas County to Lewisville Dam in Denton County
0823	<u>Lewisville Lake</u> - from Lewisville Dam in Denton County to a point 100 meters (110 yards) upstream of US 380 in Denton County, up to the normal pool elevation of 515 feet (impounds Elm Fork Trinity River)
0824	<u>Elm Fork Trinity River Above Ray Roberts Lake</u> - from a point 9.5 kilometers (5.9 miles) downstream of the confluence of Pecan Creek in Cooke County to US 82 in Montague County



SEGMENT	DESCRIPTION
0825	<u>Denton Creek</u> - from the confluence with the Elm Fork Trinity River in Dallas County to Grapevine Dam in Tarrant County
0826	<u>Grapevine Lake</u> - from Grapevine Dam in Tarrant County up to the normal pool elevation of 535 feet (impounds Denton Creek)
0827	<u>White Rock Lake</u> - from White Rock Dam in Dallas County up to the normal pool elevation of 458 feet (impounds White Rock Creek)
0828	<u>Lake Arlington</u> - from Arlington Dam in Tarrant County up to the normal pool elevation of 550 feet (impounds Village Creek)
0829	<u>Clear Fork Trinity River Below Benbrook Lake</u> - from the confluence with the West Fork Trinity River in Tarrant County to Benbrook Dam in Tarrant County
0830	<u>Benbrook Lake</u> - from Benbrook Dam in Tarrant County to a point 200 meters (220 yards) downstream of US 337 in Tarrant County, up to the normal pool elevation of 694 feet (impounds Clear Fork Trinity River)
0831	<u>Clear Fork Trinity River Below Lake Weatherford</u> - from a point 200 meters (220 yards) downstream of US 337 in Tarrant County to Weatherford Dam in Parker County
0832	<u>Lake Weatherford</u> - from Weatherford Dam in Parker County to a point 3.1 kilometers (1.9 miles) upstream of FM 1707 in Parker County, up to the normal pool elevation of 896 feet (impounds Clear Fork Trinity River)
0833	<u>Clear Fork Trinity River Above Lake Weatherford</u> - from a point 3.1 kilometers (1.9 miles) upstream of FM 1707 in Parker County to FM 3107 in Parker County
0834	<u>Lake Amon G. Carter</u> - from Amon G. Carter Dam in Montague County up to the normal pool elevation of 920 feet (impounds Big Sandy Creek)
0835	<u>Richland Creek Below Richland-Chambers Reservoir</u> - from the confluence with the Trinity River in Freestone County to Richland-Chambers Dam in Freestone County

SEGMENT	DESCRIPTION
0836	<u>Richland-Chambers Reservoir</u> - from Richland-Chambers Dam in Freestone County to the confluence of Pin Oak Creek on the Richland Creek Arm in Navarro County and to a point 4.0 kilometers (2.5 miles) downstream of Tupelo Branch on the Chambers Creek Arm in Navarro County, up to the normal pool elevation of 315 feet (impounds Richland and Chambers Creeks)
0837	<u>Richland Creek Above Richland-Chambers Reservoir</u> - from the confluence of Pin Oak Creek in Navarro County to Navarro Mills Dam in Navarro County
0838	<u>Joe Pool Lake</u> - from Joe Pool Dam in Dallas County up to the normal pool elevation of 522 feet (impounds Mountain Creek)
0839	<u>Elm Fork Trinity River Below Ray Roberts Lake</u> - from a point 100 meters (110 yards) upstream of US 380 in Denton County to Ray Roberts Dam in Denton County
0840	<u>Ray Roberts Lake</u> - from Ray Roberts Dam in Denton County to a point 9.5 kilometers (5.9 miles) downstream of the confluence of Pecan Creek in Cooke County, up to the normal pool elevation of 632.5 feet (impounds Elm Fork Trinity River)
0841	<u>Lower West Fork Trinity River</u> - from a point immediately upstream of the confluence of the Elm Fork Trinity River in Dallas County to a point immediately upstream of the confluence of Village Creek in Tarrant County
0901	<u>Cedar Bayou Tidal</u> - from the confluence with Galveston Bay 1.0 kilometer (0.6 mile) downstream of Tri-City Beach Road in Chambers County to a point 2.2 kilometers (1.4 miles) upstream of IH 10 in Chambers/Harris County
0902	<u>Cedar Bayou Above Tidal</u> - from a point 2.2 kilometers (1.4 miles) upstream of IH 10 in Chambers/Harris County to a point 7.4 kilometers (4.6 miles) upstream of FM 1960 in Liberty County
1001	<u>San Jacinto River Tidal</u> - from a point 100 meters (110 yards) downstream of IH 10 in Harris County to Lake Houston Dam in Harris County

SEGMENT	DESCRIPTION
1002	<u>Lake Houston</u> - from Lake Houston Dam in Harris County to the confluence of Spring Creek on the West Fork San Jacinto Arm in Harris/Montgomery County and to the confluence of Caney Creek on the East Fork San Jacinto Arm in Harris County, up to the normal pool elevation of 44.5 feet (impounds San Jacinto River)
1003	<u>East Fork San Jacinto River</u> - from the confluence of Caney Creek in Harris County to US 190 in Walker County
1004	<u>West Fork San Jacinto River</u> - from the confluence of Spring Creek in Harris/Montgomery County to Conroe Dam in Montgomery County
1005	<u>Houston Ship Channel/San Jacinto River</u> - from the confluence with Galveston Bay at Morgan's Point in Harris/Chambers County to a point 100 meters (110 yards) downstream of IH 10 in Harris County
1006	<u>Houston Ship Channel</u> - from the confluence with the San Jacinto River in Harris County to a point immediately upstream of Greens Bayou in Harris County, including tidal portions of tributaries
1007	<u>Houston Ship Channel/Buffalo Bayou</u> - from a point immediately upstream of Greens Bayou in Harris County to a point 100 meters (110 yards) upstream of US 59 in Harris County, including tidal portions of tributaries
1008	<u>Spring Creek</u> - from the confluence with the West Fork San Jacinto River in Harris/Montgomery County to the most upstream crossing of FM 1736 in Waller County
1009	<u>Cypress Creek</u> - from the confluence with Spring Creek in Harris County to the confluence of Snake Creek and Mound Creek in Waller County
1010	<u>Caney Creek</u> - from the confluence with the East Fork San Jacinto River in Harris County to SH 150 in Walker County
1011	<u>Peach Creek</u> - from the confluence with Caney Creek in Montgomery County to SH 150 in Walker County
1012	<u>Lake Conroe</u> - from Conroe Dam in Montgomery County up to the normal pool elevation of 201 feet (impounds West Fork San Jacinto River)

SEGMENT	DESCRIPTION
1013	<u>Buffalo Bayou Tidal</u> - from a point 100 meters (110 yards) upstream of US 59 in Harris County to a point 400 meters (440 yards) upstream of Shepherd Drive in Harris County
1014	<u>Buffalo Bayou Above Tidal</u> - from a point 400 meters (440 yards) upstream of Shepherd Drive in Harris County to SH 6 in Harris County
1015	<u>Lake Creek</u> - from the confluence with the West Fork San Jacinto River in Montgomery County to a point 4.0 kilometers (2.5 miles) upstream of SH 30 in Grimes County
1016	<u>Greens Bayou Above Tidal</u> - from a point 0.7 km (0.4 mile) above the confluence of Halls Bayou in Harris County, to a point 100 meters (110 yards) above FM 1960 in Harris County
1017	<u>Whiteoak Bayou Above Tidal</u> - from a point 100 meters (110 yards) above IH 45 in Harris County to a point 3.0 km (1.9 miles) above FM 1960 in Harris County
1101	<u>Clear Creek Tidal</u> - from the confluence with Clear Lake in Galveston/Harris County to a point 100 meters (110 yards) upstream of FM 528 in Galveston/Harris County
1102	<u>Clear Creek Above Tidal</u> - from a point 100 meters (110 yards) upstream of FM 528 in Galveston/Harris County to Rouen Road in Fort Bend County
1103	<u>Dickinson Bayou Tidal</u> - from the confluence with Dickinson Bay 2.1 kilometers (1.3 miles) downstream of SH 146 in Galveston County to a point 4.0 kilometers (2.5 miles) downstream of FM 517 in Galveston County
1104	<u>Dickinson Bayou Above Tidal</u> - from a point 4.0 kilometers (2.5 miles) downstream of FM 517 in Galveston County to FM 528 in Galveston County
1105	<u>Bastrop Bayou Tidal</u> - from the confluence with Bastrop Bay 1.1 kilometers (0.7 mile) downstream of the Intracoastal Waterway in Brazoria County to Old Clute Road at Lake Jackson in Brazoria County

SEGMENT	DESCRIPTION
1107	<u>Chocolate Bayou Tidal</u> - from the confluence with Chocolate Bay 1.4 kilometers (0.9 mile) downstream of FM 2004 in Brazoria County to a point 4.2 kilometers (2.6 miles) downstream of SH 35 in Brazoria County
1108	<u>Chocolate Bayou Above Tidal</u> - from a point 4.2 kilometers (2.6 miles) downstream of SH 35 in Brazoria County to SH 6 in Brazoria County
1109	<u>Oyster Creek Tidal</u> - from the confluence with the Intracoastal Waterway in Brazoria County to a point 100 meters (110 yards) upstream of FM 2004 in Brazoria County
1110	<u>Oyster Creek Above Tidal</u> - from a point 100 meters (110 yards) upstream of FM 2004 in Brazoria County to the Brazos River Authority diversion dam 1.8 kilometers (1.1 miles) upstream of SH 6 in Fort Bend County
1111	<u>Old Brazos River Channel</u> - from the confluence with the Intracoastal Waterway in Brazoria County to SH 288 in Brazoria County
1113	<u>Armand Bayou Tidal</u> - from the confluence with Clear Lake in Harris County to a point 0.8 kilometer (0.5 mile) downstream of Genoa-Red Bluff Road in Pasadena in Harris County
1201	<u>Brazos River Tidal</u> - from the confluence with the Gulf of Mexico in Brazoria County to a point 100 meters (110 yards) upstream of SH 332 in Brazoria County
1202	<u>Brazos River Below Navasota River</u> - from a point 100 meters (110 yards) upstream of SH 332 in Brazoria County to the confluence of the Navasota River in Grimes County
1203	<u>Whitney Lake</u> - from Whitney Dam in Bosque/Hill County to a point immediately upstream of the confluence of Camp Creek on the Brazos River Arm in Bosque/Johnson County and to a point immediately upstream of the confluence of Rock Creek on the Nolan River Arm in Hill County, up to the normal pool elevation of 533 feet (impounds Brazos River)
1204	<u>Brazos River Below Lake Granbury</u> - from a point immediately upstream of the confluence of Camp Creek in Bosque/Johnson County to DeCordova Bend Dam in Hood County

## SEGMENT

## DESCRIPTION

- 1205 Lake Granbury - from DeCordova Bend Dam in Hood County to a point 100 meters (110 yards) upstream of FM 2580 in Parker County, up to the normal pool elevation of 693 feet (impounds Brazos River)
- 1206 Brazos River Below Possum Kingdom Lake - from a point 100 meters (110 yards) upstream of FM 2580 in Parker County to Morris Sheppard Dam in Palo Pinto County
- 1207 Possum Kingdom Lake - from Morris Sheppard Dam in Palo Pinto County to a point immediately upstream of the confluence of Cove Creek at Salem Bend in Young County, up to the normal pool elevation of 1000 feet (impounds Brazos River)
- 1208 Brazos River Above Possum Kingdom Lake - from a point immediately upstream of the confluence of Cove Creek at Salem Bend in Young County to the confluence of the Double Mountain Fork Brazos River and the Salt Fork Brazos River in Stonewall County
- 1209 Navasota River Below Lake Limestone - from the confluence with the Brazos River in Grimes County to Sterling C. Robertson Dam in Leon/Robertson County
- 1210 Lake Mexia - from Bistone Dam in Limestone County up to the normal pool elevation of 448.3 feet (impounds Navasota River)
- 1211 Yegua Creek - from the confluence with the Brazos River in Burleson/Washington County to Somerville Dam in Burleson/Washington County
- 1212 Somerville Lake - from Somerville Dam in Burleson/Washington County up to the normal pool elevation of 238 feet (impounds Yegua Creek)
- 1213 Little River - from the confluence with the Brazos River in Milam County to the confluence of the Leon River and the Lampasas River in Bell County
- 1214 San Gabriel River - from the confluence with the Little River in Milam County to Granger Lake Dam in Williamson County
- 1215 Lampasas River Below Stillhouse Hollow Lake - from the confluence with the Leon River in Bell County to Stillhouse Hollow Dam in Bell County

SEGMENT	DESCRIPTION
1216	<u>Stillhouse Hollow Lake</u> - from Stillhouse Hollow Dam in Bell County to a point immediately upstream of the confluence of Rock Creek in Bell County, up to the normal pool elevation of 622 feet (impounds Lampasas River)
1217	<u>Lampasas River Above Stillhouse Hollow Lake</u> - from a point immediately upstream of the confluence of Rock Creek in Bell County to FM 2005 in Hamilton County
1218	<u>Nolan Creek</u> - from the confluence with the Leon River in Bell County to a point 100 meters (110 yards) upstream of the most upstream crossing of US 190 near the intersection of US 190 and Loop 172 in Bell County
1219	<u>Leon River Below Belton Lake</u> - from the confluence with the Lampasas River in Bell County to Belton Dam in Bell County
1220	<u>Belton Lake</u> - from Belton Dam in Bell County to a point 100 meters (110 yards) upstream of FM 236 in Coryell County, up to the normal pool elevation of 594 feet (impounds Leon River)
1221	<u>Leon River Below Proctor Lake</u> - from a point 100 meters (110 yards) upstream of FM 236 in Coryell County to Proctor Dam in Comanche County
1222	<u>Proctor Lake</u> - from Proctor Dam in Comanche County to a point immediately upstream of the confluence of Mill Branch in Comanche County, up to the normal pool elevation of 1162 feet (impounds Leon River)
1223	<u>Leon River Below Leon Reservoir</u> - from a point immediately upstream of the confluence of Mill Branch in Comanche County to Leon Dam in Eastland County
1224	<u>Leon Reservoir</u> - from Leon Dam in Eastland County up to the normal pool elevation of 1375 feet (impounds Leon River)
1225	<u>Waco Lake</u> - from Waco Lake Dam in McLennan County to a point 100 meters (110 yards) upstream of FM 185 on the North Bosque River Arm in McLennan County and to the confluence of the Middle Bosque River on the South Bosque River Arm in McLennan County, up to the normal pool elevation of 455 feet (impounds the Bosque River)

SEGMENT	DESCRIPTION
1226	<u>North Bosque River</u> - from a point 100 meters (110 yards) upstream of FM 185 in McLennan County to a point immediately above the confluence of Indian Creek in Erath County
1227	<u>Nolan River</u> - from a point immediately upstream of the confluence of Rock Creek in Hill County to Cleburne Dam in Johnson County
1228	<u>Lake Pat Cleburne</u> - from Cleburne Dam in Johnson County up to the normal pool elevation of 733.5 feet (impounds Nolan River)
1229	<u>Paluxy River</u> - from the confluence with the Brazos River in Somervell County to the confluence of Rough Creek in Erath County
1230	<u>Lake Palo Pinto</u> - from Palo Pinto Creek Dam in Palo Pinto County up to the normal pool elevation of 867 feet (impounds Palo Pinto Creek)
1231	<u>Lake Graham</u> - from Graham Dam and Eddleman Dam in Young County up to the normal pool elevation of 1076.3 feet (impounds Salt Creek and Flint Creek)
1232	<u>Clear Fork Brazos River</u> - from the confluence with the Brazos River in Young County to the most upstream crossing of US 180 in Fisher County
1233	<u>Hubbard Creek Reservoir</u> - from Hubbard Creek Dam in Stephens County up to the normal pool elevation of 1183 feet (impounds Hubbard Creek)
1234	<u>Lake Cisco</u> - from Williamson Dam in Eastland County up to the normal pool elevation of 1496 feet (impounds Sandy Creek)
1235	<u>Lake Stamford</u> - from Stamford Dam in Haskell County up to the normal pool elevation of 1416.8 feet (impounds Paint Creek)
1236	<u>Fort Phantom Hill Reservoir</u> - from Fort Phantom Hill Dam in Jones County up to the normal pool elevation of 1636 feet (impounds Elm Creek)
1237	<u>Lake Sweetwater</u> - from Sweetwater Dam in Nolan County up to the normal pool elevation of 2116.5 feet (impounds Bitter Creek)



SEGMENT	DESCRIPTION
1238	<u>Salt Fork Brazos River</u> - from the confluence of the Double Mountain Fork Brazos River in Stonewall County to the most upstream crossing of SH 207 in Crosby County
1239	<u>White River</u> - from the confluence with the Salt Fork Brazos River in Kent County to White River Dam in Crosby County
1240	<u>White River Lake</u> - from White River Dam in Crosby County up to the normal pool elevation of 2369 feet (impounds White River)
1241	<u>Double Mountain Fork Brazos River</u> - from the confluence with the Salt Fork Brazos River in Stonewall County to the confluence of the North Fork Double Mountain Fork Brazos River in Kent County
1242	<u>Brazos River Below Whitney Lake</u> - from the confluence of the Navasota River in Brazos/Grimes/Washington County to Whitney Dam in Bosque/Hill County
1243	<u>Salado Creek</u> - from the confluence with the Lampasas River in Bell County to the confluence of North Salado Creek and South Salado Creek in Williamson County
1244	<u>Brushy Creek</u> - from the confluence with the San Gabriel River in Milam County to the confluence of South Brushy Creek in Williamson County
1245	<u>Upper Oyster Creek</u> - from Steep Bank Creek/Brazos River confluence in Fort Bend County to pumping station on Jones Creek at Brazos River in Fort Bend County (includes portions of Steep Bank Creek, Flat Bank Creek and Jones Creek)
1246	<u>Middle Bosque/South Bosque River</u> - from the confluence with the South Bosque River in McLennan County to the confluence of Cave Creek and Middle Bosque Creek on the Middle Bosque River in Coryell County and from the confluence of the Middle Bosque River in McLennan County to FM 2671 on the South Bosque River in McLennan County
1247	<u>Granger Lake</u> - from Granger Dam in Williamson County to a point 1.9 kilometers (1.2 miles) downstream of SH 95 in Williamson County, up to the normal pool elevation of 504 feet (impounds San Gabriel River)

SEGMENT	DESCRIPTION
1248	<u>San Gabriel/North Fork San Gabriel River</u> - from a point 1.9 kilometers (1.2 miles) downstream of SH 95 in Williamson County to North San Gabriel Dam in Williamson County
1249	<u>Lake Georgetown</u> - from North San Gabriel Dam in Williamson County to a point 6.6 kilometers (4.1 miles) downstream of US 183 in Williamson County, up to the normal pool elevation of 791 feet (impounds North Fork San Gabriel River)
1250	<u>South Fork San Gabriel River</u> - from the confluence with the North Fork San Gabriel River in Williamson County to the most upstream crossing of SH 29 in Burnet County
1251	<u>North Fork San Gabriel River</u> - from a point 6.6 kilometers (4.1 miles) downstream of US 183 in Williamson County to FM 2340 in Burnet County
1252	<u>Lake Limestone</u> - from Sterling C. Robertson Dam in Leon/Robertson County to a point 2.3 kilometers (1.4 miles) downstream of SH 164 in Limestone County, up to the normal pool elevation of 363 feet (impounds Navasota River)
1253	<u>Navasota River Below Lake Mexia</u> - from a point 2.3 kilometers (1.4 miles) downstream of SH 164 in Limestone County to Bistone Dam in Limestone County
1254	<u>Aquilla Reservoir</u> - from Aquilla Dam in Hill County up to the normal pool elevation of 537.5 feet (impounds Aquilla Creek)
1255	<u>Upper North Bosque River</u> - from a point immediately above the confluence of Indian Creek in Erath County to the confluence of the North Fork and South Fork of the North Bosque River in Erath County
1301	<u>San Bernard River Tidal</u> - from the confluence with the Intracoastal Waterway in Brazoria County to a point 3.2 kilometers (2.0 miles) upstream of SH 35 in Brazoria County
1302	<u>San Bernard River Above Tidal</u> - from a point 3.2 kilometers (2.0 miles) upstream of SH 35 in Brazoria County to the county road southeast of New Ulm in Austin County
1304	<u>Caney Creek Tidal</u> - from the confluence with the Intracoastal Waterway in Matagorda County to the most downstream crossing of FM 457 in Matagorda County

SEGMENT	DESCRIPTION
1305	<u>Caney Creek Above Tidal</u> - from the most downstream crossing of FM 457 in Matagorda County to Old Caney Road in Wharton County
1401	<u>Colorado River Tidal</u> - from the confluence with the Gulf of Mexico in Matagorda County to a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County
1402	<u>Colorado River Below Smithville</u> - from a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County to a point 100 meters (110 yards) downstream of SH 95/SH Loop 230 at Smithville in Bastrop County
1403	<u>Lake Austin</u> - from Tom Miller Dam in Travis County to Mansfield Dam in Travis County, up to the normal pool elevation of 492.8 feet (impounds Colorado River)
1404	<u>Lake Travis</u> - from Mansfield Dam in Travis County to Max Starcke Dam on the Colorado River Arm in Burnet County and to a point immediately upstream of the confluence of Fall Creek on the Pedernales River Arm in Travis County, up to the normal pool elevation of 681 feet (impounds Colorado River)
1405	<u>Marble Falls Lake</u> - from Max Starcke Dam in Burnet County to Alvin Wirtz Dam in Burnet County, up to the normal pool elevation of 738 feet (impounds Colorado River)
1406	<u>Lake Lyndon B. Johnson</u> - from Alvin Wirtz Dam in Burnet County to Roy Inks Dam on the Colorado River Arm in Burnet/Llano County and to a point immediately upstream of the confluence of Honey Creek on the Llano River Arm in Llano County, up to the normal pool elevation of 825 feet (impounds Colorado River)
1407	<u>Inks Lake</u> - from Roy Inks Dam in Burnet/Llano County to Buchanan Dam in Burnet/Llano County, up to the normal pool elevation of 888 feet (impounds Colorado River)
1408	<u>Lake Buchanan</u> - from Buchanan Dam in Burnet/Llano County to a point immediately upstream of the confluence of Yancey Creek, up to the normal pool elevation of 1020 feet (impounds Colorado River)
1409	<u>Colorado River Above Lake Buchanan</u> - from a point immediately upstream of the confluence of Yancey Creek in Burnet/San Saba/Lampasas County to the confluence of the San Saba River in San Saba County

SEGMENT	DESCRIPTION
1410	<u>Colorado River Below O. H. Ivie Reservoir</u> - from the confluence of the San Saba River in San Saba County to S. W. Freese Dam in Coleman/Concho County.
1411	<u>E. V. Spence Reservoir</u> - from Robert Lee Dam in Coke County to a point immediately upstream of the confluence of Little Silver Creek in Coke County, up to the normal pool elevation of 1898 feet (impounds Colorado River)
1412	<u>Colorado River Below Lake J. B. Thomas</u> - from a point immediately upstream of the confluence of Little Silver Creek in Coke County to Colorado River Dam in Scurry County
1413	<u>Lake J. B. Thomas</u> - from Colorado River Dam in Scurry County up to the normal pool elevation of 2258 feet (impounds Colorado River)
1414	<u>Pedernales River</u> - from a point immediately upstream of the confluence of Fall Creek in Travis County to FM 385 in Kimble County
1415	<u>Llano River</u> - from a point immediately upstream of the confluence of Honey Creek in Llano County to FM 864 on the North Llano River in Sutton County and to SH 55 on the South Llano River in Edwards County
1416	<u>San Saba River</u> - from the confluence with the Colorado River in San Saba County to the confluence of the North Valley Prong and the Middle Valley Prong in Schleicher County
1417	<u>Lower Pecan Bayou</u> - from the confluence with the Colorado River in Mills County to a point immediately upstream of the confluence of Mackinally Creek in Brown County
1418	<u>Lake Brownwood</u> - from Lake Brownwood Dam in Brown County to a point 100 meters (110 yards) upstream of FM 2559 in Brown County, up to the normal pool elevation of 1424.6 feet (impounds Pecan Bayou)
1419	<u>Lake Coleman</u> - from Coleman Dam in Coleman County up to the normal pool elevation of 1717.5 feet (impounds Jim Ned Creek)
1420	<u>Pecan Bayou Above Lake Brownwood</u> - from a point 100 meters (110 yards) upstream of FM 2559 in Brown County to the confluence of the North Prong Pecan Bayou and the South Prong Pecan Bayou in Callahan County

SEGMENT	DESCRIPTION
1421	<u>Concho River</u> - from a point 2.0 km (1.2 miles) above the confluence of Fuzzy Creek in Concho County to San Angelo Dam on the North Concho River in Tom Green County and to Nasworthy Dam on the South Concho River in Tom Green County
1422	<u>Lake Nasworthy</u> - from Nasworthy Dam in Tom Green County to Twin Buttes Dam in Tom Green County, up to the normal pool elevation of 1872.2 feet (impounds South Concho River)
1423	<u>Twin Buttes Reservoir</u> - from Twin Buttes Dam in Tom Green County to a point 100 meters (110 yards) upstream of US 67 on the Middle Concho River Arm in Tom Green County and to a point 4.0 kilometers (2.5 miles) downstream of FM 2335 on the South Concho River Arm in Tom Green County, up to the normal pool elevation of 1940.2 feet (impounds the Middle Concho River and the South Concho River)
1424	<u>Middle Concho/South Concho River</u> - from a point 4.0 kilometers (2.5 miles) downstream of FM 2335 in Tom Green County to US 277 on the South Concho River in Schleicher County and from a point 100 meters (110 yards) upstream of US 67 in Tom Green County to the confluence of Three Bluff Draw and Indian Creek on the Middle Concho River in Reagan County
1425	<u>O. C. Fisher Lake</u> - from San Angelo Dam in Tom Green County up to the normal pool elevation of 1908 feet (impounds North Concho River)
1426	<u>Colorado River Below E. V. Spence Reservoir</u> - from a point 3.7 km (2.3 miles) below the confluence of Mustang Creek in Runnels County to Robert Lee Dam in Coke County
1427	<u>Onion Creek</u> - from the confluence with the Colorado River in Travis County to the most upstream crossing of FM 165 in Blanco County
1428	<u>Colorado River Below Town Lake</u> - from a point 100 meters (110 yards) downstream of SH 95/SH Loop 230 at Smithville in Bastrop County to Longhorn Dam in Travis County
1429	<u>Town Lake</u> - from Longhorn Dam in Travis County to Tom Miller Dam in Travis County, up to the normal pool elevation of 429 feet (impounds Colorado River)
1430	<u>Barton Creek</u> - from the confluence with Town Lake in Travis County to FM 12 in Hays County

SEGMENT	DESCRIPTION
1431	<u>Mid Pecan Bayou</u> - from a point immediately upstream of the confluence of Mackinally Creek in Brown County to a point immediately upstream of Willis Creek in Brown County
1432	<u>Upper Pecan Bayou</u> - from a point immediately upstream of the confluence of Willis Creek in Brown County to Lake Brownwood Dam in Brown County
1433	<u>O. H. Ivie Reservoir</u> - from S. W. Freese Dam in Coleman/Concho County to a point 3.7 km (2.3 miles) below the confluence of Mustang Creek on the Colorado River Arm in Runnels County and to a point 2.0 km (1.2 miles) above the confluence of Fuzzy Creek on the Concho River Arm in Concho County, up to the conservation pool level of 1551.5 feet (impounds Colorado River)
1501	<u>Tres Palacios Creek Tidal</u> - from the confluence with Tres Palacios Bay in Matagorda County to a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek in Matagorda County
1502	<u>Tres Palacios Creek Above Tidal</u> - from a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek in Matagorda County to US 59 in Wharton County
1601	<u>Lavaca River Tidal</u> - from the confluence with Lavaca Bay in Calhoun/Jackson County to a point 8.6 kilometers (5.3 miles) downstream of US 59 in Jackson County
1602	<u>Lavaca River Above Tidal</u> - from a point 8.6 kilometers (5.3 miles) downstream of US 59 in Jackson County to a point 5.5 kilometers (3.4 miles) upstream of SH 95 in Lavaca County
1603	<u>Navidad River Tidal</u> - from the confluence with the Lavaca River in Jackson County to Palmetto Bend Dam in Jackson County
1604	<u>Lake Texana</u> - from Palmetto Bend Dam in Jackson County to a point 100 meters (110 yards) downstream of FM 530 in Jackson County, up to the normal pool elevation of 44 feet (impounds Navidad River)

SEGMENT	DESCRIPTION
1605	<u>Navidad River Above Lake Texana</u> - from a point 100 meters (110 yards) downstream of FM 530 in Jackson County to the confluence of the East Navidad River and the West Navidad River in Colorado/Lavaca County
1701	<u>Victoria Barge Canal</u> - from the confluence with San Antonio Bay in Calhoun County to Victoria Turning Basin in Victoria County
1801	<u>Guadalupe River Tidal</u> - from the confluence with Guadalupe Bay in Calhoun/Refugio County to the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometer (0.4 mile) downstream of the confluence of the San Antonio River in Calhoun/Refugio County
1803	<u>Guadalupe River Below San Marcos River</u> - from the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometer (0.4 mile) downstream of the confluence of the San Antonio River in Calhoun/Refugio County to the confluence of the San Marcos River in Gonzales County
1804	<u>Guadalupe River Below Comal River</u> - from the confluence of the San Marcos River in Gonzales County to the confluence of the Comal River in Comal County
1805	<u>Canyon Lake</u> - from Canyon Dam in Comal County to a point 2.7 kilometers (1.7 miles) downstream of Rebecca Creek Road in Comal County, up to the normal pool elevation of 909 feet (impounds Guadalupe River)
1806	<u>Guadalupe River Above Canyon Lake</u> - from a point 2.7 kilometers (1.7 miles) downstream of Rebecca Creek Road in Comal County to the confluence of the North Fork Guadalupe River and the South Fork Guadalupe River in Kerr County
1807	<u>Coletto Creek</u> - from the confluence with the Guadalupe River in Victoria County to the confluence of Fifteenmile Creek and Twelvemile Creek in Goliad/Victoria County, including Coletto Creek Reservoir
1808	<u>Lower San Marcos River</u> - from the confluence with the Guadalupe River in Gonzales County to a point 1.2 kilometers (0.7 mile) downstream of IH 35 in Hays County

SEGMENT	DESCRIPTION
1809	<u>Lower Blanco River</u> - from the confluence with the San Marcos River in Hays County to a point 0.3 kilometer (0.2 mile) upstream of Limekiln Road in Hays County
1810	<u>Plum Creek</u> - from the confluence with the San Marcos River in Caldwell County to FM 2770 in Hays County
1811	<u>Comal River</u> - from the confluence with the Guadalupe River in Comal County to Klingemann Street at New Braunfels in Comal County
1812	<u>Guadalupe River Below Canyon Dam</u> - from the confluence of the Comal River in Comal County to Canyon Dam in Comal County
1813	<u>Upper Blanco River</u> - from a point 0.3 kilometer (0.2 mile) upstream of Limekiln Road in Hays County to the confluence of Meier Creek in Kendall County
1814	<u>Upper San Marcos River</u> - from a point 1.2 kilometers (0.7 mile) downstream of IH 35 in Hays County to a point 0.7 kilometer (0.4 mile) upstream of Loop 82 in San Marcos in Hays County
1815	<u>Cypress Creek</u> - from the confluence with the Blanco River in Hays County to a point 6.4 kilometers (4.0 miles) upstream of the most upstream unnamed county road crossing in Hays County
1816	<u>Johnson Creek</u> - from the confluence with the Guadalupe River in Kerr County to a point 1.2 kilometers (0.7 mile) upstream of the most upstream crossing of SH 41 in Kerr County
1817	<u>North Fork Guadalupe River</u> - from the confluence with the Guadalupe River in Kerr County to a point 18.2 kilometers (11.3 miles) upstream of Boneyard Draw in Kerr County
1818	<u>South Fork Guadalupe River</u> - from the confluence with the Guadalupe River in Kerr County to a point 4.8 kilometers (3.0 miles) upstream of FM 187 in Kerr County
1901	<u>Lower San Antonio River</u> - from the confluence with the Guadalupe River in Refugio/Victoria County to a point 600 meters (660 yards) downstream of FM 791 at Mays Crossing near Falls City in Karnes County



SEGMENT	DESCRIPTION
1902	<u>Lower Cibolo Creek</u> - from the confluence with the San Antonio River in Karnes County to a point 100 meters (110 yards) downstream of IH 10 in Bexar/Guadalupe County
1903	<u>Medina River Below Medina Diversion Lake</u> - from the confluence with the San Antonio River in Bexar County to Medina Diversion Dam in Medina County
1904	<u>Medina Lake</u> - from Medina Lake Dam in Medina County to a point immediately upstream of the confluence of Red Bluff Creek in Bandera County, up to the normal pool elevation of 1064.2 feet (impounds Medina River)
1905	<u>Medina River Above Medina Lake</u> - from a point immediately upstream of the confluence of Red Bluff Creek in Bandera County to the confluence of the North Prong Medina River and the West Prong Medina River in Bandera County
1906	<u>Lower Leon Creek</u> - from the confluence with the Medina River in Bexar County to a point 100 meters (110 yards) upstream of SH 16 northwest of San Antonio in Bexar County
1907	<u>Upper Leon Creek</u> - from a point 100 meters (110 yards) upstream of SH 16 northwest of San Antonio in Bexar County to a point 9.0 kilometers (5.6 miles) upstream of Scenic Loop Road north of Helotes in Bexar County
1908	<u>Upper Cibolo Creek</u> - from the Missouri-Pacific Railroad bridge west of Bracken in Comal County to a point 1.5 kilometers (0.9 mile) upstream of the confluence of Champee Springs in Kendall County
1909	<u>Medina Diversion Lake</u> - from Medina Diversion Dam in Medina County to Medina Lake Dam in Medina County, up to the normal pool elevation of 926.5 feet (impounds Medina River)
1910	<u>Salado Creek</u> - from the confluence with the San Antonio River in Bexar County to Rocking Horse Lane west of Camp Bullis in Bexar County
1911	<u>Upper San Antonio River</u> - from a point 600 meters (660 yards) downstream of FM 791 at Mays Crossing near Falls City in Karnes County to a point 100 meters (110 yards) upstream of Hildebrand Avenue at San Antonio in Bexar County

SEGMENT	DESCRIPTION
1912	<u>Medio Creek</u> - from the confluence with the Medina River in Bexar County to a point 1.0 kilometer (0.6 mile) upstream of IH 35 at San Antonio in Bexar County
1913	<u>Mid Cibolo Creek</u> - from a point 100 meters (110 yards) downstream of IH 10 in Bexar/Guadalupe County to the Missouri-Pacific Railroad bridge west of Bracken in Comal County
2001	<u>Mission River Tidal</u> - from the confluence with Mission Bay in Refugio County to a point 7.4 kilometers (4.6 miles) downstream of US 77 in Refugio County
2002	<u>Mission River Above Tidal</u> - from a point 7.4 kilometers (4.6 miles) downstream of US 77 in Refugio County to the confluence of Blanco Creek and Medio Creek in Refugio County
2003	<u>Aransas River Tidal</u> - from the confluence with Copano Bay in Aransas/Refugio County to a point 5.3 kilometers (3.3 miles) upstream of Chiltipin Creek in Refugio/San Patricio County
2004	<u>Aransas River Above Tidal</u> - from a point 5.3 kilometers (3.3 miles) upstream of Chiltipin Creek in Refugio/San Patricio County to the confluence of Poesta Creek and Aransas Creek in Bee County
2101	<u>Nueces River Tidal</u> - from the confluence with Nueces Bay in Nueces County to Calallen Dam 1.7 kilometers (1.1 miles) upstream of US 77/IH 37 in Nueces/San Patricio County
2102	<u>Nueces River Below Lake Corpus Christi</u> - from Calallen Dam 1.7 kilometers (1.1 miles) upstream of US 77/IH 37 in Nueces/San Patricio County to Wesley E. Seale Dam in Jim Wells/San Patricio County
2103	<u>Lake Corpus Christi</u> - from Wesley E. Seale Dam in Jim Wells/San Patricio County to a point 100 meters (110 yards) upstream of US 59 in Live Oak County, up to the normal pool elevation of 94.0 feet (impounds Nueces River)
2104	<u>Nueces River Above Frio River</u> - from the confluence of the Frio River in Live Oak County to Holland Dam in LaSalle County

SEGMENT	DESCRIPTION
2105	<u>Nueces River Above Holland Dam</u> - from Holland Dam in LaSalle County to a point 100 meters (110 yards) upstream of FM 1025 in Zavala County
2106	<u>Nueces/Lower Frio River</u> - from a point 100 meters (110 yards) upstream of US 59 in Live Oak County to Choke Canyon Dam in Live Oak County
2107	<u>Atascosa River</u> - from the confluence with the Frio River in Live Oak County to the confluence of the West Prong Atascosa River and the North Prong Atascosa River in Atascosa County
2108	<u>San Miguel Creek</u> - from a point immediately upstream of the confluence of Mustang Branch in McMullen County to the confluence of San Francisco Perez Creek and Chacon Creek in Frio County
2109	<u>Leona River</u> - from the confluence with the Frio River in Frio County to US 83 in Uvalde County
2110	<u>Lower Sabinal River</u> - from the confluence with the Frio River in Uvalde County to a point 100 meters (110 yards) upstream of SH 127 in Uvalde County
2111	<u>Upper Sabinal River</u> - from a point 100 meters (110 yards) upstream of SH 127 in Uvalde County to the most upstream crossing of FM 187 in Bandera County
2112	<u>Upper Nueces River</u> - from a point 100 meters (110 yards) upstream of FM 1025 in Zavala County to the confluence of the East Prong Nueces River and Hackberry Creek in Edwards County
2113	<u>Upper Frio River</u> - from a point 100 meters (110 yards) upstream of US 90 in Uvalde County to the confluence of the West Frio River and the East Frio River in Real County
2114	<u>Hondo Creek</u> - from the confluence with the Frio River in Frio County to FM 470 in Bandera County
2115	<u>Seco Creek</u> - from the confluence with Hondo Creek in Frio County to the confluence of West Seco Creek in Bandera County

SEGMENT	DESCRIPTION
2116	<u>Choke Canyon Reservoir</u> - from Choke Canyon Dam in Live Oak County to a point 4.2 kilometers (2.6 miles) downstream of SH 16 on the Frio River Arm in McMullen County and to a point 100 meters (110 yards) upstream of the confluence of Mustang Branch on the San Miguel Creek Arm in McMullen County, up to the normal pool elevation of 220.5 feet (impounds Frio River)
2117	<u>Frio River Above Choke Canyon Reservoir</u> - from a point 4.2 kilometers (2.6 miles) downstream of SH 16 in McMullen County to a point 100 meters (110 yards) upstream of US 90 in Uvalde County
2201	<u>Arroyo Colorado Tidal</u> - from the confluence with Laguna Madre in Cameron/Willacy County to a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen in Cameron County
2202	<u>Arroyo Colorado Above Tidal</u> - from a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen in Cameron County to FM 2062 in Hidalgo County
2203	<u>Petronila Creek Tidal</u> - from the confluence of Chiltipin Creek in Kleberg County to a point 1 kilometer (0.6 mile) upstream of private road crossing near Laureles Ranch in Kleberg County
2204	<u>Petronila Creek Above Tidal</u> - from a point 1 kilometer (0.6 mile) upstream of private road crossing near Laureles Ranch in Kleberg County to the confluence of Agua Dulce and Banquete Creeks in Nueces County
2301	<u>Rio Grande Tidal</u> - from the confluence with the Gulf of Mexico in Cameron County to a point 10.8 kilometers (6.7 miles) downstream of the International Bridge in Cameron County
2302	<u>Rio Grande Below Falcon Reservoir</u> - from a point 10.8 kilometers (6.7 miles) downstream of the International Bridge in Cameron County to Falcon Dam in Starr County
2303	<u>International Falcon Reservoir</u> - from Falcon Dam in Starr County to the confluence of the Arroyo Salado (Mexico) in Zapata County, up to the normal pool elevation of 301.1 feet (impounds Rio Grande)
2304	<u>Rio Grande Below Amistad Reservoir</u> - from the confluence of the Arroyo Salado (Mexico) in Zapata County to Amistad Dam in Val Verde County

## SEGMENT

## DESCRIPTION

- 2305 International Amistad Reservoir - from Amistad Dam in Val Verde County to a point 1.8 kilometers (1.1 miles) downstream of the confluence of Ramsey Canyon on the Rio Grande Arm in Val Verde County and to a point 0.7 kilometer (0.4 mile) downstream of the confluence of Painted Canyon on the Pecos River Arm in Val Verde County and to a point 0.6 kilometer (0.4 mile) downstream of the confluence of Little Satan Creek on the Devils River Arm in Val Verde County, up to the normal pool elevation of 1117 feet (impounds Rio Grande)
- 2306 Rio Grande Above Amistad Reservoir - from a point 1.8 kilometers (1.1 miles) downstream of the confluence of Ramsey Canyon in Val Verde County to the confluence of the Rio Conchos (Mexico) in Presidio County
- 2307 Rio Grande Below Riverside Diversion Dam - from the confluence of the Rio Conchos (Mexico) in Presidio County to Riverside Diverson Dam in El Paso County
- 2308 Rio Grande Below International Dam - from the Riverside Diversion Dam in El Paso County to International Dam in El Paso County
- 2309 Devils River - from a point 0.6 kilometer (0.4 mile) downstream of the confluence of Little Satan Creek in Val Verde County to the confluence of Dry Devils River in Sutton County
- 2310 Lower Pecos River - from a point 0.7 kilometer (0.4 mile) downstream of the confluence of Painted Canyon in Val Verde County to the low water crossing 0.3 kilometer (0.2 mile) downstream of the confluence of Big Fielder Draw in Val Verde County
- 2311 Upper Pecos River - from the low water crossing 0.3 kilometer (0.2 mile) downstream of the confluence of Big Fielder Draw in Val Verde County to Red Bluff Dam in Loving/Reeves County
- 2312 Red Bluff Reservoir - from Red Bluff Dam in Loving/Reeves County to the New Mexico State Line in Loving/Reeves County, up to the normal pool elevation of 2842 feet (impounds Pecos River)
- 2313 San Felipe Creek - from the confluence with the Rio Grande in Val Verde County to a point 4.0 kilometers (2.5 miles) upstream of US 90 in Val Verde County

SEGMENT	DESCRIPTION
2314	<u>Rio Grande Above International Dam</u> - from International Dam in El Paso County to the New Mexico State Line in El Paso County
2411	<u>Sabine Pass</u> - from the end of the jetties at the Gulf of Mexico to SH 82
2412	<u>Sabine Lake</u>
2421	<u>Upper Galveston Bay</u>
2422	<u>Trinity Bay</u>
2423	<u>East Bay</u>
2424	<u>West Bay</u>
2425	<u>Clear Lake</u>
2426	<u>Tabbs Bay</u>
2427	<u>San Jacinto Bay</u>
2428	<u>Black Duck Bay</u>
2429	<u>Scott Bay</u>
2430	<u>Burnett Bay</u>
2431	<u>Moses Lake</u>
2432	<u>Chocolate Bay</u>
2433	<u>Bastrop Bay/Oyster Lake</u>
2434	<u>Christmas Bay</u>
2435	<u>Drum Bay</u>
2436	<u>Barbours Cut</u>
2437	<u>Texas City Ship Channel</u>
2438	<u>Bayport Channel</u>
2439	<u>Lower Galveston Bay</u>
2441	<u>East Matagorda Bay</u>
2442	<u>Cedar Lakes</u>

SEGMENT	DESCRIPTION
2451	<u>Matagorda Bay/Powderhorn Lake</u>
2452	<u>Tres Palacios Bay/Turtle Bay</u>
2453	<u>Lavaca Bay/Chocolate Bay</u>
2454	<u>Cox Bay</u>
2455	<u>Keller Bay</u>
2456	<u>Carancahua Bay</u>
2461	<u>Espiritu Santo Bay</u>
2462	<u>San Antonio Bay/Hynes Bay/Guadalupe Bay</u>
2463	<u>Mesquite Bay/Carlos Bay/Ayres Bay</u>
2471	<u>Aransas Bay</u>
2472	<u>Copano Bay/Port Bay/Mission Bay</u>
2473	<u>St. Charles Bay</u>
2481	<u>Corpus Christi Bay</u>
2482	<u>Nueces Bay</u>
2483	<u>Redfish Bay</u>
2484	<u>Corpus Christi Inner Harbor</u> - from US 181 to Viola Turning Basin
2485	<u>Oso Bay</u>
2491	<u>Laguna Madre</u>
2492	<u>Baffin Bay/Alazan Bay/Cayo del Grullo/Laguna Salada</u>
2493	<u>South Bay</u>
2494	<u>Brownsville Ship Channel</u>
2501	<u>Gulf of Mexico</u> - from the Gulf shoreline to the limit of Texas' jurisdiction between Sabine Pass and Brazos Santiago Pass

APPENDIX D. SITE-SPECIFIC RECEIVING WATER ASSESSMENTS. (No change.)

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

Issued in Austin, Texas, on May 11, 1992.

TRD-9206444 Mary Ruth Holder  
Director, Legal Services  
Texas Water Commission

Earliest possible date of adoption: June 15, 1992

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

TITLE 43. TRANSPORTATION

Part I. Texas Department of Transportation

Chapter 11. Design Division

Freeway Mainlanes

• 43 TAC §11.71

The Texas Department of Transportation proposes an amendment to §11.71, concerning control of access on freeway mainlanes. The proposed amendment clarifies the department's role and responsibility relative to its participation in the cost of constructing additional frontage roads. The amendment provides for a waiver of the cost conditions for local governments with such waiver to be by written order of the commission based on consideration of the population level, bonded indebtedness, tax base, and tax rate of the local government involved.

William A. Lancaster, P.E., director, division of highway design, has determined that there will be fiscal implications for state and local government as a result of enforcing or administering the section. The effect on state government for the first five-year period the section is in effect will be an estimated additional cost of \$5 million for 1993-1997. The effect on local government for the first five-year period the section is in effect will be an estimated reduction in cost of \$5 million for 1993-1997.f

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

Mr. Lancaster also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the adoption by the department of a policy aimed at assisting local governments in the construction of additional frontage roads where such construction will improve the safety or enhance traffic operations for the traveling public. There will be no effect on small businesses and no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to William A. Lancaster, P.E., Director, Division of Highway Design, 125 East 11th Street, Austin, Texas 78701-2383.

The amendment is proposed under Texas Civil Statutes, Articles 6666 and 6674w, et

seq, which provide the Texas Transportation Commission with the authority to promulgate rules and regulations for the conduct of the work of the Texas Department of Transportation, to promote public safety, to facilitate the movement of traffic, and to preserve the financial investment of the public in its highways.

§11.71. Control of Access on Freeway Mainlanes.

(a) For facilities with full control of access (i.e., freeways), such as interstate highways or freeways developed by Texas [State Highway and Public] Transportation Commission designation pursuant to Texas Civil Statutes, Article 6674w et seq, access to the main travel lanes is fully controlled through designation, purchase of access rights, or provision of frontage roads.

(b) (No change.)

(c) In those instances where requests for additional frontage roads are received during or subsequent to the planning stage or after the freeway has been constructed, they may be considered and placed in order of priority of highway needs.

(1) (No change.)

(2) The department may assist a requesting local government in the construction of additional frontage roads as follows:

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

(D) except as provided in paragraph (5) of this subsection, when the requesting local government furnishes 100% of needed right of way and utility adjustment costs and 50% of the cost of construction, including preliminary and construction engineering.

(3) The department may approve additional frontage road construction, which is 100% funded by the requesting local government, as follows:

(A) (No change.)

(B) except as provided in paragraph (5) of this subsection, where the department is responsible for design and

construction and the requesting local government is responsible for 100% construction, right of way, and utility adjustment costs including preliminary and construction engineering.

(4) (No change.)

(5) The department may waive any one or more of the cost conditions stated in paragraphs (2)(D) and (3)(B) of this subsection, provided that the waiver is first approved by written order of the commission. In approving a waiver, the commission will base its decision on consideration of the population level, bonded indebtedness, tax base, and tax rate of the local government involved.

(d) (No change.)

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

Issued in Austin, Texas, on May 8, 1992.

TRD-9206418 Diane L. Northam  
Legal Administrative  
Assistant  
Texas Department of  
Transportation

Earliest possible date of adoption: June 15, 1992

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

Chapter 25. Division of Maintenance and Operations

Oversize and/or Overweight Permits

• 43 TAC §25.62

The Texas Department of Transportation proposes an amendment to §25.62, concerning permit issuance requirements and procedures. This section prescribes the procedure for securing a permit pursuant to Texas Civil Statutes, Article 6701a, to operate overweight or oversize vehicles on the state highway system. Statutory limits on the width, length, height, and weight of such vehicles are established in Texas Civil Statutes, Article 6701d-11. Texas Civil Statutes, Article 6701a, authorizes the department to issue special permits when those statutory limits are exceeded, but only on condition that the commodities to be transported cannot be



reasonably dismantled and that the department determines that operation will be without material damage to the highway. The statute contains other provisions for permit application, fees, form, content, special conditions, and penalties.

In administering the statutory permit authority, the department has heretofore limited its determination of whether commodities can be reasonably dismantled to the relative physical ease or difficulty in doing so. Section 25.62 currently proscribes issuance of an oversize permit to transport more than one commodity in a single load if the additional commodity or commodities either create or make greater an illegal dimension of width, length, or height. The Texas Department of Commerce, the Railroad Commission of Texas, the Office of the Governor, and representatives of private industry have brought to the department's attention the urgent necessity and the appropriateness of giving consideration to economic factors in determining whether a proposed load of commodities can be reasonably dismantled. The department is advised that application of the current rule to oversize loads may in certain instances harm or impede the economic recovery, development, and welfare of Texas, and that consideration should be given to the economic impacts on employment and any affected local economy when determining whether multiple commodities hauled as a single oversize load should be permitted.

In consultation with the Texas Department of Commerce and the Office of the Governor, it has been determined that such consideration would be justified when those two agencies respectively certify and approve that issuance of an oversize permit to transport multiple commodities in a single load will have a significant positive impact on the economy of Texas. As recommended by the Texas Department of Commerce, criteria for the certification are: creation of not less than 100 new full-time jobs, the preservation of not less than 100 existing full-time jobs that would otherwise be eliminated if the permit is not issued, or creates or retains not less than 1.0% of the employment base in the affected economic sector identified in the certification. These permits may only be issued by the department after receipt of the certification and on approval by written order of the commission. In addition, the multiple commodity loads thus permitted must not exceed legal axle and gross load limits. Moreover, the shipper and the permittee must indemnify and hold harmless the department, its commissioners, officers, and employees from damages or claims resulting from the use of the permit and must provide comprehensive general liability insurance and auto liability coverage in the amounts of \$5 million per occurrence or accident. Section 25.62 is thus being amended to reflect these provisions.

Bob G. Hodge, P.E., director, division of maintenance and operations, has determined that there will only be fiscal implications to businesses as a result of enforcing or administering the section. There will be no effect on state or local government.

As required by Texas Civil Statutes, Article 6252-13a, §4A, the department submitted the

proposed amendment to the Texas Employment Commission for their review and comment as to employment impact. TEC found that from information available to that agency the proposed amendment will have minimal employment impact upon the state.

Mr. Hodge also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to foster, encourage, and enhance the state's economic growth and its continued recovery from depressed economic conditions and high unemployment rates of recent years. Mr. Hodge has also certified that the cost of compliance for small businesses and large businesses will be the same with the exception of satisfying the requirements for \$5 million comprehensive general liability and auto liability insurance policy coverages. Due to new Texas rate laws and underwriters' variables the rates for a small business may be substantially higher than for a larger business. Coverage may in fact not be available to some small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Bob G. Hodge, P.E., Director, Division of Maintenance and Operations, 125 East 11th Street, Austin, Texas 78701-2383.

The Texas Department of Transportation will conduct a public hearing pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, to receive data, comments, and views concerning the proposed amended section. The public hearing will be held on Friday, May 29, 1992 at 10 a.m. in the first floor hearing room of the Dewitt C. Greer State Highway Building, 11th and Brazos, Austin. Any interested person may appear and offer comments, either orally or in writing, however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive comment. Organizations, associations, or groups are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible. Comments on the proposed text should include appropriate citations to sections, subsections, paragraphs, etc., for proper reference. Any suggestions or requests for alternative language or other revisions in the proposed text should be submitted in written form.

The amendment is proposed under Texas Civil Statutes, Articles 6666 and 6701a, which provide the Texas Transportation Commission with the authority to promulgate rules and regulations for the conduct of the work of the Texas Department of Transportation, and specifically to issue permits for the movement of oversize and/or overweight loads over the state highway system.

#### §25.62. Permit Issuance Requirements and Procedures.

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

(f) General provisions.

(1) Multiple commodities.

(A) Except as provided in subparagraph (B) of this paragraph, when [When] a permitted commodity creates a single overdimension, two or more commodities may be hauled as one permit load, provided legal axle and gross loads are not exceeded, and provided no illegal dimension of width, length, or height is created or made greater by the additional commodities. For example, a permit issued for the movement of a 12 foot wide storage tank may also include a 10 foot wide storage tank loaded behind the 12 foot wide tank provided that the addition of the 10 foot wide tank does not create an illegal axle or gross weight, or an illegal length, or an illegal height.

(B) When the transport of more than one commodity in a single load creates or makes greater an illegal dimension of length, width, or height the department may issue an oversize permit for such load subject to each of the following conditions.

(i) The permit applicant or the shipper of the commodities files with the department a written certification by the Texas Department of Commerce, approved by the Office of the Governor, attesting that issuing the permit will have a significant positive impact on the economy of Texas and that the proposed load of multiple commodities therefore cannot be reasonably dismantled. As used in this clause the term "significant positive impact" means the creation of not less than 100 new full-time jobs, the preservation of not less than 100 existing full-time jobs, that would otherwise be eliminated if the permit is not issued, or creates or retains not less than 1.0% of the employment base in the affected economic sector identified in the certification.

(ii) Transport of the commodities does not exceed legal axle and gross load limits.

(iii) The permit is issued in the same manner and under the same provisions as would be applicable to the transport of a single oversize commodity under this section; provided, however, that the shipper and the permittee also must indemnify and hold harmless the department, its commissioners, officers, and employees from any and all liability for damages or claims of damages including court costs and attorney fees, if any,

which may arise from the transport of an oversized load under a permit issued pursuant to this subparagraph.

(iv) The shipper and the permittee must file with the department a certificate of insurance on a form prescribed by the department or otherwise acceptable to the department, naming the department, its commissioners, officers, and employees as named or additional insureds on its comprehensive general liability insurance policy for coverage in the amount of \$5 million per occurrence, including court costs and attorney fees, if any, which may arise from the transport of an oversized load under a permit issued pursuant to this subparagraph. Said insurance policy to be procured from a company licensed to transact insurance business in the State of Texas.

(v) The shipper and the permittee must file with the department in addition to all insurance provided in clause (iv) of this subparagraph, a certifi-

cate of insurance on a form prescribed by the department, or otherwise acceptable to the department, naming the department, its commissioners, officers, and employees as insureds under an auto liability insurance policy for the benefit of said insureds in an amount of \$5 million per accident. Said insurance policy to be procured from a company licensed to transact insurance business in the State of Texas. If the shipper or the permittee is self-insured with regard to automobile liability then that party must take all steps and perform all acts necessary under the law to indemnify the department, its commissioners, officers, and employees as if the party had contracted for insurance pursuant to, and in the amount set forth in, the preceding sentence and shall agree to so indemnify the department, its commissioners, officers, and employees in a manner acceptable to the department.

(vi) Issuance of the permit is approved by written order of the commission which written order may be, among other things, specific as to duration and routes.

(vii) The provisions of this subparagraph will expire on June 1, 1993.

(2)-(7) (No change.)

(g) (No change.)

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

Issued in Austin, Texas, on May 7, 1992.

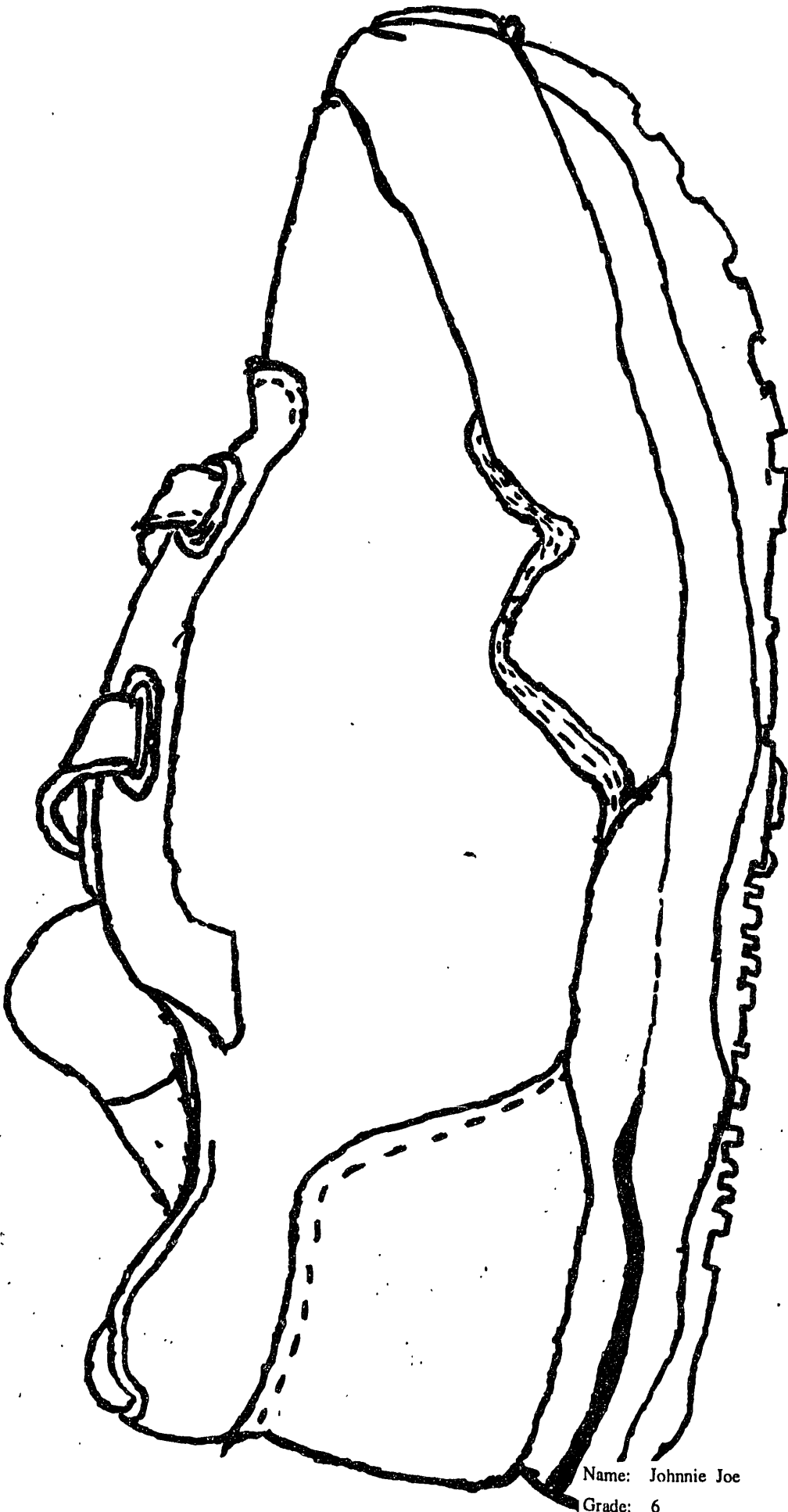
TRD-9206305

Diane L. Northam  
Legal Administrative  
Assistant  
Texas Department of  
Transportation

Earliest possible date of adoption: June 15, 1992

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





Grade 6  
Richardson HH's Elem.  
Richardson ISD

Johnnie Joe

Name: Johnnie Joe

Grade: 6

School: Richardson Heights Elementary, Richardson ISD

# Withdrawn Sections

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An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

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## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 11. Herbicide Regulations

### • 4 TAC §11.2

The Texas Department of Agriculture has withdrawn the emergency effectiveness of amended §11.2, concerning the herbicide regulations. The text of the emergency amended §11.2 appeared in the May 5, 1992, issue of the *Texas Register* (17 TexReg 3206). The effective date of this withdrawal is May 7, 1992.

Issued in Austin, Texas, on May 7, 1992.

TRD-9206280      Dolores Alvarado Hibbs  
                         Chief Administrative Law  
                         Judge  
                         Texas Department of  
                         Agriculture

Effective date: May 7, 1992

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



## TITLE 22. EXAMINING BOARDS Part XXIV. Texas Board of Veterinary Medical Examiners

### Chapter 573. Rules of Professional Conduct

#### Supervision of Personnel

### • 22 TAC §573.10

The Texas Board of Veterinary Medical Examiners has withdrawn from consideration for permanent adoption a proposed amended §573.10 which appeared in the March 10, 1992, issue of the *Texas Register* (17 TexReg 1800). The effective date of this withdrawal is May 14, 1992.

Issued in Austin, Texas, on May 8, 1992

TRD-9206375      Judy C. Smith  
                         Administrative Assistant  
                         Texas Board of Veterinary  
                         Medical Examiners

Effective date: May 14, 1992

For further information, please call: (512)  
447-1183





Grade 6  
RICHARDSON HEIGHTS ELEM.  
RICHARDSON ISD

Travis Kilcrease

Name: Travis Kilcrease

Grade: 6

School: Richardson Heights Elementary, Richardson ISD

# Adopted Sections

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

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

## TITLE 22. EXAMINING BOARDS

### Part VI. Texas State Board of Registration for Professional Engineers

#### Chapter 131. Practice and Procedure

##### Complaints

###### • 22 TAC §131.173

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.173, concerning complaints, without changes to the proposed text as published in the March 10, 1992, issue of the *Texas Register* (17 TexReg 1799).

The amendment was necessary to correct language in the title in order to provide consistency between the language contained in Texas Civil Statutes, Article 3271a and the board rules of practice and procedure.

The amendment clarifies the section as it relates to registrants.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on May 8, 1992.

TRD-9206410 Charles E. Nemir, P.E.  
Executive Director  
Texas State Board of  
Registration for  
Professional Engineers

Effective date: May 29, 1992

Proposal publication date: March 10, 1992

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

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 501. Professional Conduct

##### Advertising and Soliciting

###### • 22 TAC §501.46

The Texas State Board of Public Accountancy adopts an amendment to §501.46, concerning form of practice, without changes to the proposed text as published in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1851).

The amendment is necessary in order to ensure that certificate and license holders may practice public accountancy through limited liability companies and limited liability partnerships.

The section will clarify the types of business entities through which CPAs may practice public accountancy.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to form of practice.

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

Issued in Austin, Texas, on April 22, 1992.

TRD-9206338 William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: May 28, 1992

Proposal publication date: March 13, 1992

For further information, please call: (512) 450-7066

#### Chapter 505. The Board

###### • 22 TAC §505.10

The Texas State Board of Public Accountancy adopts an amendment to §505.10, concerning board committees, without changes to the proposed text as published in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1851).

The amendment is necessary in order to clarify the responsibilities of the committees of the board.

The section defines the committee's responsibilities.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to board committees.

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

Issued in Austin, Texas, on April 22, 1992.

TRD-9206339 William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: May 28, 1992

Proposal publication date: March 13, 1992

For further information, please call: (512) 450-7066

#### Chapter 513. Registration

##### Registration of Partnerships

###### • 22 TAC §513.28

The Texas State Board of Public Accountancy adopts new §513.28, concerning registered limited liability partnership, without changes to the proposed text as published in the March 3, 1992, issue of the *Texas Register* (17 TexReg 1974).

The section is necessary in order to clarify the partnership entities which may register with the board.

The section will allow certificate and registration holders to register as limited liability partnerships.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to limited liability partnership.

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

Issued in Austin, Texas, on April 22, 1992.

TRD-9206341 William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: May 28, 1992

Proposal publication date: March 3, 1992

For further information, please call: (512) 450-7066

## Registration of Partnerships

### • 22 TAC §513.32

The Texas State Board of Public Accountancy adopts new §513.32, concerning application for registration of a limited liability company, without changes to the proposed text as published in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1873).

The section is necessary in order to ensure that the requirements for filing an application are clearly stated.

The section will detail the requirements for filing an application for registration of a limited liability company.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to application for registration of limited liability companies.

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

Issued in Austin, Texas, on April 22, 1992.

TRD-9206342

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: May 28, 1992

Proposal publication date: March 13, 1992

For further information, please call: (512) 450-7066

## Registration of Partnerships

### • 22 TAC §513.33

The Texas State Board of Public Accountancy adopts new §513.33, concerning sections and statutory requirements that apply to limited liability companies, without changes to the proposed text as published in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1853).

This section is necessary in order to insure that the rules applying to limited liability partnerships are clarified.

The section states that limited liability partners and partnerships must follow the standards set for partners and partnerships.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide

the Texas State Board of Public Accountancy with the authority to promulgate rules relating to application for registration of limited liability companies.

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

Issued in Austin, Texas, on April 22, 1992.

TRD-9206343

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: May 28, 1992

Proposal publication date: March 13, 1992

For further information, please call: (512) 450-7066

### • 22 TAC §513.34

The Texas State Board of Public Accountancy adopts new §513.34, concerning the name of limited liability companies, without changes to the proposed text as published in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1853).

The section is necessary in order to ensure that the requirements for naming business entities are clear and specific.

The section will set forth the requirements for naming limited liability companies.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to application for registration of limited liability companies.

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

Issued in Austin, Texas, on April 22, 1992.

TRD-9206344

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: May 28, 1992

Proposal publication date: March 13, 1992

For further information, please call: (512) 450-7066

### • 22 TAC §513.35

The Texas State Board of Public Accountancy adopts new §513.35, concerning franchise tax status upon license application, without changes to the proposed text as published in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1874).

The section is necessary in order to strengthen the state's ability to collect franchise taxes.

The section requires that applicants affirmatively certify that franchise tax payments are current.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to application for registration of limited liability companies.

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

Issued in Austin, Texas, on April 22, 1992.

TRD-9206345

William Treacy  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: May 28, 1992

Proposal publication date: March 13, 1992

For further information, please call: (512) 450-7066

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 7. Administration of State Lottery Act

##### Subchapter D. Lottery Game Rules

### • 34 TAC §7.301

The Comptroller of Public Accounts adopts new §7.301, concerning general definitions, with changes to the proposed text as published in the April 7, 1992, issue of the *Texas Register* (17 TexReg 2454).

This new section defines general terms that are commonly used in lottery games. The new section relates to instant games as authorized by the State Lottery Act.

The changes expand the meanings of words and terms to their use in this chapter and clarify that a mid-tier prize includes prize amounts of up to \$600.

No comments were received regarding adoption of the new section.

The new section is adopted under the State Lottery Act, §2.02, which provides the comptroller with the authority to adopt all rules necessary to administer the State Lottery Act.

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

Caption—The letters appearing below the play symbols in the play area that verify

the correctness of the play symbols.

**Claim form**—The printed form authorized by the Texas Lottery that a player shall complete and submit to the Texas Lottery along with a winning ticket to be eligible to collect a prize.

**Claimant**—A player who has submitted a valid claim for payment within the required time frame.

**Claim center**—A Texas Lottery location designated by the director to pay claims for prizes.

**Director**—The director of the Texas Lottery.

**Draw procedures**—The written document approved by the director that specifies the draw procedures for a particular game, if a drawing is designed as part of the game.

**Game number**—The number on the back of the ticket which refers to the number associated with the particular game.

**Game procedures**—The written document approved by the director that includes, among other things, the game name, how a prize is won, game prize structure, playstyle, and eligibility for a drawing, if any.

**Grand prize drawing**—An event in which qualified contestants are awarded prizes in a random manner.

**High-tier prize**—A prize of \$600 or more.

**Instant Game**—An instant ticket lottery game, developed and offered for sale to the public in accordance with these rules, that is played by uncovering the hidden play area from a ticket to reveal the ticket symbols.

**Lottery retailer or retailer**—A sales agent.

**Low-tier prize**—A prize of less than \$50.

**Mid-tier prize**—A prize of \$50 or more but less than \$600.

**Minor**—An individual younger than 18 years of age.

**Pack number**—The unique number on the back of the ticket that designates the number of the pack.

**Play area**—The latex-covered area of a ticket that contains the ticket symbols.

**Playstyle**—The method of play to determine a winner for an individual game.

**Play symbol**—The printed data under the latex on the front of a ticket that is used to determine eligibility for a prize. The symbols for individual games will be specified in individual game procedures.

**Preliminary drawing**—An event in which tickets received by a specific deadline are utilized for the selection of contestants for a grand prize drawing.

**Prize structure**—The number, value, and odds of winning prizes for an individual game as approved by the director.

**Sales agent**—A person licensed under the State Lottery Act to sell tickets.

**Texas Lottery**—The lottery division established in the Comptroller of Public

Accounts under the State Lottery Act.

**Ticket**—Any tangible evidence issued to allow participation in a game or activity authorized by the State Lottery Act.

**Ticket number**—The number on the back of the ticket that refers to the ticket sequence within the pack.

**Validation number**—The unique data printed on a ticket that provides for the verification of the ticket as a valid winner.

**Valid ticket**—A ticket which meets all specifications and validation requirements and entitles the holder to a specific prize amount.

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

Issued in Austin, Texas, on May 8, 1992.

TRD-9206415 Charles Johnstone  
Senior Legal Counsel,  
General Law Section  
Comptroller of Public  
Accounts

Effective date: May 29, 1992

Proposal publication date: April 7, 1992

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

◆ ◆ ◆  
• 34 TAC §7.302

The Comptroller of Public Accounts adopts new §7.302, concerning instant game rules, with changes to the proposed text as published in the April 7, 1992, issue of the *Texas Register* (17 TexReg 2454).

This new section sets forth the types of lottery instant ticket games that might be implemented, how lottery prizes are won, and how and where prizes are claimed. The new section relates to instant games as authorized by the State Lottery Act.

Changes occur in subsections (e) and (f) and they clarify that retailers may pay mid-tier prizes, but are not required; that retailers may pay prizes with a business check; that a claim form is required for any prize paid by a lottery claim center. In addition, subsection (f)(8) was added and provides that the director will recognize only one person as the claimant of a particular prize.

No comments were received regarding adoption of the new section.

The new section is adopted under the State Lottery Act, §2.02, which provides the comptroller with the authority to adopt all rules necessary to administer the State Lottery Act.

§7.302. *Instant Game Rules.*

(a) Sale of instant game tickets.

(1) Only retailers who have been licensed by the Texas Lottery are authorized to sell instant game tickets, and tickets may be sold only at a licensed location.

(2) Each instant game ticket shall sell for the retail sales price authorized by the director and stated in the individual game procedures.

(3) Each instant game ticket shall state the overall estimated odds of winning a prize of any kind.

(b) Game procedures.

(1) The director shall approve and publish individual game procedures prior to each instant game being introduced for sale to the public. Game procedures shall be published in the *Texas Register* and shall be made available upon request to the public.

(2) At a minimum, the game procedures for each game shall contain the following information:

(A) confirming captions;

(B) game name;

(C) game number;

(D) prize structure;

(E) playstyle;

(F) play symbols;

(G) ticket order quantity;

(H) retail sales price;

(I) dollar amount of prizes that may be paid by retailers; and

(J) eligibility requirements for a prize drawing, if any.

(3) The playstyle for an individual game shall be fully described in the game procedures and may take the form of one of the following methods of play:

(A) match three;

(B) match three with specific variant;

(C) three match three;

(D) add up;

(E) three in line;

(F) key number match;



(G) yours beats theirs;

(H) three consecutive numbers in sequence; or

(I) any other playstyle developed by the Texas Lottery.

(c) Determination of prize winner.

(1) The play symbols shall be used by a player to determine eligibility for instant prizes. Qualifying play symbols are stated in the game procedures.

(2) A player's eligibility to win a prize is subject to the ticket validation requirements provided in subsection (d) of this section.

(3) For each individual game, the player shall rub off the latex covering on the front of the ticket to reveal the play symbols. Eligibility to win a prize is based on the approved playstyle as follows.

(A) Match three. If three identical play symbols are revealed on the ticket, the player shall win the prize indicated.

(B) Match three with specific variant. The player shall win the prize indicated in either of the following ways:

(i) the player matches three identical play symbols; or

(ii) the player matches two identical play symbols and the variant as specified in the game procedures.

(C) Three match three. If three identical play symbols are revealed across one of the three lines, the player shall win the prize indicated.

(D) Add up. If the player adds up all of the play symbols printed on the ticket and the amount is greater than or equal to the required total amount printed on the ticket, the player shall win the prize indicated.

(E) Three in line. If the player finds three identical play symbols, either diagonally, vertically, or horizontally, on the same ticket, the player shall win the prize indicated.

(F) Key number match. If the player finds a play symbol that matches the designated key play symbol, the player shall win the prize indicated.

(G) Yours beats theirs. If the player finds a play symbol designated as

yours that is greater than the play symbol(s) designated as theirs, the player shall win the prize indicated.

(H) Three consecutive numbers in sequence. If the player finds three play symbols in a specified consecutive order among the play symbols, the player shall win the prize indicated.

(d) Ticket validation requirements.

(1) Each instant game ticket shall be validated according to validation procedures prior to payment of a prize.

(2) An instant game ticket shall comply with all of the following.

(A) The ticket shall not be stolen or appear on any list of omitted tickets on file with the Texas Lottery.

(B) The ticket shall not be counterfeit or forged, in whole or in part.

(C) The ticket shall not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner.

(D) The ticket shall have been issued by the Texas Lottery in an authorized manner.

(E) The ticket shall have been received or recorded by the Texas Lottery by applicable deadlines.

(F) The ticket shall pass the confidential validation and security tests appropriate to the applicable playstyle.

(G) The validation number of an apparent winning ticket shall appear on the Texas Lottery's official list of validation numbers of winning tickets. A ticket with that validation number shall not have been paid previously.

(3) Any ticket not passing all of the validation tests and requirements is void and ineligible for any prize and shall not be paid. The director may, at his/her exclusive determination, reimburse the player for the cost of the void ticket.

(4) If a defective ticket is purchased, the Texas Lottery's only liability shall be reimbursement for the cost of the void ticket.

(e) Payment of low-tier and mid-tier prizes.

(1) Low-tier prizes shall be paid by any retailer or claim center. Mid-tier prizes may be paid by any retailer and shall be paid by any claim center.

(2) Retailers may pay cash prizes in cash or by certified check, cashier's check, or money order. Retailers may also pay prizes by business check if acceptable to the claimant. If a retailer decides to pay a prize with a business check, the retailer should inform the claimant prior to ticket validation.

(3) Retailers shall pay claims for prizes during their normal business hours, if the Texas Lottery's validation system is operational.

(4) Before paying a prize, retailers shall validate the winning ticket according to established validation requirements and procedures.

(5) Payment of a prize will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification, if appropriate.

(f) Payment of high-tier prizes.

(1) High-tier prizes shall be paid by check or warrant by any claim center.

(2) A claim form must be thoroughly completed, except for those items where a response is optional, to claim any prize through a claim center.

(3) Before paying any prize, claim center technicians shall validate the winning ticket according to established validation requirements and procedures.

(4) The Texas Lottery shall deduct from prizes paid by the Texas Lottery a sufficient amount from the winnings of a person who has been finally determined to be:

(A) delinquent in the payment of a tax or other money collected by the Comptroller of Public Accounts, state treasurer, or Texas Alcoholic Beverage Commission;

(B) delinquent in making child support payments administered or collected by the attorney general; or

(C) in default on a loan guaranteed under the Education Code, Chapter 57.

(5) If a person is indebted or owes delinquent taxes to the state, other than those specified in paragraph (4) of this subsection, the winnings of a person shall be withheld until the debt or taxes are paid.

(6) When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service. In addition, before paying a prize of more than \$5,000, the Texas Lottery shall withhold federal income tax at a rate set by the Internal Revenue Service.

(7) Payment of a prize will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification.

(8) The director shall recognize only one person as claimant of a particular prize. A claim may be made in the name of a person other than an individual only if the person possesses a federal employer identification number (FEIN) issued by the Internal Revenue Service and such number is shown on the claim form. Groups, family units, clubs, organizations, or other persons without an FEIN shall designate one individual in whose name the claim is to be filed. If a claim is erroneously entered with multiple claimants, the claimants shall designate one of them as the individual recipient of the prize, or, if they fail to designate an individual recipient, the director may designate any one of the claimants as the sole recipient. In either case, the claim shall then be considered as if it were originally entered in the name of the designated individual and payment of any prizes won shall be made to that single individual. Once a ticket is validated, it will not be returned to the winner, but will be forwarded to the lottery, along with the completed claim form.

(g) Payment of prize awarded to minor.

(1) A person 18 years of age or older may purchase a ticket to give as a gift to another person, including a minor.

(2) If a minor is entitled to a cash prize of less than \$600, the Texas Lottery shall deliver to an adult member of the minor's family or to the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

(3) If a minor is entitled to a cash prize of more than \$600, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

(4) If a minor is entitled to a prize other than money, the Texas Lottery shall pay the cash equivalent of such prize in the manner provided by paragraphs (2) and (3) of this subsection.

(h) Ticket responsibility.

(1) A ticket is a bearer instrument until signed on the back by the ticket holder.

(2) The Texas Lottery shall not be responsible for lost, stolen, or destroyed tickets.

(3) The Texas Lottery shall not be responsible for erroneous or mutilated tickets.

(4) The Texas Lottery shall not be responsible for tickets claimed by a player in error for a lower prize at a retailer.

(5) The Texas Lottery shall not be responsible for tickets delivered to any address other than that designated by the Texas Lottery for such purpose.

(i) Disputed ticket. If a dispute arises between the Texas Lottery and a ticket claimant concerning whether the ticket is a winning ticket and if the ticket prize has not been paid, the director may, exclusively at his/her determination, reimburse the claimant for the cost of the disputed ticket. This shall be the claimant's exclusive remedy.

(j) Game termination and prize claim period.

(1) The director, at any time, may announce the termination date for an individual game. If this occurs, no tickets shall be sold past the termination date.

(2) Instant game prizes shall be claimed no later than 180 days after the termination date of the individual game.

(3) Any prize directly payable by the Texas Lottery and not claimed within the period and manner provided in this section shall be used to provide additional money to the state lottery account for the payment of prizes.

(k) Game report. Following the last day on which prizes may be claimed after termination of a game, the director shall prepare a report that shows, at a minimum, the total number of tickets sold and the number of prizes awarded in the game. The report shall be made available for public inspection.

(l) Governing law. In purchasing an instant game ticket, the lottery player agrees to comply with and abide by Texas law, all rules and final decisions of the Texas Lottery, and all procedures and instructions established by the director for the conduct of the instant game.

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

Issued in Austin, Texas, on May 8, 1992.

TRD-9206416 Charles Johnstone  
Senior Legal Counsel,  
General Law Section  
Comptroller of Public  
Accounts

Effective date: May 29, 1992

Proposal publication date: April 7, 1992

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

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

**Part I. Texas Department of Human Services**

**Chapter 85. General Licensing Procedures**

**Subchapter U. Day Care Licensing Procedures**

• **40 TAC §85.2012** •

The Texas Department of Human Services (DHS) adopts an amendment to §85.2012 in its General Licensing chapter, without changes to the proposed text as published in the March 24, 1992, issue of the *Texas Register* (17 TexReg 2203).

The amendment is justified because it provides for the new owner to operate within the law immediately after assuming ownership of the facility.

The amendment will function by allowing for the issuance of a child care license to a new owner to be effective no later than the date the new owner assumes the responsibility for operation.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 42, which authorizes the department to administer general child-placing and child care licensing programs.

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

Issued in Austin, Texas, on May 8, 1992.

TRD-9206370 Nancy Murphy  
Agency Liaison, Policy and  
Document Support  
Texas Department of  
Human Services

Effective date: June 15, 1992

Proposal publication date: March 24, 1992

For further information, please call: (512) 450-3765

Vy Nguyen

Richardson Heights Elem.  
Richardson I.S.D.  
Grade 6



Name: Vy Nguyen  
Grade: 6  
School: Richardson Heights Elementary, Richardson ISD

# 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 prior to 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 named 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. Emergency meeting notices filed by all governmental agencies will be published.

**Posting of open meeting notices.** All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

## Texas Department on Aging

**Thursday, May 21, 1992, 9:30 a.m.** The Texas Board on Aging of the Texas Department on Aging will meet at the Texas Department on Aging, 1949 South IH-35, Third Floor Conference Room, Austin. According to the complete agenda, the board will consider and possibly act on: the minutes of the April 9, 1992 board meeting; hear public testimony; executive director's report; financial report to include operating budget update; board committee reports to include: action on committee recommendations to the board regarding TDoA's current carryover policy; action on committee recommendations to the board regarding the Ombudsman Title III program; recommendations to the board regarding objectives to be included in the six year strategic plan; report to Texas Representative Nancy McDonald on status of House Rule 90, to include how many licensure boards are currently requiring geriatric education in their curriculum; and recommendation to the board to adopt the six year strategic plan.

**Contact:** Mary Sapp, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

**Filed:** May 7, 1992, 12:05 p.m.

TRD-9206306

## Texas Department of Agriculture

**Thursday, June 11, 1992, 9 a.m. (Rescheduled from March 20, 1992).** The Texas Agricultural Diversification Program Board of the Texas Department of Agriculture will meet at the Stephen F. Austin Building, Texas Department of Agriculture, 1700 North Congress Avenue, Room 924-A, Austin. According to the agenda

summary, the board will call the meeting to order; discuss and act on minutes of November 19, 1991 board meeting; update on sourcing of TADP funds, linked deposit program and microenterprise loan program, matching grants program; presentations on Grants 56 and 68, Grant 54, Grants 19 and 66, Grant 62; discuss other business; and discuss and act on next meeting date.

**Contact:** Richard Salmon, P.O. Box 12847, Austin, Texas 78711, (512) 463-7577.

**Filed:** May 8, 1992, 3:51 p.m.

TRD-9206420

## Texas Commission on Alcohol and Drug Abuse

**Wednesday, May 20, 1992, 10 a.m.** The Board of Commissioners of the Texas Commission on Alcohol and Drug Abuse will meet at the Perry Brooks Building, 720 Brazos, Suite 800, Conference Room, Austin. According to the complete agenda, the board will call the meeting to order; take action on approval of new signature authority; hold an executive session on a personnel matter relating to an individual; take action on concept and process for strategic plan; and adjourn.

**Contact:** Becky Davis or David Tatum, 720 Brazos, #403, Austin, Texas 78701, (512) 867-8700.

**Filed:** May 11, 1992, 9:59 a.m.

TRD-9206462

## State Auditor's Office

**Tuesday, May 19, 1992, 2:30 p.m.** The Legislative Audit Committee of the State Auditor's Office will meet at the State Capitol, Senate Chamber, Austin. According to the complete agenda, the committee will discuss proposal for management audit of public schools; and discuss other items.

**Contact:** Lawrence F. Alwin, P.O. Box 12067, Austin, Texas 78711, (512) 479-4700.

**Filed:** May 11, 1992, 4:35 p.m.

TRD-9206509

## Texas Cancer Council

**Tuesday, May 26, 1992, 10 a.m.** The Board of Directors of the Texas Cancer Council will meet at the M.D. Anderson Cancer Center, 1515 Holcombe, Room C10.008, Houston. According to the complete agenda, the board will call the meeting to order, address strategic planning and budget issues, and adjourn.

**Contact:** Emily F. Untermeyer, P.O. Box 12097, Austin, Texas 78711, (512) 463-3190.

**Filed:** May 11, 1992, 10:03 a.m.

TRD-9206465

## Capital Area Planning Council

**Tuesday, May 19, 1992, 10 a.m.** The Appeal Board of the Capital Area Planning Council will meet at 2520 IH-35 South, Suite 100, Austin. According to the agenda summary, the board will consider appeal of dismissal of former CAPCO employee.

**Contact:** Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653.

**Filed:** May 8, 1992, 10:43 a.m.

TRD-9206384

## Texas Department of Commerce

**Friday, May 15, 1992, 1:30 p.m.** The State Job Training Coordinating Council Oversight Committee of the Texas Department of Commerce will meet at First City Centre, 816 Congress Avenue, 11th Floor Board Room, Austin. According to the complete agenda, the committee will call the meeting to order; hear public comment; report on response to committee requests and action; action on reorganization and sanctions policy; briefing on: third quarter monitoring report; third quarter fiscal report; SDA technical assistance plan status; policy briefing on work force development division internal monitoring unit (IMU) policy and procedures; and adjourn.

**Contact:** Alexa Ray, P.O. Box 12728, Austin, Texas 78711, (512) 320-9884.

**Filed:** May 7, 1992, 1:45 a.m.

TRD-920631

## Texas State Board of Examiners of Professional Counselors

**Friday, May 15, 1992, 10:30 a.m.** The Applications, Licensing and Renewals Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Board Offices, Exchange Building, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on pending applications and hear report on status of renewals.

**Contact:** Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

**Filed:** May 7, 1992, 4:15 p.m.

TRD-9206353

**Friday, May 15, 1992, 1 p.m.** The Rules and Specialities Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Board Offices, Exchange Building, 8407 Wall Street, Austin. According to the complete agenda, the committee will consider and possibly act on: concerns submitted by licensed professional counselors (JoLynne Reynolds, Catherine Clark, others) regarding current rules; proposed amendments to be submitted to the Board of Health for final adoption; development of requirements for supervisory training; and revision of board rules.

**Contact:** Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

**Filed:** May 7, 1992, 4:15 p.m.

TRD-9206354

**Friday, May 15, 1992, 1 p.m.** The Fees and Budget Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Board Offices, Exchange Building, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on financial report through March 31, 1992; 1994-1995 budget; and current budget.

**Contact:** Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

**Filed:** May 7, 1992, 4:16 p.m.

TRD-9206355

**Friday, May 15, 1992, 2 p.m.** The Personnel and Administration Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Board Offices, Exchange Building, 8407 Wall Street, Austin. According to the complete agenda, the committee will consider and possibly act on: personnel with regard to extending the position of acting executive secretary; final form prepared by Department of Health staff for demographic survey; approval of minutes of previous board meetings; and consideration of American Association of State Counseling Board's (AASCB) disciplinary report form.

**Contact:** Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

**Filed:** May 7, 1992, 4:16 p.m.

TRD-9206356

**Friday, May 15, 1992, 3 p.m.** The Public and Professional Relations Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Board Offices, Exchange Building, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on information and articles for the next newsletter (Examiner).

**Contact:** Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

**Filed:** May 7, 1992, 4:16 p.m.

TRD-9206357

**Friday, May 15, 1992, 3:30 p.m.** The Testing and Continuing Education Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Board Offices, Exchange Building, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on: report by ad hoc examination committee; report by Jim Zukowski on breakdown of candidate performance on March 24, 1992 examination; and final survey form concerning examination.

**Contact:** Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

**Filed:** May 7, 1992, 4:16 p.m.

TRD-9206358

## Interagency Council on Early Childhood Intervention

**Wednesday, May 13, 1992, 8:30 a.m.** The Interagency Council on Early Childhood Intervention held an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Room M-652, Austin. According to the complete agenda, the council heard public comments; may have approved May 5, 1992 council minutes; and discussed and acted on strategic plan. The emergency status was necessary due to unforeseeable circumstances.

**Contact:** Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673.

**Filed:** May 8, 1992, 4:12 p.m.

TRD-9206434

## State Board of Registration for Professional Engineers

**Tuesday, May 19, 1992, 8:30 a.m.** The Ad Hoc Committee on Disciplinary Actions of the State Board of Registration for Professional Engineers will meet at 1917 IH-35 South, Board Room, Austin. According to the complete agenda, the committee will hold a meeting convened by Chairman Hubert; take roll call; recognize and welcome any visitors; review and discuss information and formulate recommendations for future disciplinary actions; and adjourn.

**Contact:** Charles E. Nemir, P.E., 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

**Filed:** May 8, 1992, 2:16 p.m.

TRD-9206408

**Tuesday, May 19, 1992, 10:30 a.m.** The Ad Hoc Committee on Legislative Proposals of the State Board of Registration for Professional Engineers will meet at 1917 IH-35 South, Board Room, Austin. According to the complete agenda, the committee will hold a meeting convened by Chairman Gloyna at 10:30 a.m.; take roll call; recognize and welcome any visitors; identify issues to be considered for legislative action to be proposed to the 73rd Legislature; and adjourn.

**Contact:** Charles E. Nemir, P.E., 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: May 8, 1992, 2:16 p.m.

TRD-9206409

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**Office of the Governor**

**Tuesday, May 19, 1992, 9:30 a.m.** The TxMHMR Facility Review Task Force of the Office of the Governor will meet at the John H. Reagan Building, Room 104, 105 West 15th Street, Austin. According to the agenda summary, the chair, Linda Parrish, will call the meeting to order; discuss approval of the minutes of the March 31, 1992 meeting; briefing by staff on charge of task force-Nicholas Hoover, TF coordinator; overview of TXMHMR system: state hospitals and state centers; briefing on RAJ versus Jones class action lawsuit-David Pharis, Court Appointed monitor; presentations by invited advocates; discuss task force work plan/site visitation schedule; scheduling of future meetings and public hearings; and adjourn.

**Contact:** Nicholas Hoover, P.O. Box 12428, Austin, Texas 78711, (512) 463-1778.

**Filed:** May 11, 1992, 12:36 p.m.

TRD-9206471

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**Texas Department of Health**

**Friday, May 15, 1992, 1 p.m.** The Public Health Promotion Committee of the Texas Board of Health of the Texas Department of Health will meet at the Flamingo Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss approval of minutes of April 10, 1992 committee meeting; discuss and possibly act on current monthly update of three year public information plan; and discuss committee activities.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 7, 1992, 4:17 p.m.

TRD-9206363

**Friday, May 15, 1992, 1:30 p.m.** The Health Provider, Licensure and Certification Committee of the Texas Board of Health of the Texas Department of Health will meet at the Tarantella Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss approval of minutes of April 11, 1992 committee meeting; and discuss and possibly act on final adoption of amendments to rules concerning respiratory care practitioners.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512)

458-7484.

**Filed:** May 7, 1992, 4:17 p.m.

TRD-9206364

**Friday, May 15, 1992, 2 p.m.** The Budget and Finance Committee of the Texas Board of Health of the Texas Department of Health will meet at the Tarantella 3 Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss approval of the minutes of April 11, 1992 committee meeting; and discuss and possibly act on final adoption of amendments to Board of Health rules concerning actions requiring Board of Health approval.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 7, 1992, 4:15 p.m.

TRD-9206351

**Friday, May 15, 1992, 2:30 p.m.** The Disease Control Committee of the Texas Board of Health of the Texas Department of Health will meet at the Flamingo Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss approval of the minutes of April 11, 1992 committee meeting; and discuss and possibly act on: proposed revision to State HIV Education, Prevention and Risk Reduction Advisory Committee rules to modify an existing membership category; final adoption of rules concerning the HIV Medication Program; final adoption to rules to establish guidelines, structure and purpose of the Texas HIV Medication Program Advisory Committee; and final adoption of rules concerning Breast and Cervical Cancer Control Program.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 7, 1992, 4:15 p.m.

TRD-9206352

**Friday, May 15, 1992, 3 p.m.** The Long Term Care Committee of the Texas Board of Health of the Texas Department of Health will meet at the Tarantella 3 Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss approval of the minutes of April 11, 1992 committee meeting; and discuss and possibly act on: approval of alternatives to a nursing home grading system; proposed rules concerning licensing of nursing facilities; appointment to Advisory Committee on Nursing Facility Affairs; and approval to include dental representative on the Advisory Committee on Nursing Home Affairs.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512)

458-7484.

**Filed:** May 7, 1992, 4:16 p.m.

TRD-9206359

**Friday, May 15, 1992, 4 p.m.** The Hospital and Ambulatory Care Services Committee of the Texas Board of Health of the Texas Department of Health will meet at the Flamingo Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss approval of the minutes of April 11, 1992 committee meeting; and discuss and possibly act on: final rules on special care facilities; hospital license fees, and home health care agencies; final rules on special licensing standards governing provision of mental health services in general hospitals; and emergency and proposed rules on special licensing standards governing the provision of mental health services in general hospitals to include special hospitals.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 7, 1992, 4:16 p.m.

TRD-9206360

**Friday, May 15, 1992, 5:15 p.m.** The Ad Hoc Minority Recruitment and Retention Committee of the Texas Board of Health of the Texas Department of Health will meet at the Tarantella 3 Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss and possibly act on: update of December 7, 1991 report concerning minority recruitment and retention.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 7, 1992, 4:16 p.m.

TRD-9206362

**Friday, May 15, 1992, 6 p.m.** The Health Legislative Committee of the Texas Board of Health of the Texas Department of Health will meet at the Flamingo Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss and possibly act on proposed legislation and draft legislation for the 73rd legislative session.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 7, 1992, 4:16 p.m.

TRD-9206361

**Saturday, May 16, 1992, 8 a.m.** The Texas Board of Health Executive Committee of the Texas Department of Health will meet at the Flamingo Room, Holiday Inn Riverwalk, 217 North St. Mary's, San An-

tonio. According to the complete agenda, the committee will discuss and possibly act on items of procedure for the May 16, 1992 Texas Board of Health meeting.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 8, 1992, 4:11 p.m.

TRD-9206429

**Saturday, May 16, 1992, 8:30 a.m.** The Environmental Health Committee Texas Board of Health of the Texas Department of Health will meet at the Bolero Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss approval of April 11, 1992, committee meeting minutes; discuss and possibly act on proposed amendment to Texas Regulations for Control of Radiation concerning fees for certificates of registration, radioactive material(s) licenses, emergency planning and implementation, and other regulatory services; discuss appointments to Sanitarian Advisory Committee; and hear comments and announcements.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 8, 1992, 4:11 p.m.

TRD-9206428

**Saturday, May 16, 1992, 9 a.m.** The Texas Board of Health Strategic Planning Committee of the Texas Department of Health will meet at the Flamingo Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss approval of minutes of the April 10, 1992, committee meeting; and discuss and possibly act on Department of Health Strategic Plan, 1992-1998.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 8, 1992, 4:11 p.m.

TRD-9206430

**Saturday, May 16, 1992, 11 a.m.** The Texas Board of Health Emergency and Disaster Committee of the Texas Department of Health will meet at the Bolero Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss and possibly act on proposed amendments to the Emergency Medical Services Rules concerning legislative mandates to assure the safe provision of emergency prehospital care; and appointment to the Texas Emergency Medical Services Advisory Council.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 8, 1992, 4:12 p.m.

TRD-9206432

**Saturday, May 16, 1992, noon.** The Texas Board of Health Personnel Committee of the Texas Department of Health will meet at the Flamingo Room, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the complete agenda, the committee will discuss in executive session and discuss and possibly act on in open session appointments to the Advisory Committee on Nursing Facility Affairs; appointment to the Texas Emergency Medical Services Advisory Council; appointments to the Sanitarian Advisory Committee; and approval to include dentist representative on the Advisory Committee on Nursing Home Affairs. The committee also in open session will discuss approval of minutes of April 11, 1992 committee meeting and discuss and possibly act on: final Board of Health rule concerning advisory committees; Texas Department of Health client/consumer comment procedure; proposed State HIV Education, Prevention and Risk Reduction Advisory Committee rules to modify existing membership category; and final rules to establish guidelines, structure and purpose of Texas HIV Medication Program Advisory Committee.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** May 8, 1992, 4:11 p.m.

TRD-9206431

**Saturday, May 16, 1992, 1 p.m.** The Texas Board of Health of the Texas Department of Health will meet at the Tarantella 3 and 4 Rooms, Seventh Floor, Holiday Inn Riverwalk, 217 North St. Mary's, San Antonio. According to the agenda summary, the board will discuss and possibly take action on: minutes of previous meeting; hear commissioner's report; resolution, Governor's proclamation on national nurses' week, national fluoridation award; committee reports; rules (actions requiring board approval; HIV advisory committees; HIV medication; breast and cervical cancer; emergency medical services; radiation; respiratory care practitioners; special care facilities; hospital license fees; home health care agencies; mental health services in general hospitals; nursing facilities; board advisory committees); alternatives to nursing home grading system; proposed and draft legislation for 73rd legislative session; appointments to advisory committees/councils; department client/consumer comment procedure; discussion in executive session of personnel matter concerning commissioner of health; and hear announcements and comments.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512)

458-7484.

**Filed:** May 8, 1992, 4:12 p.m.

TRD-9206433

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**Texas Health Maintenance  
Organization Solvency Sur-  
veillance Committee**

**Friday, May 15, 1992, 9:30 a.m.** The Board of Directors of the Texas Health Maintenance Organization Solvency Surveillance Committee will meet at Tower I, William P. Hobby Building, 12th Floor, 333 Guadalupe Street, Austin. According to the complete agenda, the board will call the meeting to order; consider and discuss approval of the January 10, 1992 minutes; receiver's report; meet in executive session to review statutorily confidential information on financial condition of HMO's; and status report regarding plan of operation.

**Contact:** Bill Beversdorff, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 322-5002.

**Filed:** May 7, 1992, 2:46 p.m.

TRD-9206330

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**Texas Health Policy Task  
Force**

**Wednesday, May 20, 1992, 5 p.m.** The Public Hearing Section of the Texas Health Policy Task Force will meet at the Convention Facilities, 200 East Market Street, San Antonio. According to the complete agenda, the section will take public testimony from persons wishing to address the members with regard to health care issues. Persons requesting interpreter services for the hearing impaired, please contact this office.

**Contact:** Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

**Filed:** May 11, 1992, 3:17 p.m.

TRD-9206505

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**Texas Higher Education Co-  
ordinating Board**

**Wednesday, May 20, 1992, 10 a.m.** The Administration and Financial Planning Committee of the Texas Higher Education Coordinating Board will meet at 5400 Renaissance Tower, 1201 Elm Street, Dallas. According to the complete agenda, the committee will discuss the Coordinating Board's Strategic Plan; performance funding; and meet in executive session to discuss the South Texas lawsuit.

**Contact:** Kenneth H. Ashworth, P.O. Box

12788, Austin, Texas 78711, (512) 483-6101.

Filed: May 8, 1992, 9:21 a.m.

TRD-9206374

## Texas Department of Human Services

**Friday, May 15, 1992, 10 a.m.** The Texas Board of Human Services of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the board will discuss approval of minutes of April 16, 1992; hear comments and announcements by the chairman; advisory committee report-medical care advisory committee and subcommittees; Edinburg regional administrator's report; PASARR amendment regarding alternate placement; report on the needs of persons moving out of institutions into the community; review of eligibility or payments for disproportionate share hospitals; request to establish a drug use review board; exceptions to eligibility for child care services for teen parents; amendments to policies and procedures; community care services committee report; commissioner's report; and board work session on strategic planning and budgeting. Persons who are deaf or hearing-impaired and require interpreter services are asked to call the department's Civil Rights Office, (512) 450-4313 voice or TDD, by Tuesday, May 12, 1992, so that arrangements for interpreters can be made.

**Contact:** Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030.

**Filed:** May 7, 1992, 2:06 p.m.

TRD-9206321

**Tuesday, May 19, 1992, 1:30 p.m.** The Adolescent Pregnancy and Parenthood Advisory Council of the Texas Department of Human Services will meet at the William B. Travis Building (TEA), 1701 North Congress Avenue, Room 6-101, Austin. According to the complete agenda, the council will give Texas Summit update; APPAC report to 73rd Legislature; follow-up on strategic plan; commitment/attendance at all advisory council meetings; TDHS program reform initiatives project; and state agency reports (TDHS, TDH and TEA).

**Contact:** William Pace, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4146.

**Filed:** May 8, 1992, 11:06 a.m.

TRD-9206394

**Thursday, May 21, 1992, 10 a.m.** The Indigent Health Care Advisory Committee of the Texas Department of Human Services will meet at the Texas Department of

Health, 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of minutes; hear status report on House Bill 7; Medicaid managed care project; reports from subcommittees on workgroup issues; update on statewide IHC/IE workshop; report on upcoming physician payment rate revision; report on SSI Medicaid reimbursement process; update on state assistance funds; feedback on prior recommendations vendor drug reimbursement issue; provider notification requirements; SSI/SSDI applicant/appealant access to services; 90-day provider billing requirements; and other items from the committee.

**Contact:** Jane Jaggard, P.O. Box 149030, Austin, Texas 78714-9030, (512) 338-6461.

**Filed:** May 11, 1992, 1:14 p.m.

TRD-9206472

## Department of Information Resources

**Thursday, May 21, 1992, 1:30 p.m.** The Mini Board of the Department of Information Resources will meet at the William B. Clements Building, Suite 1300, 300 West 15th Street, Austin. According to the agenda summary, the board will give an update on strategic plan; update on the DIR Audit; and discuss other business.

**Contact:** John Hawkins, 300 West 15th Street, Suite 1300, Austin, Texas 78701, (512) 371-1120.

**Filed:** May 11, 1992, 4:09 p.m.

TRD-9206508

## Texas Department of Insurance

**Tuesday, May 19, 1992, 9 a.m.** The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider revocation of Paul K. Gabriel's Group II Health and Accident Insurance Agent's license. Docket Number 11406.

**Contact:** Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

**Filed:** May 11, 1992, 2:44 p.m.

TRD-9206493

**Tuesday, May 19, 1992, 1:30 p.m.** The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete

agenda, the section will conduct a public hearing to consider the application of Richard A. Hunter, Lubbock, for a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11462.

**Contact:** Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

**Filed:** May 11, 1992, 2:44 p.m.

TRD-9206492

**Friday, May 22, 1992, 9 a.m.** The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Security Savings Life Insurance Company to acquire control of South Texas Bankers Life Insurance Company. Docket Number 11479.

**Contact:** Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

**Filed:** May 11, 1992, 2:46 p.m.

TRD-9206496

**Wednesday, May 27, 1992, 8:30 a.m.** The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 1899 to consider the application of National Indemnity Company to use their own manual, in whole or in part, relative to classifications and territories of risks, different from that promulgated by the board, to calculate the rate used by that insurer for an individual risk. This rate filing will be heard in conjunction with Docket Number 1888.

**Contact:** Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

**Filed:** May 11, 1992, 2:46 p.m.

TRD-9206494

**Thursday, May 28, 1992, 8:30 a.m.** The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number R-1898 to consider final action on proposed amendments to 28 TAC §§3.3801-3.3805, 3.3807, 3.3809-3.3815, 3.3818-3.3826, 3.3828, 3.3829, 3.3831, 3.3832, 3.3839, 3.3840, 3.3849-3.3850 as published in the February 25, 1992 issue of the *Texas Register* (17 TexReg 1507); and §3.3830, §§3.3837-3.3838 as published in the March 3, 1992 issue of the *Texas Register* (17 TexReg 1591).



Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: May 8, 1992, 9:43 a.m.

TRD-9206380

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**Legislative Budget Board**

**Tuesday, May 19, 1992, 1:30 p.m.** The Legislative Budget Board will meet at the State Capitol, Senate Chamber, Austin. According to the agenda summary, the board will receive briefing on current issues of the 1992-1993 budget; consider budget reductions pursuant to Article V, Section 122 and Sections 130-134, General Appropriations Act for 1992-1993 biennium; consider making budget execution proposals pursuant to Chapter 317, Government Code; and any other business. 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 Tom Abernathy or Beverly Woodman at (512) 463-1166 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Jim Oliver, 1110 San Jacinto Street, Austin, Texas 78701, (512) 463-1166.

Filed: May 11, 1992, 3:52 p.m.

TRD-9206507

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**Texas Department of Licensing and Regulation**

**Wednesday, May 20, 1992, 9 a.m.** The Inspections and Investigations, Auctioneers of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Third Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Ireland Winford Fry for violation of Vernon's Texas Civil Statutes, Articles 8700 and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: May 12, 1992, 8:48 a.m.

TRD-9206514

**Thursday, May 21, 1992, 10:30 a.m.** The Inspections and Investigations, Air Conditioning of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street,

Third Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Timothy Smith doing business as Smith Services for violation of Vernon's Texas Civil Statutes, Articles 8861 and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: May 12, 1992, 8:48 a.m.

TRD-9206511

**Monday, June 1, 1992, 10:30 a.m.** The Inspections and Investigations, Air Conditioning of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Talmage Wayne Simpson doing business as Alvarado Heating and Air Conditioning for violation of Vernon's Texas Civil Statutes, Articles 8861 and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: May 12, 1992, 8:48 a.m.

TRD-9206513

**Monday, June 8, 1992, 9 a.m.** The Inspections and Investigations, Tow Trucks of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Agency Rent-A-Car, Inc. for violation of Vernon's Texas Civil Statutes, Articles 8861 and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: May 12, 1992, 8:48 a.m.

TRD-9206512

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**Texas State Board of Medical Examiners**

**Monday, May 18, 1992, 9 a.m.** The Hearings Division of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the division will hold a probation appearance and a request for modification of probation. (Execu-

tive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: May 8, 1992, 3 p.m.

TRD-9206411

**Thursday, May 21, 1992, 9 a.m.** The Hearings Division of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the division will hold probation appearances. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: May 8, 1992, 3:01 p.m.

TRD-9206412

**Friday, May 22, 1992, 9 a.m.** The Hearings Division of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, division will consider requests for termination of probation and probation appearances. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: May 8, 1992, 3:02 p.m.

TRD-9206413

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**Public Utility Commission of Texas**

**Monday, May 18, 1992, 10 a.m. (Rescheduled from Tuesday, May 12, 1992, 10 a.m.)** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10673-application of Brownsville Public Utilities Board to amend certificate of convenience and necessity within Cameron County.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 7, 1992, 2:44 p.m.

TRD-9206327

**Thursday, June 18, 1992, 1:30 p.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite

450N, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 10734-application of Southwestern Bell Telephone Company to revise the general exchange tariff to add clarifying language in Sections 8, 10, 14, and 23.

**Contact:** Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** May 7, 1992, 2:44 p.m.

TRD-9206328

## Railroad Commission of Texas

**Monday, May 18, 1992, 9:30 a.m.** The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, 12th Floor Conference Room 12-126, Austin. Agendas follow.

The commission will consider various matters within the jurisdiction of the Railroad Commission of Texas. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various action, including, but not limited to, scheduling an item in its entirety or for particular action at a future time or date. The commission 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. The commission will meet in executive session as authorized by the Open Meetings Act, including to receive legal advice regarding pending/and/or contemplated litigation.

**Contact:** Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

**Filed:** May 8, 1992, 10:47 a.m.

TRD-9206393

The commission will consider and act on the Investigation Division Director's report on division administration, investigations, budget, and personnel matters.

**Contact:** Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6828.

**Filed:** May 8, 1992, 10:44 a.m.

TRD-9206385

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The commission will discuss the implementation of

individual operating budgets for each individual commissioner's office. The commission will discuss a proposed training agreement for the Gas Utility Section of the Legal Division. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel, and pending litigation.

**Contact:** Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

**Filed:** May 8, 1992, 10:44 p.m.

TRD-9206386

The commission will consider category determination under Sections 102(c)(1) (B), 102(c)(1)(C), 103, 107 and 108 of the Natural Gas Policy Act of 1978.

**Contact:** Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711, (512) 463-6755.

**Filed:** May 8, 1992, 10:45 p.m.

TRD-9206387

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

**Contact:** Bob Kmetz, P.O. Box 12967, Austin, Texas 78711, (512) 463-7251.

**Filed:** May 8, 1992, 10:45 a.m.

TRD-9206388

The commission will consider and act on the Administrative Services Division Director's report on division administration, budget, procedures and personnel matters.

**Contact:** Roger Dillon, P.O. Box 12967, Austin, Texas 78711, (512) 463-7257.

**Filed:** May 8, 1992, 10:45 a.m.

TRD-9206389

The commission will consider and act on the Division Director's report on budget and personnel matters related to organization of the Alternative Fuels Research and Education Division.

**Contact:** Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

**Filed:** May 8, 1992, 10:45 a.m.

TRD-9206390

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Brian W. Schaible, P.O. Box 12967, Austin, Texas 78711, (512) 463-6710.

**Filed:** May 8, 1992, 10:45 a.m.

TRD-9206391

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel.

**Contact:** Mark Bogan, P.O. Box 12967, Austin, Texas 78711, (512) 463-7187.

**Filed:** May 8, 1992, 10:46 a.m.

TRD-9206392

## Center for Rural Health Initiatives

**Wednesday, May 20, 1992, 1 p.m.** The Executive Committee of the Center for Rural Health Initiatives will meet at the Texas Higher Education Coordinating Board, Building Three, Conference Room 3.109, 313 East Anderson Lane, Austin. According to the complete agenda, the committee will meet to discuss the Center's Rural Scholars Program; Rural Health Clinic Program; and hear reports from Texas Cancer Council and the Department of Human Services.

**Contact:** Bryan Sperry, 211 East Seventh Street, #915, Austin, Texas 78701, (512) 479-8891.

**Filed:** May 8, 1992, 8:33 a.m.

TRD-9206366

## School Land Board

**Tuesday, May 19, 1992, 10 a.m.** The School Land Board will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 831, Austin. According to the agenda summary, the board will discuss approval of previous board meeting minutes; pooling applications, Spraberry (Trend Area) Field, Midland County; Giddings (Austin Chalk-3) Field, Fayette County; applications to lease highway rights of way for oil and gas, Fayette, Brazos, and Washington Counties; coastal public lands-easement applications-Galveston Bay, Harris County; Offatts Bayou, Galveston County; Clear Lake, Harris County; lease applications, Galveston Bay, Galveston County; and meet in executive session to discuss pending and proposed litigation.

**Contact:** Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

**Filed:** May 8, 1992, 4:21 p.m.

TRD-9206435

## Texas State Soil and Water Conservation Board

**Wednesday, May 20, 1992, 8 a.m.** The Texas State Soil and Water Conservation Board will meet at 311 North Fifth Street, Conference Room, Temple. According to the complete agenda, the board will review and take appropriate action on the following: minutes from March 18, 1992 board meeting; district director appointments; allocation of FY 1992 Subchapter H Technical Assistance; FY 1992 matching funds allocations; FY 1992 expenditure report ending April 30, 1992; uniform statewide accounting system status report; report on Americans with Disabilities Act; agency strategic plan; performance audit; FY 1994-1995 budget request; board policy implementing Section 201.019 (i), Agriculture Code; report on LBB action on FY 1992-1993 budget; reports from agencies and guests; 1992 annual state meeting of SWCD directors; low interest loan program development; EPA Wetland Conservation Program; nonpoint source management program status report; Texas Water Commission's Clean Water Council and Agricultural Advisory Committees activities; Gulf of Mexico program; Galveston Bay National Estuary Program; proposed reorganization of USDA; public information/education report; regional conservation awards programs; board travel; election of officers; and schedule next regular board meeting-July 15, 1992.

**Contact:** Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250, STS 820-1250.

**Filed:** May 11, 1992, 9:57 a.m.

TRD-9206460

## Texas Southern University

**Wednesday, May 27, 1992, 4 p.m.** The Board of Regents Personnel and Academic Affairs Committee of the Board of Regents Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider reports on progress of academic activities and programs; and personnel actions.

**Contact:** Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

**Filed:** May 8, 1992, 9:25 a.m.

TRD-9206379

**Thursday, May 28, 1992, 4 p.m.** The Board of Regents Finance Committee of Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider matters relating to fi-

nancial reporting systems and budgets; fiscal reports from the administration; investments, and informational items.

**Contact:** Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

**Filed:** May 8, 1992, 9:24 a.m.

TRD-9206377

**Friday, June 5, 1992, 8:30 a.m.** The Board of Regents of Texas Southern University will meet at Texas Southern University, University Library, Fifth Floor, Houston. According to the complete agenda, the board will discuss approval of minutes; hear report of the president and reports from standing committees; and meet in executive session.

**Contact:** Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

**Filed:** May 8, 1992, 9:25 a.m.

TRD-9206378

## Texas State University System

**Thursday, May 14, 1992, 2 p.m.** The Building Committee of the Texas State University System met at the Court Room, Criminal Justice Center, Sam Houston State University, Huntsville. According to the complete agenda, the committee reviewed construction projects and documents for the four universities in the system including: contract award for electrical, chiller, and lighting improvements, contract award for Flowers Hall renovation and Student Center roof repairs, and preliminary plan for Sam South conversion all at Sam Houston State University. The committee also reviewed parking lot repairs at Southwest Texas State University. (Where appropriate and permitted by law, executive sessions may have been held for the above listed subjects.)

**Contact:** Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

**Filed:** May 8, 1992, 1:20 p.m.

TRD-9206401

**Thursday, May 14, 1992, 2:30 p.m.** The Curriculum Committee of the Texas State University System met at the Court Room, Criminal Justice Center, Sam Houston State University, Huntsville. According to the complete agenda, the committee reviewed matters of the board and the four universities in the system including: all matters of curriculum, including twelfth class day reports; substantive and non-substantive program changes, new degree programs, combining of departments, additions, deletions and retention of courses, admission standards, and out-of-state and out-of-country studies. (Where appropriate and permitted by law, executive sessions may have been held for the above listed subjects.)

**Contact:** Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

**Filed:** May 8, 1992, 1:20 p.m.

TRD-9206402

**Thursday, May 14, 1992, 10:30 a.m.** The Governmental Relations Committee of the Texas State University System met at the Court Room, Criminal Justice Center, Sam Houston State University, Huntsville. According to the complete agenda, the committee reviewed the legislative agenda for the next biennium and considered other governmental activities. (Where appropriate and permitted by law, executive sessions may have been held for the above listed subjects.)

**Contact:** Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

**Filed:** May 8, 1992, 1:21 p.m.

TRD-9206404

**Thursday, May 14, 1992, 3 p.m.** The Rules and Regulations Committee of the Texas State University System met at the Court Room, Criminal Justice Center, Sam Houston State University, Huntsville. According to the complete agenda, the committee reviewed proposed amendments to the rules and regulations of the system including the requirements for certain purchases, emergency submissions to the board, distinguished professors, student loans, academic dishonesty, and solicitation and sexual harassment policies. (Where appropriate and permitted by law, executive sessions may have been held for the above listed subjects.)

**Contact:** Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

**Filed:** May 8, 1992, 1:21 p.m.

TRD-9206403

**Thursday-Friday, May 14-15, 1992, 10:30 a.m. and 8 a.m. respectively.** The Board of Regents of Texas State University System will meet at Sam Houston State University, Criminal Justice Center, Court Room, Huntsville. According to the agenda summary, the board will review matters of the board the four universities in the system including: all matters reviewed by the building committee and submitted to the full board; all matters reviewed by the curriculum committee and submitted to the full board; personnel actions including new employees, promotions, resignations, terminations, and special appointment for any system employee including the presidents and chancellor; discuss litigation; budgetary changes at each university and the system office; contract approvals at each university and the system office; acceptance of gifts;

admission requirements and fees; room rates; food service contracts and land purchases; consider trash disposal contracts, vending contracts, and housekeeping contracts at the various universities. (Where appropriate and permitted by law, executive sessions may be held for the above).

**Contact:** Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

**Filed:** May 8, 1992, 1:20 p.m.

TRD-9206400

## University Interscholastic League

**Monday, May 11, 1992, 9 a.m.** The State Executive Committee of the University Interscholastic League met at the Radisson Plaza Hotel, Eighth and San Jacinto Streets, Austin. According to the agenda summary, the committee reviewed and discussed: Coach Jim Topkins, Anderson High School, Austin, failure to submit eligibility form; Coach Ray Jackson and Darell Crayton, LBJ High School, Austin, recruiting; Coach Dave Boxell, Neches High School, ejected from basketball game; Coach John Hilliard, Banquete High School, ejection from football game; Coach Joe Chapa, Robstown High School, verbal abuse of officials; Coach Marcus Cloud, Huntsville High School, appeal of automatic penalty; Coach Don Stanton, Klein Oak High School, Section 1208; and Coach David Lacates, Nimitz High School, Section 1208.

**Contact:** B. J. Stamps, 2622 Wichita Street, Austin, Texas 78705, (512) 471-5883.

**Filed:** May 7, 1992, 2:43 p.m.

TRD-9206326

## The University of Texas at Austin

**Wednesday, May 13, 1992, 8 a.m.** The Intercollegiate Athletics Council for Men of the The University of Texas at Austin met at the Alumni Center (Schmidt Room), 21st and San Jacinto Streets, Austin. According to the agenda summary, the council met in executive session; discuss approval of minutes of March 11, 1992; discussed items from executive session; council recognition of athletic department recipients of the UT Excellence Award; development, budget and budget items; discussed construction, tickets and ticket policy; awards, new business and old business.

**Contact:** Betty Corley, P.O. Box 7399, Austin, Texas 78713, (512) 499-4402.

**Filed:** May 7, 1992, 12:37 p.m.

TRD-9206307

## University of Texas Health Science Center at San Antonio

**Wednesday, May 20, 1992, 3 p.m.** The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet at the History of Medicine Conference Room, 5.070LIB, 7703 Floyd Curl Drive, San Antonio. According to the agenda summary, the committee will discuss approval of minutes; protocols for review; subcommittee reports; and discuss other business.

**Contact:** Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78284-7822, (512) 467-3717.

**Filed:** May 11, 1992, 1:35 p.m.

TRD-9206481

## Texas Water Commission

**Thursday, May 21, 1992, 1:30 p.m.** Task Force 21: Waste Management Policy for the Future of the Texas Water Commission will meet at the John H. Reagan Building, 105 West 15th Street, Room 401, Austin. According to the complete agenda, the Revenue Subcommittee of Task Force 21 will discuss various issues related to funding for the consolidated state environmental agency, Texas Natural Resource Conservation Commission, for the 1994-1995 biennium; hear the introduction and summary of meeting of April 24, 1992; hear an update on the Budget and Legislative Subcommittee of the Environmental Agencies Transition Committee; review existing funds and revenue sources of the Texas Water Commission and Texas Air Control Board; discuss potential revenue needs of the Texas Natural Resource Conservation Commission in fiscal year 1994-1995; consider simplification of financial structure of the Texas Natural Resource Conservation Commission; consider other issues or initiatives; and adjourn.

**Contact:** Stephen Minick, P.O. Box 13087, Austin, Texas 78711, (512) 463-8227.

**Filed:** May 11, 1992, 9:39 a.m.

TRD-9206447

**Thursday, June 11, 1992, 7 p.m. and Friday, June 12, 1992, 9 a.m. respectively** The Texas Water Commission will meet at the Sinclair Elementary School (Cafeteria),

6126 Sinclair Road, San Antonio. According to the agenda summary, the commission will consider an application for Commercial Hazardous Industrial Solid Waste Storage and processing facility permit, in the City of San Antonio, in Bexar County. This location is in the drainage area of Segment Number 1910 of the San Antonio River Basin.

**Contact:** Linda Sorrells, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** May 7, 1992, 4:06 p.m.

TRD-9206350

**Wednesday, June 24, 1992, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will hold a hearing to determine whether to affirm, modify or set aside Emergency Order Number 92-9E granted by the Texas Water Commission on April 29, 1992 authorizing the expenditure of emergency funds to address lead contamination in the western portion of Dallas, Dallas County.

**Contact:** Mark Alvarado, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

**Filed:** May 12, 1992, 9:38 a.m.

TRD-9206519

## Texas Workers' Compensation Commission

**Thursday, May 21, 1992, 9 a.m.** The Medical Advisory Committee of the Texas Workers' Compensation Commission will meet at the Southfield Building, Room 910, 4000 South IH-35, Austin. According to the agenda summary, the committee will call the meeting to order; review and discuss approval of the April 10, 1992 minutes; discuss, consider, and recommendation regarding: proposed dental fee guideline; physical medicine treatment guideline; discuss Rule 134.801; discuss: dispute resolution process; spinal surgery concurrence; report on rule development regarding right of choice for pharmaceutical services; status report on unlisted codes for frequently used treatments and services; establish next meeting date; establish draft agenda; and adjourn.

**Contact:** Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

**Filed:** May 7, 1992, 2:53 p.m.

TRD-9206331

## Regional Meetings

### Meetings Filed May 7, 1992

**The Alamo Area Council of Governments Community Affairs** met at 118 Broadway, Suite 420, San Antonio, May 12, 1992, at 10 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9206310.

**The Archer County Appraisal District Agricultural Advisory Committee** met at the Appraisal District Office, 211 South Center, Archer City, May 11, 1992, at 8 a.m. Information may be obtained from Edward H. Trigg, III, P. O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9206324.

**The Austin-Travis County Mental Health and Mental Retardation Center Personnel Committee, Board of Trustees**, met at 1430 Collier Street, Board Room, Austin, May 12, 1992, at 6 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 440-4031. TRD-9206311.

**The Brazos River Authority Vision 2000 Task Force, Board of Directors**, met at the Austin Suite of the Guest Quarters Suite Hotel, 303 West 15th Street, Austin, May 13, 1992, at 1:30 p.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9206314.

**The Brown County Appraisal District Board of Directors** met at 403 Fisk Avenue, Brownwood, May 12, 1992, at 7 p.m. Information may be obtained from Doran Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9206309.

**The Denton Central Appraisal District Appraisal Review Board** will meet at 3911 Morse Street, Denton, May 20, 1992, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9206319.

**The Denton Central Appraisal District Board of Directors** will meet at 3911 Morse Street, Denton, May 21, 1992, at 4 p.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9206318.

**The El Oso Water Supply Corporation Board of Directors** met at the WSC Office, FM 99, Karnes City, May 12, 1992, at 8

p.m. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539. TRD-9206320.

**The Gray County Appraisal District Appraisal Review Board** met at 815 North Sumner, Pampa, May 13, 1992, at 4 p.m. Information may be obtained from Sherri Schaible, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9206312.

**The Hockley County Appraisal District Board of Directors** met at 1103-C Houston Street, Levelland, May 11, 1992, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9206332.

**The Hunt County Appraisal District Board of Directors** met at 4801 King Street, Greenville, May 11, 1992, at 6:30 p.m. Information may be obtained from Joyce Barrow, P.O. Box 1042, Greenville, Texas 75403, (903) 455-1210. TRD-9206325.

**The Jack County Appraisal District Appraisal Review Board** met at 210 North Church Street, JCAD Conference Room, Jacksboro, May 14, 1992, at 7 p.m. Information may be obtained from J.D. Garcia or Donna Hartzell, P.O. Box 958, Jacksboro, Texas 76458, (817) 567-6301. TRD-9206308.

**The Kendall County Appraisal District Board of Directors** met at 121 South Main Street, Kendall Appraisal Office, Boerne, May 11, 1992, at 5 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9206323.

**The Lower Colorado River Authority Audit and Budget Committee** met at 3700 Lake Austin Boulevard, Austin, May 13, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206301.

**The Lower Colorado River Authority Audit and Budget Committee** met at 3700 Lake Austin Boulevard, Austin, May 14, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206302.

**The Lower Colorado River Authority Board of Directors** met at 3700 Lake Austin Boulevard, Austin, May 13, 1992, at 9 a.m. or immediately following the Audit and Budget Committee meeting scheduled at that date, time and location. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3288. TRD-9206303.

**The Lower Colorado River Authority Board of Directors** met at 3700 Lake Austin Boulevard, Austin, May 14, 1992, at 9 a.m.

or immediately following the Audit and Budget Committee meeting scheduled at that date, time and location. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3288. TRD-9206304.

**The Riceland Regional Mental Health Authority Board of Trustees** met at 3007 N. Richmond Road, Wharton, May 14 at noon. Information may be obtained from Marjorie Dornak, 3007 Richmond Road, Wharton, Texas 77488, (409) 632-3098. TRD-9206333.

**The Rio Grande Council of Governments Board of Directors** will meet at Las Cruces Hilton Hotel, 705 South Telshor Boulevard, Las Cruces, New Mexico, May 15, 1992, at 9:30 a.m. Information may be obtained from Cecile C. Gamez, Rio Grande Council of Governments, 1014 North Stanton, Suite 100, El Paso, Texas 79902, (915) 533-0998. TRD-9206322.

**The South Plains Association of Governments Executive Committee** met at 1323 58th Street, Lubbock, May 12, 1992, at 9 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-3721. TRD-9206316

**The South Plains Association of Governments Board of Directors** met at 1323 58th Street, Lubbock, May 12, 1992, at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9206317.

**The Tax Appraisal District of Bell County Board of Directors** will meet at the Tax Appraisal District Building, 411 East Central Avenue, Belton, May 20, 1992, at 7 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, Ext. 29. TRD-9206315.

### Meetings Filed May 8, 1992

**The Archer County Appraisal District Board of Directors** met at the Appraisal District Office, 211 South Center, Archer City, May 13, 1992, at 5 p.m. Information may be obtained from Edward H. Trigg, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9206419.

**The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees** held an emergency meeting at 1430 Collier Street, Board Room, Austin, May 8, 1992, at 11:30 a.m. The emergency status was necessary due to information needed to be brought to board's attention at earliest possible time, and this was the only time a quorum could meet. Information may be obtained from Sharon Taylor, P.O. Box

3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9206367.

**The Blanco County Appraisal District** Board of Directors met at the Blanco County Courthouse Annex, Avenue G and Seventh Street, Johnson City, May 12, 1992, at 6 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4013. TRD-9206372.

**The Coleman County Water Supply Corporation** Board of Directors met at the Corporation's Office, 214 Santa Anna Avenue, Coleman, May 13, 1992, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9206399.

**The Dallas Area Rapid Transit Audit Committee** met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, May 12, 1992, at 11 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206426.

**The Dallas Area Rapid Transit** Governmental Relations Committee met at the DART Office, 601 Pacific Avenue, Executive Conference Room, Dallas, May 12, 1992, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206422.

**The Dallas Area Rapid Transit** Mobility Impaired Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, May 12, 1992, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206427.

**The Dallas Area Rapid Transit** Bus Planning, Development and Operations met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, May 12, 1992, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206425.

**The Dallas Area Rapid Transit** Bus Planning, Development and Operations and CBD Transit Master Plan Subcommittees met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, May 12, 1992, at 3:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206424.

**The Dallas Area Rapid Transit** Board of Directors met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, May 12, 1992, at 5 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9206423.

**The Education Service Center, Region XIII** Board of Directors met at the ESC, Region XIII, Room 205, 5701 Springdale Road, Austin, May 13, 1992, at 12:45 p.m. Information may be obtained from Dr. Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300. TRD-9206406.

**The Edwards County Appraisal District** Appraisal Review Board met at the County Annex Building, Rocksprings, May 13, 1992, at 10 a.m. Information may be obtained from Natalie Goggans, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189. TRD-9206407.

**The Garza County Appraisal District** Board of Directors met at the Appraisal District Office, 124 East Main, Post, May 14, 1992, at 9 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9206369.

**The Gonzales County Appraisal District** Appraisal Review Board met at 928 St. Paul Street, Gonzales, May 14, 1992, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879. TRD-9206437.

**The Gonzales County Appraisal District** Board of Directors met at 928 St. Paul Street, Gonzales, May 14, 1992, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879. TRD-9206438.

**The Hale County Appraisal District** Board of Directors will meet at 302 West Eighth Street, Plainview, May 21, 1992, at 7 p.m. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226. TRD-9206373.

**The Hays County Appraisal District** Board of Directors met at 632 A East Hopkins, Municipal Building, San Marcos, May 14, 1992, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9206382.

**The Heart of Texas Council of Governments** Criminal Justice Advisory Committee met at 300 Franklin Avenue, HOTCOG Board Room, Waco, May 14, 1992, at 1 p.m. Information may be obtained from Mary McDow, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9206383.

**The Hickory Underground Water Conservation District Number One** Board and Advisors met at 2023 Bridge Street, Brady, May 14, 1992, at 7 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9206414.

**The Lower Colorado River Authority** Retirement Benefits Committee met at 3700

Lake Austin Boulevard, Austin, May 12, 1992, at 1 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9206381.

**The Sulphur River Basin Authority** Board of Directors met at the Mt. Pleasant Chamber of Commerce Building, 1604 North Jefferson, Mt. Pleasant, May 12, 1992, at 3 p.m. Information may be obtained from William O. Morriss, P.O. Box 240, Texarkana, Texas 75504, (903) 793-5511. TRD-9206371.

**The Texas Council Risk Management Fund** Board of Trustees met at the Tapatio Springs Resort and Conference Center, Cypress Room, Boerne, May 14, 1992, at 8:30 a.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268. TRD-9206397.

**The Texas Council Risk Management Fund** Board of Trustees will meet at the Tapatio Springs Resort and Conference Center, Cypress Room, Boerne, May 15, 1992, at 8:30 a.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268. TRD-9206396.

**The Texas Council Risk Management Fund** Board of Trustees will meet at the Tapatio Springs Resort and Conference Center, Cypress Room, Boerne, May 16, 1992, at 8 a.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268. TRD-9206395.

**The Texas Municipal Power Agency ("TMPA")** Personnel Committee met at the Gibbons Creek Steam Electric Station, Administration Building Conference Room, 2 1/2 Miles North of Carlos, FM 244, May 14, 1992, at 8 a.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2018. TRD-9206417.

**The Texas Municipal Power Agency ("TMPA")** Board of Directors met at the Gibbons Creek Steam Electric Station, Administration Building Conference Room, 2 1/2 Miles North of Carlos, FM 244, May 14, 1992, at 9 a.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2018. TRD-9206398.

**The Wood County Appraisal District** Appraisal Review Board will meet at 217 North Main, Conference Room, Wood County Appraisal District, Quitman, May 15, 1992, at 9 a.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas

75783-0951, (903) 763-4891. TRD-9206368.

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**Meetings Filed May 11, 1992**

**The Appraisal District Board of Mason County** will meet at 206 Ft. McKavitt Street, Mason, May 20, 1992, at 5:30 p.m. Information may be obtained from Debbie Geistweidt, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989. TRD-9206466.

**The Austin-Travis County Mental Health and Mental Retardation Center** Operations and Planning Committee will meet at 1430 Collins Street, Board Room, Austin, May 15, 1992, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9206497.

**The Central Texas Economic Development District** Executive Committee met at the Miller Family Steak House, 1620 Lake Brazos Drive, Waco, May 14, 1992, at 1 p.m. Information may be obtained from Bruce Gaines, P.O. Box 154118, Waco, Texas 76715, (817) 799-0258. TRD-9206443.

**The Denton Central Appraisal District** Board of Directors will meet at 3911 Morse Street, Denton, May 21, 1992, at 4 p.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9206487.

**The Denton Central Appraisal District** Appraisal Review Board will meet at 3911 Morse Street, Denton, May 26, 1992, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9206489.

**The Denton Central Appraisal District** Appraisal Review Board will meet at 3911 Morse Street, Denton, May 26-July 20, 1992, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9206488.

**The Heart of Texas Quality Work Force Planning Committee** HOTLINK met at the Waco High School, 4220 North 42nd, Waco, May 14, 1992, at 9:30 a.m. Information may be obtained from Donna McAninch, P.O. Box 21689, Waco, Texas 76702, (817) 772-8756. TRD-9206482.

**The Hunt County Appraisal District** Board of Directors met at the Hunt County Appraisal District, Board Room, 4801 King Street, Greenville, May 14, 1992, at 6:30 p.m. Information may be obtained from Trena Rogers, P.O. Box 1339, Greenville, Texas 75401, (903) 454-3510. TRD-9206469.

**The Johnson County Rural Water Sup-**

**ply Corporation** Board held an emergency meeting at the Johnson County Corporation Office, Highway 171 South, Cleburne, May 11, 1992, at 6 p.m. The emergency status was necessary as the board needed to give immediate determination to attorneys. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 654-6646. TRD-9206470.

**The Lamb County Appraisal District** Board of Directors will meet at 330 Phelps Avenue, Littlefield, June 11, 1992, at 6 p.m. Information may be obtained from Vaughn E. McKee, RPA, P.O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474. TRD-9206486.

**The Lower Neches Valley Authority** Board of Directors will meet at the Lower Neches Valley Authority Conference Center, Rayburn County, Sam Rayburn, May 19, 1992, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9206457.

**The Manville Water Supply Corporation** Board of Directors met at the Manville Water Supply Corporation Office, Spur 277, Coupland, May 14, 1992, at 7 p.m. Information may be obtained from LaVerne Rohlack, P.O. Box 248, Coupland, Texas 78615, (512) 272-4044. TRD-9206458.

**The Nortex Regional Planning Commission** Executive Committee will meet at the Wichita Falls Activities Center, Room 214, 10th and Indiana Streets, Wichita Falls, May 21, 1992, at noon. Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281. TRD-9206468.

**The Northeast Texas Municipal Water District** Board of Directors will meet at Highway 250 South, Hughes Springs, May 18, 1992, at 10 a.m. Information may be obtained from J. W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (903) 639-7538. TRD-9206454.

**The Palo Pinto Appraisal District** Board of Directors will meet at the Palo Pinto County Courthouse, Palo Pinto, May 20, 1992, at 3 p.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 649-1234. TRD-9206456.

**The Sabine River Authority of Texas** Executive Committee will meet at the Fredonia Hotel, Nacogdoches, May 22, 1992, at 10:30 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200. TRD-9206485.

**The Sabine River Authority of Texas** Board of Directors will meet at the Fredonia Hotel, Nacogdoches, May 22, 1992, at 1 p.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange,

Texas 77630, (409) 746-3200. TRD-9206484.

**The South East Texas Regional Planning Commission** Executive Committee will meet at the City of Beaumont Council Chambers, Beaumont, May 20, 1992, at 7 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384. TRD-9206455.

**The Tarrant Appraisal District** Board of Directors met at 2301 Gravel Road, Fort Worth, May 14, 1992, at 9 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005. TRD-9206459.

**The Tarrant Appraisal District** Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, May 18, 1992, at 8:30 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884. TRD-9206461.

**The Wise County Appraisal District** Board of Directors met at 206 South State Street, Decatur, May 14, 1992, at 7:30 p.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 72634, (817) 627-3081, ext. 4. TRD-9206491.

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**Meetings Filed May 12, 1992**

**The Bexar Appraisal District** Board of Directors will meet at 535 South Main Street, San Antonio, May 18, 1992, at 5 p.m. Information may be obtained from B. Houston, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9206515.

**The Central Texas Council of Governments** Transportation Planning Committee will meet at the CTCOG Conference Room, 302 East Central, Belton, May 19, 1992, at 10 a.m. Information may be obtained from Jerry Bunker, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9206529.

**The Deep East Texas Private Industry Council, Inc.** Planning Committee will meet at 118 South First Street, Lufkin, May 18, 1992, at 10 a.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-2247. TRD-9206530.

**The Deep East Texas Private Industry Council, Inc.** Executive Committee will meet at 118 South First Street, Lufkin, May 18, 1992, at 1 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-2247. TRD-9206531.

# 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 Air Control Board Notice of Opportunity to Comment on Administrative Actions

The Texas Air Control Board (TACB) staff is providing an opportunity for written public comment on the listed administrative actions, which are expected to be presented to the board for consideration and action at its June 18, 1992 meeting. TACB will promptly consider any written comments which are submitted within the public comment period, which will end on June 15, 1992.

The proposed administrative actions will require measures to reduce emissions from the listed facilities. A copy of each of the proposed administrative actions is available for inspection at the TACB's Central Office, located at 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1000. Written comments about these administrative actions should be sent to TACB Staff Attorney Bill Zeis at the TACB's Central Office in Austin, and must be received by 5 p.m. on June 15, 1992. Written comments may also be sent by facsimile machine to Mr. Zeis at (512) 908-1850. Mr. Zeis is available at (512) 908-1844 to discuss the administrative actions and/or the comment procedure; however, comments should be submitted to the TACB in writing.

(1) Company: Chevron U.S.A. Products Company, a Division of Chevron U.S.A., Inc.

Location: Austin, Travis County

Type of Facility: fuel terminal

(2) Company: Citgo Petroleum Corporation

Location: Austin, Travis County

Type of Facility: fuel terminal

(3) Company: Coastal States Crude Gathering Company

Location: Austin, Travis County

Type of Facility: fuel terminal

(4) Company: Exxon Company U.S.A.

Location: Austin, Travis County

Type of Facility: fuel terminal

(5) Company: Mobil Oil Corporation

Location: Austin, Travis County

Type of Facility: fuel terminal

(6) Company: Star Enterprises

Location: Austin, Travis County

Type of Facility: fuel terminal

Issued in Austin, Texas, on May 11, 1992.

TRD-9206450

Lane Hartsock  
Deputy Director, Air Quality Planning  
Texas Air Control Board

Filed: May 11, 1992, 9:40 a.m.

For further information, please call: (512) 908-1451

## Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions

The Texas Air Control Board (TACB) staff is providing an opportunity for written public comment on the listed agreed board orders (ABOs) pursuant to the Texas Clean Air Act, Health and Safety Code, Chapter 382, §382.096. The Act, §382.096, requires that TACB may not approve these ABOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is June 15, 1992. Section 382.096 also requires that TACB promptly consider any written comments received and that TACB may withhold approval of an ABO if a comment indicates the proposed ABO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Clean Air Act. Additional notice is not required if changes to an ABO are made in response to written comments.

A copy of each of the proposed ABOs is available for public inspection at both the TACB's Central Office, located at 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1000 and at the applicable regional office listed following. Written comments about these ABOs should be sent to the staff attorney designated for each ABO at the TACB's Central Office in Austin, and must be received by 5 p.m. on June 15, 1992. Written comments may also be sent by facsimile machine to the staff attorney at (512) 908-1850. The TACB staff attorneys are available to discuss the ABOs and/or the comment procedure at the listed phone numbers; however,

382.096 provides that comments on the ABOs should be submitted to TACB in writing.

(1) Company: A. G. Motors

Location: Baytown, Harris County

Type of Facility: motor vehicle sales operation

Rule Violated: TACB §114.1(c), offering for sale or selling motor vehicles which were not equipped with the original emission control systems or devices.



Penalty: \$1,000  
Staff Attorney: Stephen D. Journeay, (512) 908-1856  
5555 West Loop, Suite 300, Houston, Texas 77401,  
(713) 666-4064

(2) Company: Archer Daniels Midland Company

Location: Lubbock, Lubbock County

Type of Facility: cottonseed oil mill

Rule Violated: TACB §116.1, unauthorized construction and operation, and TACB §101.20(2), which requires compliance with federal national emissions standards for hazardous air pollutants (asbestos).

Penalty: \$128,000

Staff Attorney: Walter Ehresman, (512) 908-1061

Regional Office: 5302 South Avenue Q, Lubbock, Texas 79412, (806) 744-0900 or (806) 744-6055.

(3) Company: Byford's Used Cars

Location: Seagoville, Dallas County

Type of Facility: motor vehicle sales operation

Rule Violated: TACB §114.1(c), offering for sale or selling motor vehicles which were not equipped with the original emission control systems or devices.

Penalty: \$500

Staff Attorney: Stephen D. Journeay, (512) 908-1856

Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532

(4) Company: C & H Auto Sales

Location: Haltom City, Tarrant County

Type of Facility: motor vehicle sales operation

Rule Violated: TACB §114.1(c) and Agreed Board Order Number 88-06(c), offering for sale or selling motor vehicles which were not equipped with the original emission control systems or devices.

Penalty: \$3,000

Staff Attorney: Stephen D. Journeay, (512) 908-1856

Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532

(5) Company: Holiday Inn-Parkway Boulevard

Location: Odessa, Ector County

Type of Facility: hotel

Rule Violated: TACB §101.20(2), violation of applicable national emission standards for a hazardous air pollutant (asbestos).

Penalty: \$11,500

Staff Attorney: David Todd, (512) 908-1851

Regional Office: 1901 East 37th Street, Suite 101, Odessa, Texas 79762, (915) 367-3871 or (915) 367-3872

(6) Company: Hughes Fertilizer, Inc.

Location: Stanton, Martin County

Type of Facility: fertilizer blending plant

Rule Violated: TACB §101.4 and Agreed Board Order

Number 91-01(g), nuisance level emissions; TACB §116.5, failing to operate as represented in the application for TACB Exemption Number 7931, and TACB §101.6, failing to report a conveyor upset.

Penalty: \$13,000

Staff Attorney: Bill Zeis, (512) 908-1844

Regional Office: 1901 East 37th Street, Suite 101, Odessa, Texas 79762, (915) 367-3871 or (915) 367-3872

(7) Company: Hurricane Tank Cleaning

Location: Houston, Harris County

Type of Facility: tank cleaning

Rule Violated: TACB §116.1, unauthorized construction and operation.

Penalty: \$2,825

Staff Attorney: Walter Ehresman, (512) 908-1061

Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964

(8) Company: Interturbine Dallas

Location: Arlington, Tarrant County

Type of Facility: aircraft turbine repair plant

Rule Violated: TACB §116.1, unauthorized construction and operation.

Penalty: \$500

Staff Attorney: Susan Owen, (512) 908-1842

Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532

(9) Company: Performance Friction Products

Location: near Longview, Gregg County

Type of Facility: friction products manufacturing plant

Rule Violated: TACB §116.1, unauthorized construction and operation

Penalty: \$750

Staff Attorney: Walter Ehresman, (512) 908-1061

Regional Office: 1304 South Vine Avenue, Tyler, Texas 75701, (903) 595-2639

(10) Company: Robroy Industries Texas, Inc.

Location: Gilmer, Upshur County

Type of Facility: vinyl-coated electrical conduit manufacturing plant

Rule Violated: TACB §116.1, unauthorized construction and operation

Penalty: \$1,275

Staff Attorney: Walter Ehresman, (512) 908-1061

Regional Office: 1304 Vine Avenue, Tyler, Texas 75701, (903) 595-2639

(11) Company: Safeway Motors

Location: Houston, Harris County

Type of Facility: motor vehicle sales operation

Rule Violated: TACB §114.1(c), offering for sale or selling motor vehicles which were not equipped with the

original emission control systems or devices.

Penalty: \$500

Staff Attorney: Stephen D. Journeay, (512) 908-1856

Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964

(12) Company: Superior Fiberglass

Location: Jacksonville, Cherokee County

Type of Facility: fiberglass reinforced plastics manufacturing plant

Rule Violated: TACB §116.1, unauthorized construction and operation.

Penalty: \$2,205

Staff Attorney: Walter Ehresman, (512) 908-1061

Regional Office: 1304 South Vine Avenue, Tyler, Texas 75701, (903) 595-2639

(13) Company: Tyler Pipe

Location: Tyler, Smith County

Type of Facility: iron foundry

Rule Violated: TACB §101.4, nuisance level emissions and TACB §116.5, violating representations in the application for TACB Exemption Number X-14118.

Penalty: \$18,000

Staff Attorney: Scott A. Humphrey, (512) 908-1847

Regional Office: 1304 South Vine Avenue, Tyler, Texas 75701, (903) 595-2639

(14) Company: Urcarco

Location: Houston, Harris County

Type of Facility: motor vehicle sales operation

Rule Violated: TACB §114.1(c), offering for sale or selling motor vehicles which were not equipped with the original emission control systems or devices.

Penalty: \$1,000

Staff Attorney: Stephen D. Journeay, (512) 908-1856

Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964

Issued in Austin, Texas, on May 11, 1992.

TRD-9206449

Lane Hartsock  
Deputy Director, Air Quality Planning  
Texas Air Control Board

Filed: May 11, 1992

For further information, please call: (512) 908-1451

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**Texas Cancer Council**  
**Requests for Proposals**

The Texas Cancer Council (TCC) announces the availability of funds for several projects to support the implementation of the Texas Cancer Plan and TCC strategies for (FY) 1993. The following highlights the Council's new initiatives. Individual funding announcements for each initiative are available from TCC. Application procedures and deadlines are stated at the end of this announcement.

**Skin Cancer Prevention Among School-Age Children:**

The Texas Cancer Council requests proposals to: inventory and assess existing programs, materials, and educational efforts to promote skin cancer prevention among youth; address identified gaps by developing a statewide initiative designed to implement an innovative, state-of-the-art, and cost-effective approach to prevention of skin cancer among Texas school-age children; implement the initiative after it is approved by the Council; evaluate the effectiveness of the initiative; document the process of accomplishing the previous activities; and submit written reports to TCC that include the assessment of existing education programs, materials, and efforts; a thorough evaluation of the initiative; documentation of the project's activities; and a description of relevant initiatives that should be supported by the Council. Emphasis must be on early intervention by promoting behaviors that are conducive to the prevention of skin cancer among school-age children. One contract will be awarded at a maximum of \$100,000 for FY 1993. Subject to the availability of Council funding, the project's accomplishments and progress in achieving Year One objectives, the quality of the proposed statewide initiative, and the merits of the contractor's budget proposals, up to \$60,000 could be awarded for FY 1994. Funding for Year One would be effective September 1, 1992-August 31, 1993. Public and private organizations are eligible to apply.

**Enhanced Rural Cancer Resources through Planned Community Approaches:** The Texas Cancer Council requests proposals to promote involvement of a broad spectrum of rural community members in the objective assessment of community cancer prevention, detection, treatment, and rehabilitation needs and in the development and implementation of an action plan to address identified needs. During Year One contractors will be expected to: conduct an objective community profile to identify local community members who could contribute to the identification and development of cancer-related resources. Persons from health professions, civic and social groups, government, media, education, religious organizations, human service and voluntary health agencies, and neighborhood or community organizations should be included; form a broad-based coalition composed of the identified community members to assess the availability of cancer control resources, including education, counseling, screening, diagnosis, treatment, and rehabilitation resources, for community populations of greatest need; document gaps in local cancer control and treatment resource and evaluate the adequacy and quality of existing resources; develop a community action plan that is supported by the coalition and addresses the identified needs for cancer control and treatment resources in the targeted community, with a clear explanation of priorities; evaluate and document the process of accomplishing the previous activities; submit a written report to TCC that includes the community needs assessment, the action plan, and a description of specific activities that should be supported by the Council in Year Two and Three of the Initiative. Up to three contracts will be awarded at a maximum of \$40,000 each in FY 1993. Subject to the availability of Council funding, the project's accomplishments and progress in achieving Year One objectives, the quality of the action plan, and the merits of the contractor's budget proposals, up to \$80,000 for FY 1994 and \$60,000 for FY 1995 could be awarded to each contractor. Funding for Year One would be effective September 1, 1992-August 31, 1993. Local community-based organizations or local governmental agencies are eligible to apply.

**Regional Cancer Planning Networks:** The Texas Cancer Council requests proposals to promote involvement of a broad spectrum of regional residents and organizations in the objective assessment of community cancer prevention, detection, treatment, and rehabilitation needs and in the development and implementation of an action plan to address identified needs. During Year One contractors will be expected to: conduct an objective state planning region profile to identify regional residents and organizations who could contribute to the identification and development of cancer-related resources. Persons from health professions, civic and social groups, government, media, education, religious organizations, human service and voluntary health agencies, and neighborhood or community organizations, and consumers of cancer-related services should be included; form a broad-based coalition composed of the identified individuals and organizations to assess the availability of cancer control resources, including education, counseling, screening, diagnosis, treatment, and rehabilitation for regional populations of greatest need; document gaps in regional cancer control and treatment resources and evaluate the adequacy and quality of existing resources; develop a regional action plan that is supported by the coalition and addresses the identified needs for cancer control and treatment resources in the targeted region, with a clear explanation of priorities; evaluate and document the process of accomplishing the previous activities; submit a written report to TCC that includes the regional needs assessment, the action plan, and a description of specific activities that should be supported by the Council in Year Two and Three of the initiative. Up to two contracts will be awarded at a maximum of \$60,000 each in FY 1993. Subject to the availability of Council funding, the project's accomplishment and progress in achieving Year One objectives, the quality of the action plan, and the merits of the contractor's budget proposals, up to \$100,000 for FY 1994 and \$80,000 for FY 1995 could be awarded to each contractor. Funding for Year One would be effective September 1, 1992-August 31, 1993. Community-based organizations or governmental agencies in the targeted state planning region are eligible to apply.

**Additional General Information:** Special consideration will be given to applicants who evidence extensive experience and/or special expertise in conducting activities relevant to the proposed services. The time period for initial awards will be September 1, 1992 to August 31, 1993. Proposals' quality, cost-effectiveness, and relevance to the RFP (as perceived by the reviewers) will be considered by the Council in making funding decisions. Organizations planning to apply must submit to TCC a letter of intent by 5 p.m. on Monday, June 8, 1992. Submitted proposals will not be considered if a letter of intent is not on file by the due date. (The receipt of letters of intent will be confirmed by TCC.) The required proposal format and a complete copy of RFPs are available from the: Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711, (512) 463-3190. The Texas Cancer Council is located at 211 East Seventh Street, Suite 710, Austin, Texas 78701.

**Deadline for Submission of Proposals:** Proposals must be received by TCC by 5 p.m. on Tuesday, June 30, 1992. Further information about this notice may be obtained from Lorenzo Fitzpatrick, Texas Cancer Council, (512) 463-3190.

Issued in Austin, Texas, on May 11, 1992.

TRD-9206464      Emily F. Untermeyer  
Executive Director  
Texas Cancer Council

Filed: May 11, 1992

For further information, please call: (512) 463-3190

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**Comptroller of Public Accounts**  
**Correction of Error**

The Comptroller of Public Accounts proposed 34 TAC §7.301, concerning general definitions under Administration of State Lottery Act. The rule was published in the April 7, 1992, *Texas Register* (17 TexReg 2454).

Due to a proofreading error by the *Texas Register* the word "game" was omitted from the definition of "Playstyle". The definition should read as follows. "Playstyle—The method of play to determine a winner for an individual game."

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**Request for Proposal**

**General:** Pursuant to the Uniform Statewide Accounting System (USAS) project, the Comptroller of Public Accounts (CPA) announces it will issue a consultant services request for proposal (RFP) to analyze the state procurement process and provide a procurement re-engineering study. The RFP will be issued on or about May 15, 1992. Specifically, the offeror will be required to perform a study, including process mapping of the existing business functions and propose a revised design for the State of Texas' procurement function.

**Project Scope:** The Project will require the consultant to analyze the state's current procurement process and determine means to optimize or re-engineer that process. The current environment includes procurement and related functions performed by the General Services Commission (GSC), Comptroller of Public Accounts (CPA), and the Department of Information Resources (DIR). The proposed re-engineering study will be the basis for the replacement or modification of the existing manual and/or automated systems. The consultant will provide all the necessary documentation required for the state to develop and implement the proposed system(s).

Examples of expected deliverables of this study: process maps of the current of "what works" in the current procurement process; process maps of the streamlined/re-engineered procurement process; cost savings/cost estimates for re-engineered procurement process.

**Proposer Requirements:** Potential offerors must demonstrate their ability to provide the consultant services required. Each potential offeror must show it has experience with re-engineering studies, project planning, and project implementation as they relate to this study.

Potential offerors must provide the agency with a proposal addressing its qualifications to accomplish this project.

The proposal must include the following information: introduction of the consultant; description of the consultant; number of proposed staff; total project cost, based or not to exceed calculations; description of two projects in which the consultant performed the same or similar project in the last two years.

"Similar project" is defined as having performed tasks similar to those required by the RFP. Include a clear description of the project, the cost of the project, the

number of consultant's employees involved, the number of client's employees involved, the duration of the project, including whether the project was completed early, on-time, or late.

Consultant must identify the resources (other than personnel) it will bring to the project (experience with technologies, years in the business, years performing this service and design tools) and the proposed fee charged for the services provided. Consultant must provide a performance bond for 100% of the contract amount. The consultant must discuss at length any existing or proposed relationship it has with any entity which may pose a potential conflict of interest as it would relate to performing services under this contract. Consultant must outline any services which it is currently performing for CPA, GSC, or DIR. The study is expected to be completed by August 31, 1992.

The proposal must be delivered to the address in this notice. Consultant is solely responsible for any late or misdelivered mail; proposals must be addressed to the contact person and delivered to the office listed in this notice.

The consultant will provide all the information requested herein, in the prescribed format. The consultant is solely responsible for demonstrating its ability to provide the services. No amendments or additions to the response may be made after the due date and time. Responses may be withdrawn prior to the due date and time upon the identity of an authorized representative of the respondent, prior to the due date and time upon submission and signed receipt. The CPA will review each response and assess the capability of the consultant to provide the service. The Consultant must also provide the information in the format requested and use the outlined submission procedure.

Consultant must have experience with process modeling and the re-engineering of business functions for a major organization. It is preferred that the prospective consultant have experience in governmental purchasing and be familiar with the American Bar Association's *Model Procurement Code*.

**Mandatory Pre-proposal Conference:** A mandatory pre-proposal conference will be conducted in Austin on Tuesday, May 26, 1992. The conference will be conducted in Room 200 (DIR Board Room; 13th floor) of the William P. Clements Building, 300 West 15th Street. The session will begin at 2 p.m. and continue until all inquiries have been satisfied. No consultants will be admitted after 2:15 p.m. Failure of a consultant or a consultant's representative to attend the conference will result in disqualification of any subsequent proposal submitted by the vendor.

**Closing Date:** Proposals must be submitted no later than June 2, 1992 at 3 p.m. Proposals received after this date and time will be disqualified. No exceptions.

**Prohibitions:** The awarded consultant will be prohibited from bidding on any work resulting from the completion of this contract.

**Contact Person for RFP:** Charles C. Johnstone, Senior Legal Counsel, Comptroller of Public Accounts, 111 East 17th Street, Room 113, Austin, Texas 78774, (512) 463-4091.

**Award Criteria:** Selection of the consultant will be based on the demonstrated competence, experience, knowledge, and qualification in the areas of service desired and the reasonableness of the proposed fee. All responses will be

subject to evaluation by a committee of qualified CPA, GSC, and DIR personnel charged with selecting the consultant which most clearly meets with requirements of the RFP. A contractor may be asked to provide clarification of its response, which may include making oral presentation(s) of its response, prior to final selection.

The CPA reserves the right to accept or reject any or all responses submitted. The CPA is under no legal or other requirements to execute a resulting contract on the basis of this notice nor the distribution of the RFP.

Neither this notice nor the RFP commit the CPA to pay for any costs incurred prior to the execution of a contract.

Issued in Austin, Texas, on May 11, 1992.

TRD-9206442      Marlin Cherry  
Chief, General Law Section  
Comptroller of Public Accounts

Filed: May 11, 1992

For further information, please call: (512) 463-4091

◆      ◆      ◆  
**Texas Education Agency**  
Correction of Error

The Texas Education Agency adopted 19 TAC §61.92, concerning agency facility grant funds. The rule was published in the May 1, 1992, *Texas Register* (17 TexReg 3154). Due to a typographical error by the *Texas Register* the formula in subsection (b) was incorrect. The sentence should read as follows. "The composite score will be the result of the formula: . 55(rank of district wealth) + .30(rank of tax rate) + .15(rank of growth rate)."

◆      ◆      ◆  
**Texas Employment Commission**  
Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Employment Commission (TEC) furnishes this notice of a consultant contract award. The consultant proposal request was published in the February 14, 1992, issue of the *Texas Register* (17 TexReg 1352).

**Description of Service.** This private consultant shall provide services to assist the Texas Employment Commission in developing and implementing an automated Payday Law System.

**Name of Consultant.** The consultant selected is Texas Instruments, 6620 Chase Oaks Boulevard, Plano, Texas 75023.

**Amount of Contract.** The amount of the contract is \$425,500.

**Due Date.** The period of services continues through April 30, 1993. Deliverables are due by April 30, 1993.

Issued in Austin, Texas, on May 7, 1992.

TRD-9206329      C. Ed Davis  
Deputy Administrator for Legal Affairs  
Texas Employment Commission

Filed: May 7, 1992

For further information, please call: (512) 463-2291

## Governor's Energy Office Consultant Proposal Request

This request for consulting services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

**Notice of Invitation.** The Governor's Energy Office (GEO) invites proposals from qualified engineering firms, public agencies, and individuals to provide energy manager training sessions for Texas school districts. The sessions will provide technical and administrative training for current and prospective school energy managers to enable them to implement district-wide energy management programs. Workshop topics will include comprehensive energy management planning; basic energy terminology; energy accounting, including utility rate schedule analysis; maintenance and operations procedures; electrical and mechanical systems typically found in school facilities; and strategies to "sell" energy management to the school administration, staff, and community.

The GEO is particularly interested in receiving proposals from those with specific expertise in school energy management technologies, energy accounting, designing and implementing school energy management programs, and providing technical training for others with limited technical backgrounds. The contractor selected will use an existing text and an established agenda in conducting training sessions.

**Services To Be Performed.** The contractor will be expected to perform, at a minimum, the following services: provide eight two-day basic energy management training workshops (sites determined by GEO) focusing on technical and administrative training; provide two two-day specialized training workshops in Austin focusing on specific heating, ventilating, and air conditioning (HVAC) systems, HVAC controls, energy efficient lighting, and the building envelope; and provide personalized technical assistance to specific school districts, as authorized by GEO.

**Contact Person.** Proposals must be submitted according to the format in the *Energy Manager Training Program Proposal Information Packet*. A complete copy of the packet may be obtained by contacting Richard Taylor, Governor's Energy Office, P.O. Box 12428, Austin, Texas 78711, (512) 463-1931. The GEO is located in the Sam Houston State Office Building, 201 East 14th Street, Suite 620, Austin, Texas 78701.

**Closing Date.** Seven copies of the proposal should be sent to Barbara Hays at the previously listed address. Proposals should be sent by registered mail or by courier and must be received or postmarked by June 22, 1992. Late proposals and proposals submitted by fax will not be considered. All potential proposers are encouraged to attend a pre-proposal conference to be held in Room 105 of the John H. Reagan Building (corner of Congress Avenue and 15th Street) in Austin on Tuesday, June 2, 1992, from 9:30 to 11:30 a.m.

**Selection Criteria.** In order to be considered, proposers must offer personnel with expertise in energy accounting, energy systems in K-12 facilities, school facility operation, and school energy management program administration. Proposers must offer at least two registered professional engineers and two successful energy managers to conduct training sessions. Persons employed by the Governor's Office within the past 12 months are not eligible to participate in GEO contracts.

Final selection of a contractor will be based on the recommendations of a proposal review and interview committee selected by the Governor's Energy Office. Selection of the contractor will be based on the following criteria and weighting: the proposer's knowledge of energy tracking systems appropriate for school use and general knowledge of utility bill components and rate schedules available to school districts (15%); the proposer's familiarity with the operational patterns, operational staff capabilities, and special energy needs of Texas school districts (15%); the proposer's experience in providing energy management training sessions for public school personnel (15%); the proposer's commitment of an adequate number of specifically identified staff members to conduct eight two-day basic energy management workshops between October 1-December 31, 1992 and two two-day specialized workshops (focusing on air conditioning systems, controls, lighting, and building envelope) between January 1-February 28, 1993 (15%); the qualifications of the proposed training staff, including the qualifications of practicing school energy managers on the training staff (20%); and the quality of the proposer's comprehensive work plan for delivering the training sessions (20%).

The GEO anticipates awarding the contract to one firm, but reserves the right to select additional firms if training staff requirements so dictate. The GEO proposal review and interview committee will request that the five finalists meet with the GEO in Austin for a formal interview prior to the selection of the contractor or contractors. Selection for interviews will be based on the proposer's ability to satisfy the six criteria listed previously, and the interviews will focus on published selection criteria. Final selection of the contractor or contractors will be based on the results of the interviews.

Contractor selection will be made on or before July 24, 1992. The contract period for this project will extend from the date of signing through August 31, 1993. The GEO reserves the right to negotiate both scope of work and budget with the contractor or contractors. The GEO also reserves the right to reject any or all proposals and is under no legal obligation to execute contracts on the basis of this request for proposals.

Issued in Austin, Texas, on May 7, 1992.

TRD-9206441      Harris E. Worcester  
Acting Director  
Governor's Energy Office

Filed: May 11, 1992

For further information, please call: (512) 463-1931

### ◆      ◆      ◆ Texas Department of Health

#### Correction of Error for Document Titled "Applications for Local Emergency Medical Services (EMS) Projects"

In the April 3, 1992, issue of the *Texas Register* (17 TexReg 2422), the miscellaneous submission titled "Applications for Local Emergency Medical Services (EMS) Projects," was submitted and published with an omission.

The first paragraph contains the error. The second sentence lists the non-profit organizations from which proposals will be accepted; "professional organizations" were inadvertently left off the list. The sentence should read: "Proposals will be accepted from the following non-profit

organizations: emergency medical service (EMS) providers; local governments responsible for the provision of EMS; and professional organizations, colleges, or hospitals that impact the availability and/or quality of emergency prehospital health care.

Issued in Austin, Texas, on May 11, 1992.

TRD-9206452 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: May 11, 1992

For further information, please call: (512) 458-7550

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**Texas Department of Insurance**  
**Company Licensing**

The following applications have been filed with the Texas Department of Insurance and are under consideration.

1. Application for name change in Texas for Federated Investors Life Insurance Company, a foreign life insurance company. The home office is in Lincoln, Nebraska. The proposed new name is American Combined Life Insurance Company.
2. Application for incorporation in Texas for American Managed Care of Texas, Inc., a domestic third party administrator. The home office is in Irving, Texas.
3. Application for admission to do business in Texas for American Nuclear Insurers, a foreign joint underwriting association. The home office is in Hartford, Connecticut.
4. Application for admission to do business in Texas for Great Pacific Insurance Company, a foreign fire insurance company. The home office is in San Bruno, California.
5. Application for admission to do business in Texas for Pan-Western Life Insurance Company, a foreign life insurance company. The home office is in Columbus, Ohio.
6. Application for admission to do business in Texas for Peoples Security Life Insurance Company, a foreign life insurance company. The home office is in Durham, North Carolina.
7. Application for name change in Texas for Corroon and Black Administrative Services, Inc., a foreign third party administrator. The home office is in Nashville, Tennessee. The proposed new name is Willis Corroon Administrative Services Corporation.
8. Application for Admission to do business in Texas for Zurich Reinsurance Company of America, a foreign fire insurance company. The home office is in Stamford, Connecticut.

Issued in Austin, Texas, on May 11, 1992.

TRD-9206453 Linda K. von Quintus-Dorn  
Chief Clerk  
Texas Department of Insurance

Filed: May 11, 1992

For further information, please call: (512) 463-6327

◆ ◆ ◆  
**Department of Public Safety, Division**  
**of Emergency Management**  
**Consultant Contract Award**

The Texas Department of Public Safety (DPS), Division of Emergency Management (DEM) in accordance with the provisions of Texas Civil Statutes, Article 6252-11c, announces the awarding of a consultant contract partially fulfilling the department's obligation under an agreement in principle between the State of Texas and the United States Department of Energy (DOE) related to environmental management, monitoring, and emergency preparedness planning at the DOE Pantex facility near Amarillo.

The Solicitation for proposals was published in the February 18, 1992, issue of the *Texas Register* (17 TexReg 1406).

The consultant will provide the DPS, DEM an analysis of local government emergency management needs related to incidents arising from activities at the DOE Pantex facility. This analysis will consist of performance of three tasks.

Task #1-Identify standards and criteria pertinent to emergency management capabilities for incidents related to the DOE Pantex Plant. Such incidents include both on-site and off-site events requiring response actions by local government and/or state agencies.

Task #2-Identify the elements comprising the emergency management capabilities of the local jurisdictions having responsibility for the area included in the emergency planning zone, an area roughly corresponding to a 10-mile circle centered on the Pantex facility.

Task #3-Provide a detailed evaluation of any differences between existing capabilities and capabilities necessary to respond effectively to hazards posed by the DOE Pantex plant.

The consultant contract was awarded to SE Technologies, 3605 Vartan Way, Harrisburg, Pennsylvania, 17110.

The consultant contract signed on May 5, 1992, will end 120 days from start date. The total value of the contract is \$89,725. For further information, please call: (512) 465-2429.

Issued in Austin, Texas, on May 11, 1992.

TRD-9206451 James R. Wilson  
Director  
Texas Department of Public Safety

Filed: May 11, 1992

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

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**Texas Water Commission**  
**Invitation For Bids**

The Texas Water Commission (TWC) intends to procure a vendor to provide general contracting services for TWC. General contractor site work is associated with the eight LPST Sites which are being remediated through the state-lead program of the PSTR fund. Services are to be performed at the following sites in South Texas (PSTR Fund Region IV): Little's Landing in Port Lavaca; Glen Coker/Century 21 in Portland; Ram's Drive-In in Weslaco; Oklahoma Station in Brownsville; Kathy's Drive-Inn in Arroyo City; A-OK Transmission in Weslaco; Valley Shamrock in Weslaco; and Longoria Station in Santa Maria.

Sealed bids will be received by TWC at the Stephen F. Austin Office Building, Room B-21, 1700 North Congress Avenue, Austin, Texas 78711-3087, ATTN: Purchasing.

Mailing Address: Purchasing Section, Fiscal Management Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087. Bids will be received until 3 p.m., local prevailing time, on June 15, 1992, at which time the bids will be publicly opened and read aloud.

The project consists of removal of 19 underground storage tanks, excavation of approximately 7,500 cubic yards (cy) of soil, and backfill of approximately 900 cy of soil. Removal and disposal or replacement of existing pump canopies, abandonment of existing monitoring wells, installation of chain link fencing, removal and disposal of contaminated groundwater and product from drums and excavations, relocation of stockpiles, including hauling, providing and implementing sheet piling, demolition and disposal of existing building, obtaining required permits, repair of concrete and asphalt pavement, removal and disposal of light posts, bollards, and concrete pump islands, and tilling and aeration of stockpiled soils will be required at certain sites.

Contract documents may be examined without charge at the Texas Water Commission, Stephen F. Austin Office Building, Room B-21, 1700 North Congress Avenue, Austin, TWC District 11 Office at 813 East Pike Boulevard, Weslaco, and TWC District 12 Office at 4410 Dillon Lane, Suite 47, in Corpus Christi. Copies may be obtained for the non-refundable purchase price of \$46 each at the Austin location only, Purchasing Section, (512) 463-7819.

A pre-bid conference of all prospective bidders will begin at Little's Landing, 2228 Highway 35 Bypass, Port Lavaca, at noon and continue at Glen Coker/Century 21, 821 Houston Avenue, Portland at 3 p.m. on May 27, 1992. Attendance is mandatory.

Issued in Austin, Texas, on May 11, 1992.

TRD-9206446      Mary Ruth Holder  
Director, Legal Division  
Texas Water Commission

Filed: May 11, 1992

For further information, please call: (512) 371-6209



This is a formal notice to bidders of the intention of the Texas Water Commission (TWC) to let a contract for the Industrial Transformer Superfund Site Groundwater Remediation Phase.

Bids will be received until 11 a.m. local prevailing time, June 30, 1992 at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin, and then publicly opened and read aloud. Specified work shall consist of providing all personnel, equipment, and material for the installation, startup, and operation of the groundwater remediation system.

Plans and specifications as well as reference documents may be examined without charge at the Texas Water Commission at the following address or may be obtained for the nonrefundable purchase price of \$200 each, on or after May 15, 1992: Texas Water Commission, Superfund Engineering Section, Pollution Cleanup Division, P.O. Box 13087, 1700 North Congress, Austin, Texas 78711, (512) 463-8517, ATTN: Gary McGill, Project Manager.

A pre-bid conference will be held at the project site; assemble at the northwest corner of the intersection of David and Mansard Street in Houston at 1 p.m. local time, on June 17, 1992.

A certified or cashier's check, or an acceptable bid bond in an amount not less than 5.0% of the total bid, shall accompany each bid as a guaranty that, if awarded the contract, the bidder will promptly enter into a contract with TWC and furnish bonds on the forms provided.

A pre-award survey will be conducted by TWC to determine if the apparent low bidder satisfies certain minimum requirements described in the instructions to bidders, including successful completion of work similar to that required by this contract. If the survey demonstrates that the bidder does not satisfy certain minimum requirements the bid can be rejected as described in the instructions to bidders.

The successful bidder shall be required to furnish a performance bond and a payment bond.

Time of completion shall be 4,234 days as specified and further defined in the Supplemental Conditions (00800).

Attention to bidders is directed to Texas Civil Statutes, Article 5159a (Vernon 1987), requiring that not less than the general prevailing rates of per diem wages for work of similar character in the locality where the work is performed shall be paid all laborers, workmen, and mechanics employed in the construction of public works. The contract for this project requires the successful bidder to comply with Article 5159a and the Davis-Bacon Act. Also, the successful bidder will be required to comply with the Labor Standards Provisions for Federal and Federally assisted Construction Contract (EPA Form 5720-4).

Any contract or contracts awarded under this invitation for bids are expected to be 90% funded by a grant from the United States Environmental Protection Agency. Neither the United States nor any of its departments, agencies, or employees is or will be a party to the invitation for bids or any resulting contract. This procurement will be subject to regulations contained in 40 CFR, Part 31, 32, and 35.

By signing the bid, a bidder affirms that he has not given, offered to give, nor intended to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted bid. Failure to sign the bid or signing it with a false statement, shall void the submitted bid or any resulting contract, and the bidder shall be removed from all bid lists (State Purchasing and General Services Commission, 1 TAC §113.5 (0) (July 1, 1988)).

Attention of bidders is further directed to Public Law 101-121, §319, which prohibits the use of federal funds for lobbying the executive and legislative branches of the federal government in connection with the specific contract, grant, or loan, and requires disclosure of such lobbying even where no federal funds are used.

Equal opportunity in employment: all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. Bidders on this work will be required to comply with the President's Executive Order Number 11246, as amended. The requirements for bidders and contractors under this order are explained in the contract documents.

Issued in Austin, Texas, on May 11, 1992.

TRD-9206448      Mary Ruth Holder  
Director, Legal Division  
Texas Water Commission





PRIORITY ENFORCEMENT LIST

<u>Site #</u>	<u>District</u>	<u>County</u>	<u>Name</u>	<u>#Tires</u>
31649	3	McLennan	Charles Tanner	1,000
T0029	4	Tarrant	Jimmy S. King	20,000
T0013	4	Denton	Jackie Havenhill	200,000
T0014	4	Tarrant	James Knapp, Jr.	3,000
T0016	4	Tarrant	Sam E. Bishop	20,000
T0017	4	Wise	R. T. Henry	3,000
T0018	4	Wise	Preston Lowery	2,500
31359	4	Parker	Grover T. Sessums	1,000,000
39144	4	Denton	Charles Sweatman	200,000
T0028	5	Smith	Lillie Morphus	60,000
31874	5	Lamar	Joe Burgess	30,000
T0008	5	Rush	Cecil Hinkle	250,000
T0009	5	Titus	Roy A. Rhea	50,000
31678	5	Upsher	Donald Green	1,000
31903	5	Greg	Sam Buffin	10,000
31959	5	Greg	Morice Smith	4,000
31957	5	Greg	Inez Clayton	3,000
T0010	5	Greg	Ned Williams Road	5,000
T0011	5	Greg	Dan Johnson Estate	3,000
T0027	6	Jefferson	Southeast TX Food Bank	1,000
31086	7	Wharton	Foster Jackson	100,000
T0021	7	Harris	McCord Development, Inc.	850
T0022	7	Wharton	Sam Cunningham, % Eric Mae Gordon	800
T0023	7	Harris	Joe Tinkle Estate	900
T0024	7	Harris	Martin Sneed	150,000
32513	7	Wharton	Willie Ray	2,000
T0025	8	Hays	J & R Tires	1,200
32145	8	Bexar	Ballas & Lucci	2,000
32331	8	Bexar	J. H. Uptmore & Assoc.	4,000
T0012	9	Tom Green	100 Acre ranch	50,000
T0015	9	Taylor	Nancy Hill	5,000

T0003	9	Tom Green	Armadillo Battery	6,000
T0004	9	Tom Green	City of Eden Landfill	8,000
T0005	9	Taylor	Harold Watts	5,000
T0006	9	Brown	Edward Martin	2,000
T0007	9	Taylor	Nancy Hill	10,000
32126	9	Taylor	Clyde Johnson	20,000
32158	9	Coleman	Jack Isabel	1,000,000
32136	10	Taylor	Ector Cowden Esates	1,000
T0001	10	Reeves	Smithers Transportation Test Center	8,000
32030	10	Reeves	Pecos Tire & Fuel	20,000
32232	11	Hidalgo	Guillermo Cantu	10,000
32259	11	Hidalgo	Severiano Cruz	2,000
31964	12	Jim Wells	A.T. Rental Tire Disposal	30,000
32002	12	Refugio	Alfredo Posas	10,000
T0019	14	Travis	Jesse Reveile	2,500
T0020	14	Burnet	Jack Morgan	8,000
32064	14	Travis	Jay Johnson	500,000
T0026	14	Travis	Garfield Tire	1,000,000

Additionally, the following sites are being removed from the PEL due to their successful clean-up:

31926	5	Cass	Duane Otis	1,000
New	7	Harris	72.46 Acres on N. Lake Houston Park	8,000

Issued in Austin, Texas, on May 7, 1992.

TRD-9206298      Mary Ruth Holder  
                         Director, Legal Division  
                         Texas Water Commission

Filed: May 7, 1992

For further information, please call: (512) 834-6683

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## 1992 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1992 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on February 28, November 6, December 1, and December 29. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 *Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
5 Friday, January 17	Monday, January 13	Tuesday, January 14
6 Tuesday, January 21	Wednesday, January 15	Thursday, January 16
Friday, January 24	1991 ANNUAL INDEX	
7 Tuesday, January 28	Wednesday, January 22	Thursday, January 23
8 Friday, January 31	Monday, January 27	Tuesday, January 28
9 Tuesday, February 4	Wednesday, January 29	Thursday, January 30
10 Friday, February 7	Monday, February 3	Tuesday, February 4
11 Tuesday, February 11	Wednesday, February 5	Thursday, February 6
12 Friday, February 14	Monday, February 10	Tuesday, February 11
13 Tuesday, February 18	Wednesday, February 12	Thursday, February 13
14 *Friday, February 21	Friday, February 14	Tuesday, February 18
15 Tuesday, February 25	Wednesday, February 19	Thursday, February 20
Friday, February 28	NO ISSUE PUBLISHED	
16 Tuesday, March 3	Wednesday, February 26	Thursday, February 27
17 Friday, March 6	Monday, March 2	Tuesday, March 3
18 Tuesday, March 10	Wednesday, March 4	Thursday, March 5
19 Friday, March 13	Monday, March 9	Tuesday, March 10
20 Tuesday, March 17	Wednesday, March 11	Thursday, March 12
21 Friday, March 20	Monday, March 16	Tuesday, March 17
22 Tuesday, March 24	Wednesday, March 18	Thursday, March 19
23 Friday, March 27	Monday, March 23	Tuesday, March 24
24 Tuesday, March 31	Wednesday, March 25	Thursday, March 26
25 Friday, April 3	Monday, March 30	Tuesday, March 31
26 Tuesday, April 7	Wednesday, April 1	Thursday, April 2
27 Friday, April 10	Monday, April 6	Tuesday, April 7
Tuesday, April 14	FIRST QUARTERLY INDEX	
28 Friday, April 17	Monday, April 13	Tuesday, April 14
29 Tuesday, April 21	Wednesday, April 15	Thursday, April 16

30 Friday, April 24	Monday, April 20	Tuesday, April 21
31 Tuesday, April 28	Wednesday, April 22	Thursday, April 23
32 Friday, May 1	Monday, April 27	Tuesday, April 28
33 Tuesday, May 5	Wednesday, April 29	Thursday, April 30
34 Friday, May 8	Monday, May 4	Tuesday, May 5
35 Tuesday, May 12	Wednesday, May 6	Thursday, May 7
36 Friday, May 15	Monday, May 11	Tuesday, May 12
37 Tuesday, May 19	Wednesday, May 13	Thursday, May 14
38 Friday, May 22	Monday, May 18	Tuesday, May 19
39 Tuesday, May 26	Wednesday, May 20	Thursday, May 21
40 *Friday, May 29	Friday, May 22	Tuesday, May 26
41 Tuesday, June 2	Wednesday, May 27	Thursday, May 28
42 Friday, June 5	Monday, June 1	Tuesday, June 2
43 Tuesday, June 9	Wednesday, June 3	Thursday, June 4
44 Friday, June 12	Monday, June 8	Tuesday, June 9
45 Tuesday, June 16	Wednesday, June 10	Thursday, June 11
46 Friday, June 19	Monday, June 15	Tuesday, June 16
47 Tuesday, June 23	Wednesday, June 17	Thursday, June 18
48 Friday, June 26	Monday, June 22	Tuesday, June 23
49 Tuesday, June 30	Wednesday, June 24	Thursday, June 25
50 Friday, July 3	Monday, June 29	Tuesday, June 30
51 Tuesday, July 7	Wednesday, July 1	Thursday, July 2
52 Friday, July 10	Monday, July 6	Tuesday, July 7
Tuesday, July 14	SECOND QUARTERLY INDEX	
53 Friday, July 17	Monday, July 13	Tuesday, July 14
54 Tuesday, July 21	Wednesday, July 15	Thursday, July 16
55 Friday, July 24	Monday, July 20	Tuesday, July 21
56 Tuesday, July 28	Wednesday, July 22	Thursday, July 23
57 Friday, July 31	Monday, July 27	Tuesday, July 28
58 Tuesday, August 4	Wednesday, July 29	Thursday, July 30
59 Friday, August 7	Monday, August 3	Tuesday, August 4
60 Tuesday, August 11	Wednesday, August 5	Thursday, August 6
61 Friday, August 14	Monday, August 10	Tuesday, August 11
62 Tuesday, August 18	Wednesday, August 12	Thursday, August 13
63 Friday, August 21	Monday, August 17	Tuesday, August 18
64 Tuesday, August 25	Wednesday, August 19	Thursday, August 20
65 Friday, August 28	Monday, August 24	Tuesday, August 25
66 Tuesday, September 1	Wednesday, August 26	Thursday, August 27
67 Friday, September 4	Monday, August 31	Tuesday, September 1
68 Tuesday, September 8	Wednesday, September 2	Thursday, September 3
69 *Friday, September 11	Friday, September 4	Tuesday, September 8

70 Tuesday, September 15	Wednesday, September 9	Thursday, September 10
71 Friday, September 18	Monday, September 14	Tuesday, September 15
72 Tuesday, September 22	Wednesday, September 16	Thursday, September 17
73 Friday, September 25	Monday, September 21	Tuesday, September 22
74 Tuesday, September 29	Wednesday, September 23	Thursday, September 24
75 Friday, October 2	Monday, September 28	Tuesday, September 29
76 Tuesday, October 6	Wednesday, September 30	Thursday, October 1
77 Friday, October 9	Monday, October 5	Tuesday, October 6
Tuesday, October 13	THIRD QUARTERLY INDEX	
78 Friday, October 16	Monday, October 12	Tuesday, October 13
79 Tuesday, October 20	Wednesday, October 14	Thursday, October 15
80 Friday, October 23	Monday, October 19	Tuesday, October 20
81 Tuesday, October 27	Wednesday, October 21	Thursday, October 22
82 Friday, October 30	Monday, October 26	Tuesday, October 27
83 Tuesday, November 3	Wednesday, October 28	Thursday, October 29
Friday, November 6	NO ISSUE PUBLISHED	
84 Tuesday, November 10	Wednesday, November 4	Thursday, November 5
85 Friday, November 13	Monday, November 9	Tuesday, November 10
*86 Tuesday, November 17	Tuesday, November 10	Thursday, November 12
87 Friday, November 20	Monday, November 16	Tuesday, November 17
88 Tuesday, November 24	Wednesday, November 18	Thursday, November 19
89 Friday, November 27	Monday, November 23	Tuesday, November 24
Tuesday, December 1	NO ISSUE PUBLISHED	
90 Friday, December 4	Monday, November 30	Tuesday, December 1
91 Tuesday, December 8	Wednesday, December 2	Thursday, December 3
92 Friday, December 11	Monday, December 7	Tuesday, December 8
93 Tuesday, December 15	Wednesday, December 9	Thursday, December 10
94 Friday, December 18	Monday, December 14	Tuesday, December 15
95 Tuesday, December 22	Wednesday, December 16	Thursday, December 17
96 Friday, December 25	Monday, December 21	Tuesday, December 22
Tuesday, December 29	NO ISSUE PUBLISHED	
1 (1993) Friday, January 1	Monday, December 28	Tuesday, December 29

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