

Texas Register

Volume 17, Number 62, August 18, 1992

Page 5617-5699

In This Issue...

Office of the Secretary of State

Election Opinions

JH 1-JH 35627

Proposed Sections

Texas Alcoholic Beverage Commission

Bingo Regulations

16 TAC §55.550.....5629

Texas Board of Professional Land Surveying

General Rules of Procedures and Practices

22 TAC §661.50.....5629

Texas Water Commission

Industrial Solid Waste and Municipal Hazardous Waste

31 TAC §§335.1, 335.6, 335.9, 335.105630

31 TAC §335.62.....5635

31 TAC §§335.501-335.5155636

Employees Retirement System of Texas

Board of Trustees

34 TAC §§63.9, 63.11, 63.13, 63.155657

Texas Department of Human Services

Family Self-Support Services

40 TAC §§10.7001-10.7008.....5657

Withdrawn Sections

Texas Department of Human Services

Community Care for Aged and Disabled

40 TAC §48.29195659

Adopted Sections

State Board of Registration for Professional Engineers

Practice and Procedure

22 TAC §131.715661

22 TAC §131.915661

Board of Vocational Nurse Examiners

Continuing Education

22 TAC §237.19, §237.225662

Contested Case Procedure

22 TAC §239.15662

22 TAC §§239.25, 239.26, 239.27, 239.28, 239.29

.....5662

Texas Register, ISSN 0362-4781, is published semi-weekly 100 times a year except February 28, November 6, December 1, December 29, 1992. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711. Subscriptions costs: one year - printed, \$95 and electronic, \$90; six-month - printed, \$75 and electronic, \$70. Single copies of most issues are available at \$5 per copy.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Texas Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas.

POSTMASTER: Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711-3824.

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

- Governor** - Appointments, executive orders, and proclamations
- Attorney General** - summaries of requests for opinions, opinions, and open records decisions
- Secretary of State** - opinions based on the election laws
- Texas Ethics Commission** - summaries of requests for opinions and opinions
- Emergency 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.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 17 (1992) is cited as follows: 17 TexReg 2402.

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

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

Texas Administrative Code

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).

Texas Register Art Project

This program is sponsored by the *Texas Register* to promote the artistic abilities of Texas students, grades K-12, and to help students gain an insight into Texas government. The artwork is used to fill otherwise blank pages in the *Texas Register*. The blank pages are a result of the production process used to create the *Texas Register*. The artwork does not add additional pages and does not increase the cost of the *Texas Register*.

Texas Register Publications



a section of the
Office of the Secretary of State
P. O. Box 13824
Austin, Texas 78711-3824
(512) 463-5561
Fax (512) 463-5569

Secretary of State
John Hannah, Jr.

Director
Dan Procter

Assistant Director
Dee Wright

Circulation/Marketing
Jill S. Dahnert
Roberta Knight

TAC Editor
Dana Blanton

TAC Typographer
Madeline Chrisner

Documents Section Supervisor
Patty Moore

Documents Editors
Lisa Martin
Janiene Allen

Open Meetings Clerk
Brenda Bernal

Production Section Supervisor
Ann Franklin

Production Editors/Typographers
Janice Rhea
Carla Carter

The Office of the Secretary of State does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

22 TAC §§239.25, 239.26, 239.27, 239.28, 239.29, 239.30, 239.31, 239.32 5662

22 TAC §239.31, §239.32 5663

22 TAC §239.41, §239.45 5663

22 TAC §§239.41-239.42 5663

22 TAC §§239.51-239.55 5663

Texas State Board of Public Accountancy

Professional Conduct

22 TAC §501.32 5663

22 TAC §501.33 5664

Texas Real Estate Commission

Provisions of the Real Estate License Act

22 TAC §535.101 5664

22 TAC §535.222 5664

Texas Department of Public Safety

Drivers License Rules

37 TAC §15.54 5673

37 TAC §15.83 5674

Texas Commission for the Deaf and Hearing Impaired

Board for Evaluation of Interpreters and Interpreter Certification

40 TAC §§183.1, 183.3, 183.5 5674

40 TAC §§183.1, 183.3, 183.5, 183.9, 183.11, 183.13, 183.17, 183.19, 183.23, 183.25, 183.29, 183.33 5674

40 TAC §§183.11, 183.13, 183.15, 183.17, 183.21, 183.29, 183.31, 183.33 5674

40 TAC §§183.55, 183.57, 183.59 5675

40 TAC §183.65 5675

40 TAC §183.75, §183.77 5675

40 TAC §§183.85, 183.87, 183.89, 183.91, 183.93 5675

40 TAC §§183.101, 183.103, 183.105, 183.107, 183.109 5676

40 TAC §§183.101, 183.113, 183.117, 183.123, 183.125, 183.127, 183.131, 183.137, 183.139, 183.141, 183.143, 183.145, 183.147, 183.149, 183.157, 183.159, 183.161, 183.163, 183.165, 183.169, 183.171, 183.173, 183.175 5676

40 TAC §§183.301, 183.303, 183.305 5676

40 TAC §§183.501, 183.505, 183.507, 183.511 5676

40 TAC §§183.571, 183.573, 183.575, 183.579 5676

40 TAC §§183.601, 183.603, 183.605 5677

Open Meetings

Texas State Board of Public Accountancy 5679

Texas Air Control Board 5679

Texas Bond Review Board 5679

Texas State Board of Dental Examiners 5679

Advisory Commission on State Emergency Communications 5679

The Finance Commission of Texas 5680

Texas Historical Commission 5680

Texas Department of Human Services 5680

Texas Department of Insurance 5680

Lamar University System, Board of Regents 5680

Legislative Natural Resources Board 5680

Texas Department of Licensing and Regulation 5681

Texas State Board of Medical Examiners 5681

Polygraph Examiners Board 5682

Texas Public Finance Authority 5682

Public Utility Commission of Texas 5682

Texas Savings and Loan Department 5682

Secretary of State 5682

Senate Interim Committee on State Affairs 5683

Texas Tech University 5683

Texas Tech University Health Sciences Center 5684

University of Houston 5685

University Interscholastic League 5685

Texas Water Commission 5685

Texas Water Development Board 5686

Texas Water Resources Finance Authority 5686

Regional Meetings 5687

In Addition Sections

Texas Air Control Board

Notice of Opportunity to Comment on Administrative
Actions 5689

Office of Consumer Credit Commissioner

Notice of Rate Ceilings..... 5692

Texas Department of Health

Licensing Actions for Radioactive Materials..... 5692

Notice of Emergency Cease and Desist Order..... 5696

Notice of Intent to Revoke Certificates of Registration
..... 5697

Notice of Intent to Revoke Radioactive Material Licenses
..... 5697

***Texas Department of Housing and
Community Affairs***

Request for Proposals 5697

Texas Department of Human Services

Notice of Public Hearing 5698

Request for Proposal..... 5698

Public Utility Commission of Texas

Notice of Application to Amend Certificate of Conve-
nience and Necessity..... 5698

***Senate Committee on Health and Human
Services***

Public Hearing Notice..... 5699

Texas Water Commission

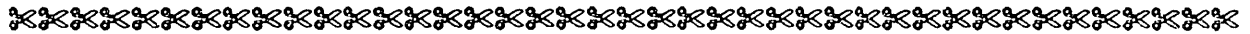
Enforcement Orders..... 5699

*The Texas Register Readers Choice Award
continues with this issue!*

You will be able to continue to VOTE throughout the summer on what you think is the best of the 1991-1992 school art project submissions. In this issue, we continue publishing artwork from students in grades ten through twelve. The pictures are labeled first by the category, and then by a number reflecting the individual piece. For example "10-1" will indicate that the picture is the first submission in the tenth through twelfth grade group. You will be able to vote as often as you would like. Simply fill out the attached form, and mail it to the Texas Register, Roberta Knight, P.O. Box 13824, Austin, Texas 78711-3824.

The Secretary of State, Texas Register staff will then tabulate the votes and announce the winners in the fall of 1992.

The artwork does not add additional pages and does not increase the cost of the Texas Register.



1991 - 1992 Texas Register Readers Choice Award.

Please enter my vote for the "best of the best" :

Picture #10-_____.

Picture #10-_____.

Picture #10-_____.

Optional Information:

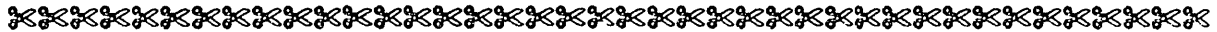
Subscription #: _____

Name: _____

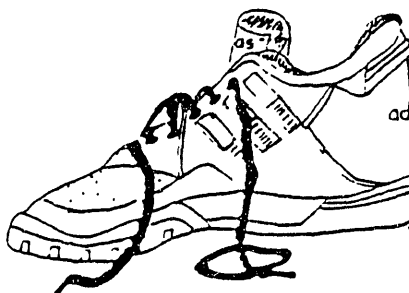
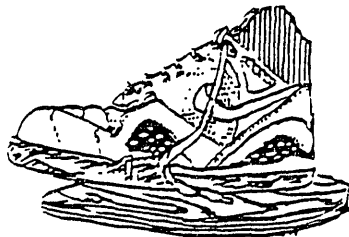
Organization: _____

Please return this form to: Texas Register, P.O. Box 13824, Austin, TX 78711-3824.

For more information contact Roberta Knight (512) 463-5561.



Lets get started on the right foot! .





10-33



10-34

10-35

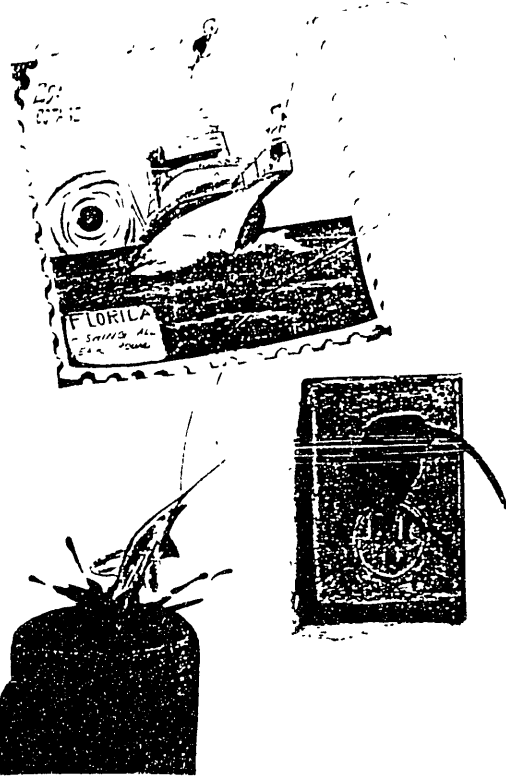


10-36





10-37



10-38



10-39



10-40



10-41

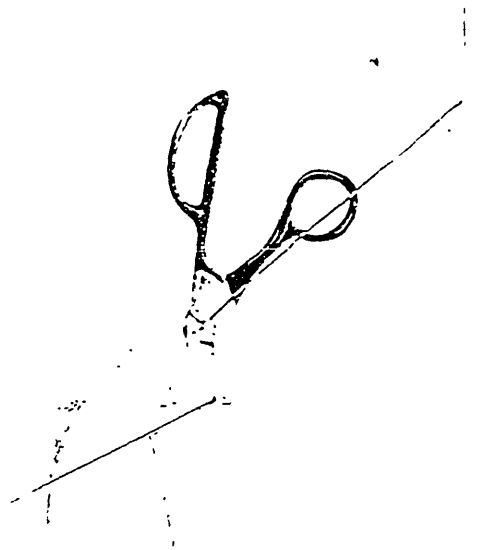


10-42

10-43



10-44





10-45



10-46



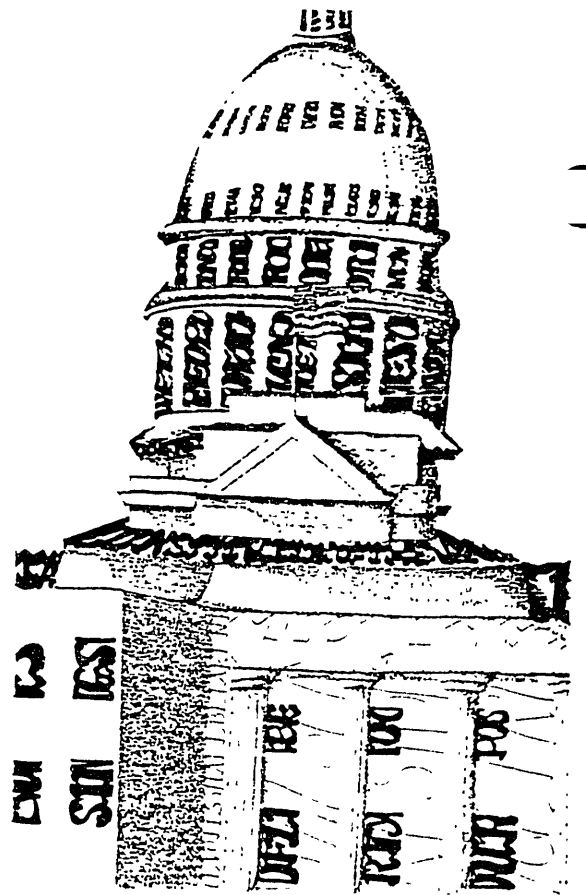
10-47



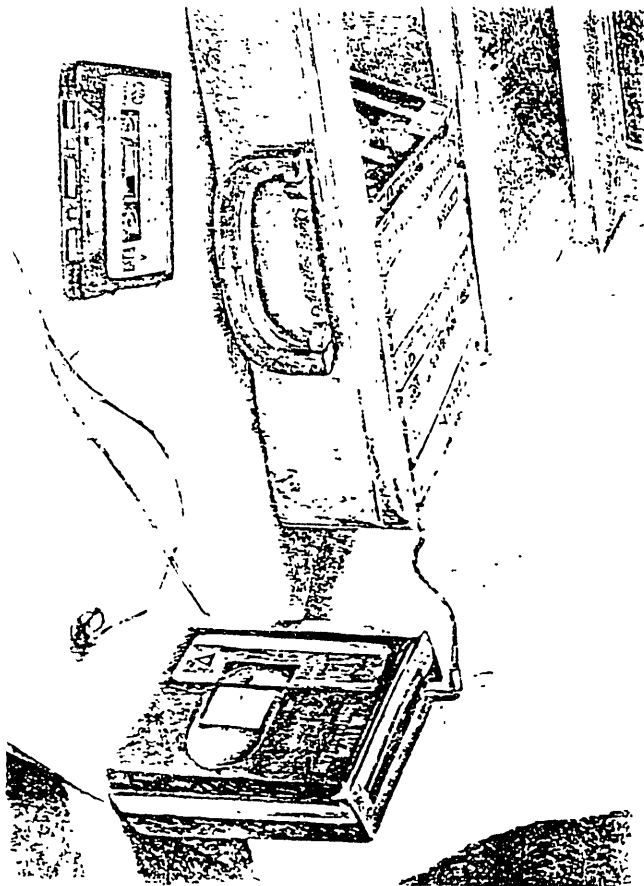
10-48



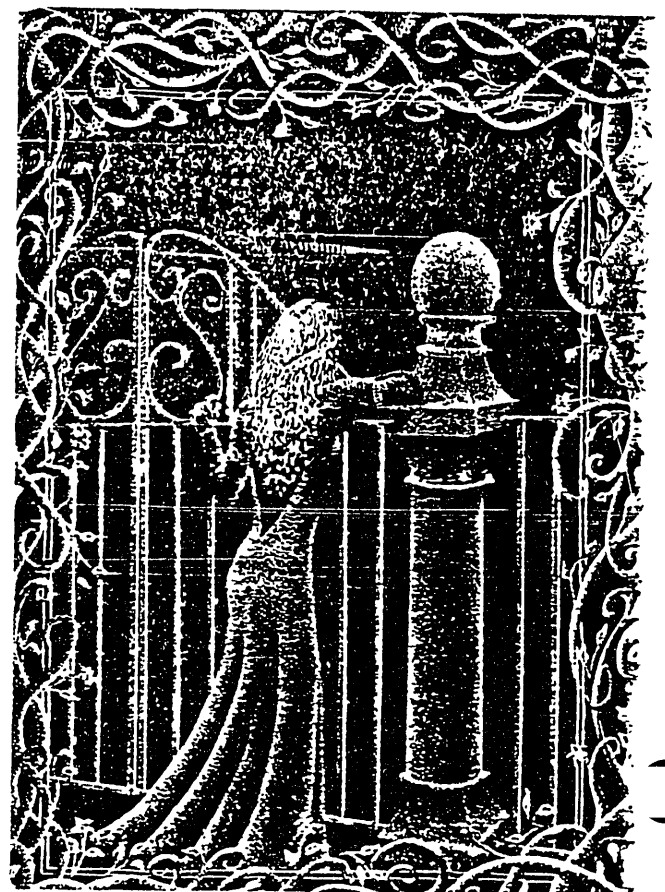
10-49



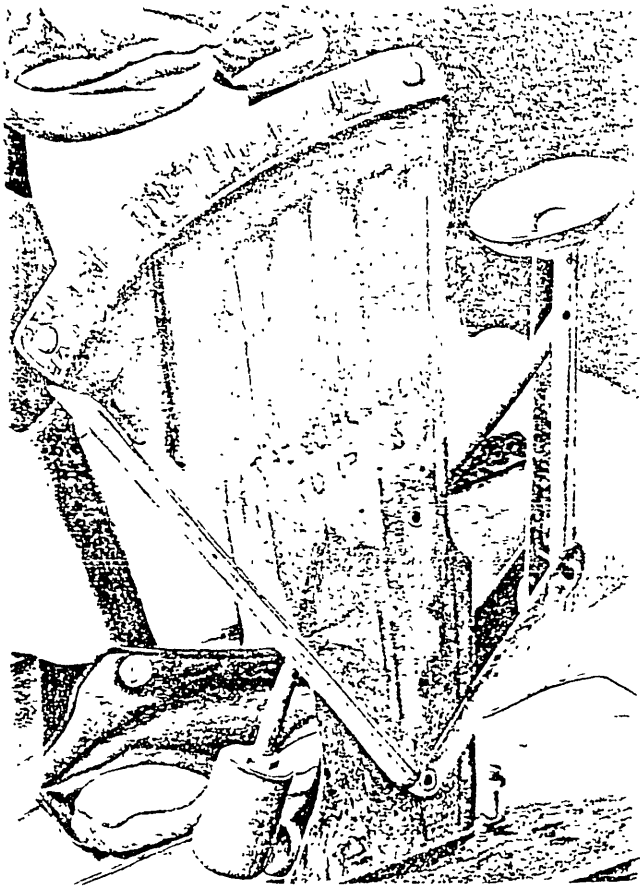
10-50



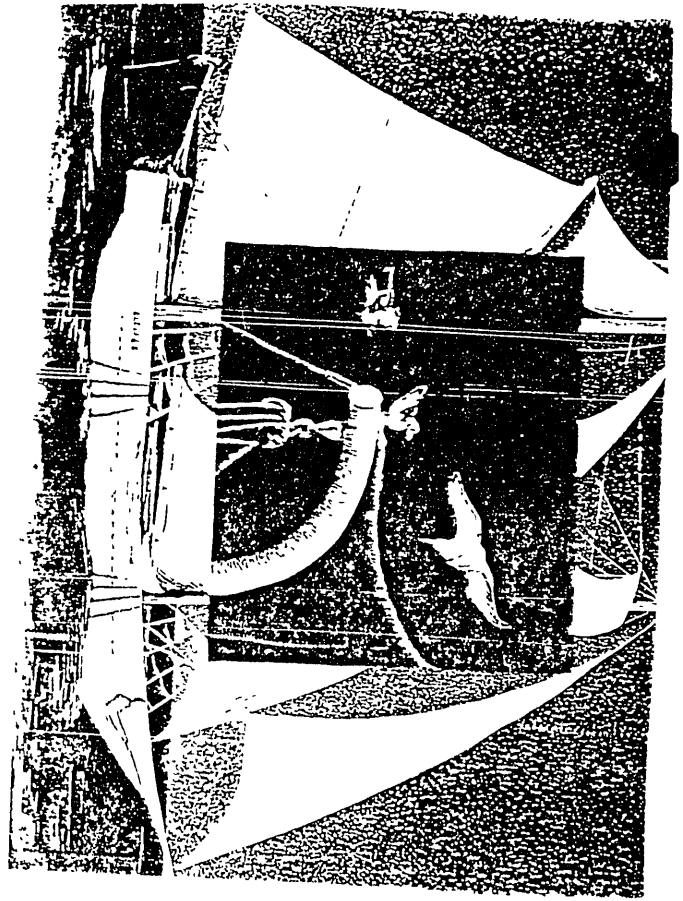
10-51



10-52

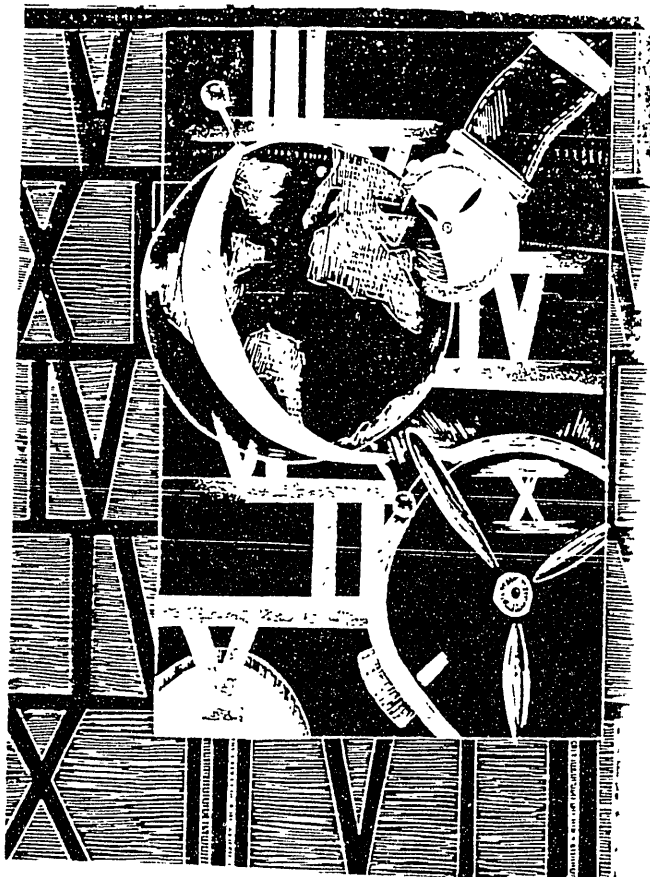


10-53



10-54

10-55



10-56



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 16. ECONOMIC REGULATION

Part III. Texas Alcoholic Beverage Commission

Chapter 55. Bingo Regulations

Bingo Regulation and Tax

• 16 TAC §55.550

The Texas Alcoholic Beverage Commission proposes an amendment to §55.550, concerning bingo reports. The amendment amends subsections (b), (c), and (f) to change the reporting period for and the payment of the bingo gross receipts tax and the bingo prize fee from monthly to semi-monthly, and specifies an effective date of October 16, 1992-May 31, 1993.

Don Walden, attorney, has determined that for the first five-year period the section is in effect there will be fiscal implications for state and local government as a result of enforcing or administering the section. This determination is based upon an assumption that the existing taxpayer base would not change whether or not this proposed amendment is adopted. This assumption and the resulting estimates are disputed and therefore subject to revision either way if public comment or other input demonstrates that revision is warranted.

For the state government for the first year, the estimated additional costs are \$41,500, the estimated reduction in costs is \$0, and the estimated loss in revenue is \$5,333,333.33. For each of the following four years, the estimated costs are \$0, the estimated reduction in costs is \$0, and the estimated loss in revenue is \$0.

For local governments, for each of the first five years there are no estimated additional costs and no estimated reduction in costs. For the first year the estimated loss in revenue is \$2,133,333.33. For each of the following four years the estimated loss in revenue is \$0.

Mr. Walden 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 increased money available to licensed organizations for charitable purposes. 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 Jeannene Fox, Director, Bingo Division,

P.O. Box 13127, Austin, Texas 78711, (512) 465-4924.

The amendment is proposed under Texas Civil Statutes, Article 179d, §16 (a) and §23(e), which provide the commission with the authority to adopt rules relating to the enforcement and administration of the Bingo Enabling Act.

§55.550. Bingo Reports.

- (a) (No change.)
- (b) **Semi-monthly** [Monthly] bingo gross receipts tax reports.

(1) An authorized organization holding an annual license, temporary license, or temporary authorization to conduct bingo must file on a form provided by the commission a **semi-monthly** [monthly] report for bingo gross receipts taxes. The report must be filed with the commission, must be accompanied by any tax due, and must be filed on or before the **25th day of the month for the first 15 days of the month and on or before the 10th** [25th] day of the following month for the remainder of the month, even if there were no gross receipts or gross receipts subject to tax for the report period [month].

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

(c) **Semi-monthly** [Monthly] reports for fee on prizes.

(1) An authorized organization holding an annual license, temporary license, or temporary authorization to conduct bingo must file on a form provided by the Texas Alcoholic Beverage Commission a **semi-monthly** [monthly] report for the fees on bingo prizes. The report must be filed with the commission, must be accompanied by any fees due, and must be filed on or before the **25th day of the month for the first 15 days of the month and on or before the 10th** [25th] day of the following month for the remainder of the month, even if there were no prizes awarded during the report period [month].

- (2) (No change.)

- (d)-(e) (No change.)

(f) Effective date. This amendment [rule, as amended.] is effective **October 16** [March 1], 1992, and shall expire on **May 31**, 1993.

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 August 7, 1992.

TRD-9210859

Joe Darnall
General Counsel
Texas Alcoholic Beverage
Commission

Earliest possible date of adoption: September 18, 1992

For further information, please call: (512) 465-4904

TITLE 22. EXAMINING BOARDS

Part XXIX. Texas Board of Professional Land Surveying

Chapter 661. General Rules of Procedures and Practices

Applications, Examinations, and Licensing

• 22 TAC §661.50

The Texas Board of Professional Land Surveying proposes new §661.50, concerning experience requirements for surveying interns (formerly referred to as surveyors-in-training). This section defines experience requirements for surveying interns. The section is proposed to define what a surveying intern must do to become a registered professional land surveyor.

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

Ms. Smith 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 mandatory experience requirements will give the surveyor intern a better learning background to draw upon as a practicing registered professional land surveyor, thus providing the public a better surveying product. 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 Sandy Smith, Executive Director, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752. Written public comment is invited for 30 days from the date of this Register.

The new section is proposed under Texas Civil Statutes, Article 5282c, §9, which provide the Texas Board of Professional Land Surveying with the authority to make and enforce all reasonable and necessary rules, regulations, and bylaws not inconsistent with the Texas Constitution, the laws of this state, and this Act.

§661.50. Surveyor Intern (SIT) Experience Requirements. The following rules are to be used in evaluating the two years of experience required for the surveyor in training, hereinafter referred to as survey intern (SI), under the direct supervision of a designated registered professional land surveyor (RPLS) acceptable to the board.

(1) All experience must be obtained under the direction and guidance of a registered professional land surveyor designated by the SI. The board will be notified in writing of the name or names of the designated RPLS prior to the beginning of the internship. If during the internship the designated RPLS changes, the SI must notify the board that a new RPLS has been designated by the SI and the date of change.

(2) The TWO years of experience are to be obtained in the area of boundary surveying and boundary determination only. This MINIMUM of two years begins with the date of notification of the successful completion of the National Council of Examiners for Engineering and Surveying (NCEES) fundamentals of land surveying portion of the examination. Since only boundary related surveying experience will be accepted, the actual time to complete the internship may take longer than two calendar years.

(3) The required experience is divided into TWO possible types of experience which are as follows.

(A) Office experience: (one-year minimum). The required office experience will consist of at least three months of acceptable experience within each of the following categories, herein referred to as "acceptable office experience" for a MINIMUM of ONE year:

(i) research of county records and records search;

(ii) legal principles, boundary reconciliation, and deed sketches;

(iii) computations/traverse accuracy analysis;

(iv) documentation/description/monumentation/preparing final surveys. A detailed outline of the SI's required experience will be furnished to the

board by the SI. All two years of the experience requirement may be obtained as office experience.

(B) Field experience. The remaining acceptable experience, if not within the previously listed office experience categories, must be within the categories following:

(i) field accuracies and tolerances;

(ii) field traverse notes;

(iii) monument search based on deed sketches.

(4) The SI is solely responsible for the documentation necessary to verify the acceptable completion of the required experience. The board will furnish a form which will be completed by the SI and signed by both the SI and the designated RPLS for verification. This form will require the SI to describe the specific experience that he or she has obtained during the internship within the categories listed in paragraph (3)(A) of this section. In addition, the SI is to keep a log of the boundary surveying projects and the specific experience obtained for each project.

(5) The SI must notify the designated RPLS in writing that the SI will be using the RPLS for verification of the required experience.

(6) The designated RPLS will agree in writing to the board to provide the required experience for the SI and to provide the required supervision and experience verification.

(7) The designated RPLS will conduct periodic reviews of the SI's performance so that any problems with the required experience can be corrected prior to completion of the time period.

(8) Only ONE RPLS is required to be designated for the two-year period if all the experience is obtained under that RPLS. Additional RPLS's will not be required unless the direct supervision of the SI changes during the period or the SI is under several RPLS's supervision.

(9) The SI's experience requirements listed previously will be required for all the SIs who pass the NCEES fundamentals of land surveying portion of the examination on or after January 1, 1993.

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 August 10, 1992.

TRD-9210986

Sandy Smith
Executive Director
Texas Board of
Professional Land
Surveying

Earliest possible date of adoption: September 18, 1992

For further information, please call: (512) 452-9427

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

Subchapter A. Industrial Solid Waste and Municipal Hazardous Waste Management in General

• 31 TAC §§335.1, 335.6, 335.9, 335.10

The Texas Water Commission proposes amendments to §§335.1, 335.6, 335.9, and 335.10, the repeal of §335.62, new 335.62, and new §§335.501-335.515, concerning industrial solid waste and municipal hazardous waste management in general, standards applicable to generators of hazardous waste, and waste classification. This subchapter will provide rules for classifying wastes which are generated, transported, or stored in the state. The new classification system's primary impact will be to allow generators to classify their own wastes without any need for prior approval by the commission, allow generators to assign waste codes without any action on the part of the commission, and more clearly define the criteria for classifying waste.

The new rules are written under authority of the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361 et seq (Vernon Pamphlet 1992) (Act). Today's proposed rules were prompted by two concerns. First, the length of time necessary to obtain waste classifications and waste codes is excessive. The system in use today, which requires that a chemist from the Waste Evaluation Section assign a waste classification and waste code to all wastes, has been in place for 15 years. In the early years, this system worked well because of the smaller number of regulated generators requiring waste classification and the general unfamiliarity of the regulated community with the rules. However, as the number of regulated generators has grown, and the generators themselves have become more familiar with solid waste regulatory requirements, a new, more efficient system is necessary.

Currently, a generator must submit a request for waste classification via a letter of request or on official commission forms that require the generator's determination as to the hazardous nature of the waste and the generator's proposed waste classification. The generator must then wait for a chemist from the Waste Evaluation Section to respond with an appropriate waste classification and code. The current lead time for this information is six to nine months. The delay time is entirely a result of the limited budget and staffing of the commission, with less than 10 chemists

responsible for classifying the waste generated by approximately 20,000 registered generators plus an unknown number of unregistered generators in the state. The new rules will allow generators to classify and assign a waste code to their own wastes, thereby allowing shipment and disposal of wastes without the delay time

The second reason for the new rules is to define the classification standards. Currently, a waste's classification is determined by the commission's chemists. The new rules will establish an entirely objective set of standards that may be applied by anyone, including the commission, to arrive at a waste classification. Health-based figures are used in establishing the new standards. These criteria are related to the toxicity figures used in the federal regulations for hazardous wastes and the federal drinking water standards. The criteria are included in an appendix to the rules which will be updated as required.

Waste classification is required for industrial solid wastes so that the proper management and disposal standards may be established based on threats or potential threats to human health or the environment. Although the Environmental Protection Agency (EPA) provides standards for the management and disposal of hazardous solid wastes under the Resource Conservation and Recovery Act of 1976, as amended (RCRA), the individual states regulate nonhazardous solid wastes. The purpose of today's rules is to set standards which determine handling requirements for industrial solid wastes managed in Texas.

The identification of a waste by class is important to everyone in the state. It is important to the generator, transporter, storer, and disposer because it determines the applicable compliance regulations. For example, persons handling Hazardous or Class 1 wastes must notify the commission of their waste transportation activities, must manifest all waste when shipped, must maintain records on waste disposition, etc., whereas these requirements don't apply to persons handling a Class 2 or Class 3 waste. On the other hand, the mere generation of an industrial solid waste will result in some regulatory oversight, and some requirements are common to all industrial solid waste managed in the state regardless of the classification. For example, all generators must notify the commission of the generation of industrial solid waste, and all solid wastes must be deed recorded prior to disposal on the ground.

Waste identification is also important to emergency response personnel and to the public in general because the waste class provides some indication of the hazard involved in an emergency situation. Hazardous and Class 1 wastes by definition involve materials which are either toxic, ignitable, corrosive, or reactive, and extra precautions should be taken when dealing with these materials.

Finally, waste identification is necessary to determine the applicable disposal restrictions for the waste. Hazardous and Class 1 wastes must be treated or disposed only in facilities permitted by the commission for these types of waste. Class 2 and Class 3 wastes may be disposed in any Class 1 facility as well as in many municipal solid waste facilities. In addition,

Class 3 wastes may be used for fill materials if the object of the fill is to make the land suitable for the construction of surface improvements.

Section 335.1 is amended to clarify and add definitions pertinent to the new waste classification system. The Roman numeral designations for Class I, Class II, and Class III have been changed to their Arabic equivalents Class 1, Class 2, and Class 3 in order to accommodate computer systems which will be used by the commission, the regulated community, and various public interest groups to manage and track wastes in the state. None of the other subchapters using the old roman numeral designations will be updated at this time since it would require an unnecessarily large volume of nonsubstantive rule amendments.

A definition for hazardous substance is added since this term is used in classifying some special wastes in §335.508. A hazardous substance is defined as a material identified as such under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The definition of solid waste is amended to clarify the materials which are exempt from the definition of solid waste if they are used as fill materials for surface improvements. This definition has been difficult to apply in practice since some of its terms are indistinct. The proposed revision does not modify the class of materials which are exempt, but instead helps define when the exemption actually applies. Although implied in the existing definition, the revision first clarifies that only materials which are uncontaminated qualify for the exemption. The revised definition then concentrates on man-made materials since they are of more concern than natural materials. Man-made materials will be exempted only if deposited at sites where activities demonstrate that surface construction is actually anticipated. If the land where man-made materials have been deposited is sold or otherwise conveyed prior to the construction of surface improvements, then the disposal must be deed recorded. This requirement simply puts prospective buyers on notice that something other than naturally occurring materials have been deposited or buried on the site.

Section 335.6 is amended to facilitate changes in the new waste coding system. Consistent with the intent of the self-implementing waste classification rules, generators may now assign their own waste codes as well. Generators must use forms and procedures provided by the commission, and must maintain records of changes in waste composition and must update this information with the commission within 90 days of the change. The requirement to maintain records is necessary so that the commission may establish that notification has been accomplished within the 90-day period. This will clarify situations where a facility is inspected within 90 days of a process change, but the generator has not yet notified the commission of the change. The added provision that all notifications be updated by the end of the year is necessary to satisfy the generator annual reporting requirements.

Section 335.9 is amended to require records on process changes as discussed in §335.6 previously.

Section 335.10 is amended to show that the generator and not the state is responsible for assigning waste codes. Also, the default classification code used by conditionally exempt small quantity generators of municipal hazardous waste has been omitted to accommodate the new waste code system.

Section 335.62 is the existing requirement for generators to perform a hazardous waste determination. This rule is being repealed and relocated to new Subchapter R in §335.504 so that all of the waste classification requirements may be found in one location. A new §335.62 will be adopted which simply states that all generators must perform a hazardous waste determination and classify nonhazardous waste as required under Subchapter R.

Section 335.501 sets out the purpose and scope of the waste classification subchapter, specifically noting that no prior approval is required for generators to classify their own waste or to assign waste codes. Generators remain subject to other rules requiring the generator to notify the commission of waste activities and to submit documentation supporting the designated waste classification.

Section 335.502 provides the time schedule for generators to comply with the new notification procedures and classification standards. All new wastes generated or otherwise requiring a waste classification after the adoption of this new subchapter shall be classified according to these new provisions. Any generator who currently has a waste classification request pending with the commission has a choice of either withdrawing their request and classifying their own waste, or the generator may allow the commission to classify the waste according to the new rules. The commission will classify the waste as it works through its remaining backlog of classification requests.

All existing classes of wastes must be reclassified pursuant to the new standards and the updated notification information provided to the commission by January 1, 1993, for hazardous wastes and July 1, 1994, for Classes 1, 2, and 3. The updated information is required because of the hazards involved in attempting to regulate materials which may have been classified under two different standards. As mentioned earlier, various entities rely on wastes being appropriately classified, and the reclassification requirement will result in consistency of classifications across the state. Generators of Class 1 wastes may choose to reclassify their wastes according to the new standards, but they may also simply designate the waste as Class 1 and provide the updated notification information to the commission. The nonhazardous waste compliance date of July 1, 1994, was selected to allow the regulated community time to reclassify its waste, and to allow disposal facilities time to assess the needs resulting from shifting of waste class volumes generated due to implementation of the rules. A separate compliance date for hazardous waste notification was required because of the commission's need to comply with new EPA hazardous waste reporting requirements. Since today's

rules do not at all affect the classification of hazardous wastes, the regulated community does not have to reclassify its hazardous wastes, but only provide updated notification information by January 1, 1993.

The following is a summary of the time schedule for implementation of the waste classification rules: Effective date of rules adoption-all new waste streams and existing unclassified waste streams must be classified according to the newly adopted rules in Subchapter R, January 1, 1993-all hazardous waste stream notifications updated, July 1, 1994-all nonhazardous waste stream notifications updated; October 1, 1994-commission makes notice in *Texas Register* concerning rules implementation, January 1, 1995-rules fully implemented.

Section 335.503 requires that all waste generated, stored, or transported in the state be classified according to these rules. Each industrial solid waste shall be specifically designated as one of four distinct classes of wastes, namely, Hazardous, Class 1, Class 2; or, Class 3. The Texas Solid Waste Disposal Act (Act) defines two classes of waste, those being "Class 1 industrial solid waste" and "Class 1 nonhazardous industrial solid waste." All industrial hazardous waste is included in the category of Class 1 industrial solid waste. These terms have caused confusion in the regulated community, and today's rules attempt to clarify waste classifications without changing the substantive definition and without conflicting with the Act. A "Class 1 industrial solid waste" as defined in the Act will only include hazardous wastes under the rules and will therefore be simply referred to as a "Hazardous" class of waste. A "Hazardous" waste has the same meaning under the Texas and federal rules, and includes industrial and municipal hazardous wastes. A "Class 1 nonhazardous industrial solid waste" as defined in the Act includes only nonhazardous industrial waste materials that meet the Class 1 criteria proposed in today's rules, and will be simply referred to as "Class 1."

The rule requires that a hazardous waste determination be performed on all waste, and, if the waste is determined to be nonhazardous, the waste be classified as either Class 1, Class 2, or Class 3. The rule further states that the three methods which may be used to classify a waste are: the waste classification criteria provided later in the rules, the use of process knowledge, or as required under specific waste designations provided in the rules.

Section 335.504 is old §335.62 relocated to this subchapter. This was done so that all of the waste classification criteria is organized in one location in the industrial solid waste rules. Old §335.62 now simply states that generators must classify their waste according to this subchapter. New §335.504 is identical to §335.62 with the exception that the provisions for using process knowledge must comply with the new rule defining process knowledge.

Section 335.505 defines a Class 1 waste. A waste satisfying any of five distinct requirements will result in a Class 1 designation. First, a nonhazardous waste is Class 1 if it contains levels of specific constituents which

equal or exceed the threshold values provided in Table I of Appendix I of the new rules. This table is designed specifically for Class 1 wastes, but is essentially an expansion of the EPA's toxicity characteristic leaching procedure (TCLP) list. Table I consists of constituents listed in Title 40 of the Code of Federal Regulations, (CFR) Part 264, Appendix IX, Ground-water Monitoring List. All the constituents listed have an EPA method by which they may be analyzed, although a generator may utilize any TWC-approved method which can measure levels down to the EPA calculated health-based (or risk-based) number. These numbers, except for lead and arsenic, were taken from the July 27, 1990, *Federal Register*, Appendix A (Examples of Concentrations meeting criteria for Action Levels), and Appendix C (Range of Concentrations for Establishing Media Protection Standards for Carcinogens). The value for lead was obtained from the June 7, 1991, *Federal Register* and replaces 0.05 mg/l as the new primary drinking water standard. The value for arsenic was taken from water quality criteria published in EPA's database Integrated Risk Information System (IRIS), which provides risk assessment and regulatory information on chemical substances. Where media-specific values are given, the maximum value for water was utilized.

The maximum leachable concentrations listed in Table I were calculated by EPA for systemic toxic and carcinogenic effects in humans. The water concentration is based on daily consumption of contaminated water. All the values were multiplied by a dilution/attenuation factor of 100. This is a standard factor derived by EPA for estimating the decrease in constituent concentration that occurs as constituents are transported in ground water over a specified distance from the disposal unit to the point of exposure (i.e., drinking water well). In establishing its TCLP criteria, EPA assumed that wastes buried in a landfill become available to the environment when they leach from the constraints of the landfill and migrate through ground water toward drinking water. By the time the waste reaches drinking water, it is an average of 100 times less concentrated, therefore, the allowable levels are established using a 100-fold dilution/attenuation factor.

Second, a nonhazardous industrial solid waste is Class 1 if it is Class 1 ignitable. The term "Class 1 ignitable" was chosen in recognition of the fact that the characteristic of ignitability is the same as the hazardous waste characteristic, but to distinguish the more stringent classification criteria being applied in Texas for Class 1 waste. A waste is Class 1 ignitable if it is a liquid and has a flash point greater than or equal to 60.0 Degree Celsius (140 Degree Fahrenheit) (hazardous waste has a flashpoint less than 140 Degree Fahrenheit) but less than or equal to 65.6 Degree Celsius (150 Degree Fahrenheit). This level recognizes that materials which don't meet the federal hazardous criteria still may pose a substantial fire or explosion threat during normal conditions of storage, transport, and disposal. This level of 150 Degree Fahrenheit is from the definition of flammable liquids found at 16 Code of Federal Regulations (CFR) 1500.3. Class 1 ignitable wastes also include the solid materials listed in Table 2 of Appendix I. These

materials are from 49 CFR, Part 173, Subpart E, "Flammable Solids, Oxidizers, and Organic Peroxides; Definitions and Preparation." Oxidizers and peroxides were not included because they are already covered under the federal rules 40 CFR 261.21(4).

Third, a nonhazardous industrial waste is Class 1 if it is Class 1 corrosive. The choice of "Class 1 Corrosive" terminology follows the same logic as explained previously for ignitable materials. The major distinction between a corrosive hazardous waste and a Texas Class 1 corrosive waste is that the hazardous standard only measures the corrosivity of aqueous solid wastes, whereas the Texas rules measures the corrosivity of solid and semi-solid solid wastes. A waste is Class 1 corrosive if it is a semi-solid or solid which, when mixed at a 1:1 ratio with water produces a solution with a pH less than or equal to two, or greater than or equal to 12.5.

Fourth, a waste is Class 1 if there is insufficient information (either process knowledge or analytical data) which shows it is Class 2 or Class 3. This provision ensures that sufficient knowledge exists concerning a waste before it can be classified at a less stringently regulated level. Consistent with the commission's goals and objectives, wastes will continue to be classified in the most protective manner, unless knowledge and/or data demonstrates that a less conservative classification (Class 2 or 3) is applicable.

Fifth, a waste is Class 1 if it is identified as Class 1 in §335.508 which classifies specific waste materials.

Sixth, a waste is Class 1 if a generator chooses to classify it as Class 1. The generator may have any reason, e.g., personal concern for the environment, lack of understanding or unwillingness to test the waste, absence of available information on the waste, etc., for classifying a waste as Class 1. Provided it is not a hazardous waste, any waste may be managed as Class 1 without any data or knowledge to support that classification.

Section 335.506 defines a Class 2 waste. This definition remains essentially unchanged from the existing Class 2 definition. This class of waste is defined in the negative in that waste which does not present the potential threat of a Class 1 waste, but is not totally innocuous and inert as required for a Class 3 waste, is a Class 2 waste. This classification allows this group of wastes to be regulated at an appropriate level, i.e., without required manifesting or reporting, and without taking up valuable storage and disposal capacity necessary to properly manage Class 1 waste, but also preventing the waste from being managed and disposed in a manner which may cause an environmental or health threat. Certain wastes have been specifically identified as Class 2 under §335.508.

Section 335.507 defines a Class 3 waste. The intent here is to allow a waste to be designated as Class 3 only if it poses no threat of harm to human health or the environment, and is inert and insoluble. Examples of Class 3 wastes are cement, bricks, and uncontaminated soil. Class 3 wastes, like Class 2 wastes, do not have to be manifested

or reported, and in addition Class 3 wastes can be disposed of on-site with no protective landfill design, and can be used for surface improvements of the ground.

To demonstrate that a waste is Class 3, a generator must either have documented process knowledge that the waste has not been contaminated with any toxic constituents, or must analyze the waste and demonstrate that the leachate does not contain Table 1 constituents or exceed primary drinking water standards or total dissolved solids from secondary standards.

Section 335.508 defines the classification for specific industrial wastes. This section is intended to address specific waste materials which are not appropriately addressed by the general rule. This includes wastes which should be classified more strictly because the general rule doesn't adequately address known environmental or health threats, and wastes which are classified too restrictively and don't take into account either mitigating circumstances or specific rules or legislation which addresses the waste.

Industrial wastes containing friable asbestos will be classified as a Class 1 waste. Federal standards were used to set the allowable asbestos levels. This Class 1 designation only applies to industrial waste and obviously does not include municipal asbestos waste, i.e. waste from schools, office buildings, hospitals, etc.

Empty containers present a special problem to a regulatory waste classification scheme because of the variety of materials held in containers. The rule takes a simple approach to classifying the waste by requiring the empty container to be classified according to the materials held in the container and to any treatment provided to the empty container. A container which has held a hazardous substance, a hazardous waste, or a Class 1 waste is classified as a Class 1 waste, but may be classified as a Class 2 waste if it has been emptied and cleaned as described in the rule. Hazardous Substance has been defined in §335.1 of the rules. A container which has held a Class 2 waste is classified as a Class 2 waste. Aerosol cans may be classified as Class 2 if they've been properly emptied. Although not stated, any waste may be classified as a Class 3 waste if it can meet the stringent requirements of a Class 3 determination.

Paper, cardboard, food wastes, and general plant trash will be designated "plant refuse" and classified as Class 2 waste. Plant refuse may not include oils, lubricants, oil filters, contaminated soils, sludges, wastewaters, or any other waste which should be subjected to the Class 1 criteria. Some generators may benefit from the additional provision allowing any Class 2 waste to be designated as plant refuse as long as the total volume of the additional waste does not exceed 20% of the total plant refuse volume. This allows generators to dispose of relatively small volumes of Class 2 wastes without requiring the wastes to be handled and disposed of separately.

Waste containing greater than or equal to 50 ppm polychlorinated biphenyls (PCBs) will be classified as Class 1. This value is consistent with the level recognized under the Toxic

Substances Control Act (TSCA), 40 CFR, Part 761, and is based on the fact that PCBs have an extremely low solubility. A waste with a PCB value less than 50 ppm may be considered for Class 2 or Class 3 classification provided it meets all the criteria for that classification.

Wastes containing greater than 1,500 ppm total petroleum hydrocarbons (TPH) will be classified as Class 1 wastes. This level is based on the maximum allowable wastewater discharge of 15 mg/l TPH in Texas. As explained under §335.505, this value is multiplied by 100 to obtain the appropriate level for landfill disposal of 1,500 ppm (Note that petroleum wastes resulting from the cleanup of leaking underground storage tanks (USTs) are regulated under 31 TAC Chapter 334 Subchapter K).

Wastes generated by the mechanical shredding of automobiles and appliances (also known as "shredder fluff") will be handled according to the provisions of the Texas Solid Waste Disposal Act, Texas Health and Safety Code, §361.019 (Vernon Pamphlet 1992), which states that this waste can continue to be disposed of in municipal landfills.

Wastes generated as a result of production of a "new chemical substance" as defined by TSCA, 15 United States Code Annotated, §2602, will be classified as Class 1, unless the generator can demonstrate that it is a Class 2 or 3, and provided that the commission concurs. The generator also must provide all documentation listed in §335.512(b) and (c) for the commission's review.

Finally, all out-of-state waste will be classified as either Hazardous or Class 1. The reasons for this are twofold. First, out-of-state generators are not subject to the same inspection, record review, and enforcement provisions as are all in-state waste generators, and so the state has less control over the waste classes being assigned. The environmentally conservative approach is to manage the out-of-state nonhazardous wastes in the most protective manner. Second, Texas uses the waste manifest as the mechanism for tracking the volume of wastes shipped to the state for use in landfill capacity assurance planning. Since waste manifests are only required for hazardous and Class 1 nonhazardous wastes, a separate system would have to be developed to track the other classes of nonhazardous waste shipped to the state. A separate system would be burdensome and expensive for dealing with these materials.

Section 335.509 explains the waste analysis requirements. Generators who choose to classify their waste by analysis must use either SW-846, EPA-600, or ASTM Standard Methods. If the generator has developed an alternate method which produces equivalent results, the additional information must be submitted (outlined in the rule) on the alternate method for commission approval.

Section 335.510 explains what types of sampling documentation a generator needs to maintain on-site. If a generator has used analytical data to classify Class 2 or Class 3 wastes, the basic information which would enable another person to collect a similar sample of that waste must be maintained on-site. The sampling information required fol-

lows quality assurance guidelines and demonstrates that a given sample was collected and preserved properly before analysis.

Section 335.511 allows the use of process knowledge when classifying waste. This provision recognizes that often a generator possesses sufficient information to classify a waste from existing knowledge about the production process. Process knowledge has long been accepted for classifying hazardous waste, however, the rules have not contained a definition of what constitutes process knowledge. Under today's rule, process knowledge is defined to mean that the generator knows the chemical composition of the raw materials entering the process, has a chemical description of the waste generated, and that using this information the generator can determine that the waste constituents do not exceed the levels for the desired waste classification. The generator may use any source which provides the necessary information including material safety data sheets, manufacturers' literature, etc. The generator need only evaluate the waste levels for waste constituents which are likely to be present based on the raw material and waste description.

Section 335.512 states that the executive director may review a generator's waste classification at any time, either for cause or by random audit, to establish quality control. The executive director may reclassify a waste based on the generator's misinterpretation of the waste criteria or if extenuating circumstances warrant a more restrictive classification. The rule also provides a process for appealing the executive director's classification of a waste.

Section 335.513 outlines the documentation requirements for generators under the waste classification criteria. The requirements are broadly divided into information which must be submitted to the commission and information which must be maintained at the generation site. Information submitted to the commission is required to identify the types and quantities of waste generated at the facility in order for the commission to accomplish its regulatory functions and to allow the commission to maintain data necessary for public access and routine reporting to EPA. The rule also requires all information used to classify a Class 3 waste be submitted to the commission for review. This is necessary because of the minimal waste management requirements imposed on a Class 3 waste and the need for the commission to ensure that only wastes which satisfy the stringent requirements are granted this classification.

A generator is required to maintain on-site all information which is used to classify other wastes. This information should be available so that an inspector may quickly review data which was used to classify the waste. In addition, the executive director may require a generator to submit to the commission all classification criteria on any waste at any time. These requests may be for cause, or may be at random to audit the generators classification system and to establish the quality assurance of the waste classification system. Any change affecting the waste information must also be submitted to the commission.

Section 335.514 allows a generator to request a variance relating to the time for compliance with any classification requirements, the application and appropriateness of a particular waste classification, and any other matter which requires special attention. The generator has the burden of demonstrating the need for a variance, submitting the necessary documentation, and highlighting and addressing any risks or adverse consequences which may result from granting the variance. A generator may appeal an unfavorable decision by the staff to the executive director and may ultimately request a hearing before the commission.

Section 335.315 recognizes that misclassification of a waste is a violation of commission rules and may result in enforcement action. To provide for consequences less than full enforcement would simply invite inattention to the rules at best, and abuse of the system at worst. As already required by the Texas Solid Waste Disposal Act, §361.252, the commission will consider circumstances which would mitigate the generator's culpability in classification enforcement actions.

The commission is requesting comments on the wording, application, impact, or other aspects of the proposed rules. In addition, specific comments from generators relating to the types and volumes of waste reclassified as a result of the adoption of these rules will assist in capacity assurance planning currently underway at the commission.

Ms. Norma J. Nance, director of budget, planning, and evaluation, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcing or administering the sections. There will be no net effect on state government. The adoption of these sections will result in a decrease in certain costs associated with the classification of industrial solid wastes. These amendments, however, will enable the commission to reallocate resources to more critical areas of need, specifically audits of waste classification information and reductions in work backlogs which currently approach six-nine months. There are no effects anticipated for local governments, except those which are generators of industrial solid waste, in which case the effects would be equal to those for any other similar generator.

These sections will have fiscal implications for generators of industrial solid waste. The effect of these amendments will be to authorize generators of industrial solid waste and hazardous waste to classify wastes they generate based on specific criteria defined by the commission. These sections will also establish revised criteria for what constitutes certain classes of waste. The effect on some generators will be an increase in costs to perform analyses to support classification of waste streams. The costs of analysis may range up to \$1,300 for an individual waste stream to evaluate all potential constituents of concern. The costs to any generator would vary with the number of waste streams that had to be analyzed. This cost is a worst-case estimate of the costs of analysis as it presumes that the generator completes a comprehensive laboratory analysis and applies no knowledge of process or other information

which could significantly mitigate the costs required to demonstrate waste composition. This change is anticipated to result in significant benefits for generators of industrial solid waste by way of reducing time lost waiting for waste classification determinations. This effect will reduce the time required for clean up and remedial activities, operating costs, and costs of waste storage.

These amendments will potentially result in changes in the classification of certain waste streams, such as Class 1 to Class 2 or Class 2 to Class 1. Such changes will have additional effects in that treatment, storage, and disposal costs will vary with the class of waste and applicable regulatory requirements. Costs could increase or decrease depending on the specific waste stream in question and the related waste management options which are available. It is the intent and effect of these sections that a detailed assessment of the results of changes to the waste classification system will be conducted by the commission prior to enforcing any required changes in waste management requirements resulting from the reclassification of industrial solid wastes. Under this proposal, full compliance with applicable regulations would be required as of January 1, 1995.

No later than October 1, 1994, the commission will publish notice of the assessment of impact of these rules and the intent to either enforce the January 1, 1995, effective date or a later date as justified by the assessment of impact. These sections are anticipated to have essentially the same effects on small businesses and larger businesses alike, as a function of the number of waste streams subject to these rules.

Ms. Nance 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: more efficient operation of commission industrial solid waste regulatory programs; more efficient and timely management and disposal of industrial solid wastes; and improvement in the waste classification system and the characterization and management of industrial solid wastes based on risk- and health-related factors. 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 Erich Birch, Senior Attorney, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711-3087. Comments will be accepted until 5 p.m. for a period of 30 days following the date of this publication. In addition, one public meeting for receiving comments has been set for Tuesday, September 3, at 9 a.m. in Room 103 of the William B. Travis State Office Building in Austin.

The amendments are proposed under the Texas Water Code, §5.103 and §26.011, which provides the commission with authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. The sections are also proposed under the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361, §361.017 (Vernon Pamphlet 1992), which provides the commission the

authority to regulate industrial solid wastes and hazardous municipal wastes and all other powers necessary or convenient to carry out its responsibilities.

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

Class 1 wastes [Class I wastes]-Any industrial solid waste or mixture of industrial solid wastes which because of its concentration, or physical or chemical characteristics, is toxic, corrosive, flammable, a strong sensitizer or irritant, a generator of sudden pressure by decomposition, heat, or other means, and may pose a substantial present or potential danger to human health or the environment when improperly processed, stored, transported, or disposed of or otherwise managed, as further defined in §335.505 of this title (relating to Class 1 Waste Determination) [including hazardous industrial waste]. Class 1 waste is also referred to throughout this chapter as Class I waste.

Class 2 wastes [Class II wastes]-Any individual solid waste or combination of industrial solid waste which cannot be described as Hazardous, Class 1 or Class 3 [Class I or Class III] as defined in §335.506 of this title (relating to Class 2 Waste Determination) [this regulation]. Class 2 waste is also referred to throughout this chapter as Class II waste.

Class 3 wastes [Class III wastes]-Inert and essentially insoluble industrial solid waste, usually including, but not limited to, materials such as rock, brick, glass, dirt, and certain plastics and rubber, etc., that are not readily decomposable, as further defined in §335.507 of this title (relating to Class 3 Waste Determination). Class 3 waste is also referred to throughout this chapter as Class III waste.

Hazardous substance-Any substance designated as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 40 Code of Federal Regulations, Part 302.

Solid waste-

(A) Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities, but does not include:

(i) (No change)

(ii) **uncontaminated soil**, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if

the object of the fill is to make the land suitable for the construction of surface improvements. Man-made materials exempted under this provision shall only be deposited at sites where the construction is in progress or imminent such that rights to the land are secured and engineering, architectural, or other necessary planning have been initiated. Any land which has been used to dispose of man-made inert materials under this provision shall be deed recorded, including the information required under §335.5(a) of this title (relating to Deed Recordation), prior to sale or other conveyance of the property; or

(iii)-(iv) (No change.)

(B)-(I) (No change.)

§335.6. Notification Requirements.

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

(c) Any person who generates municipal hazardous waste in quantities greater than or equal to 1,000 kilograms in a calendar month or quantities of acute municipal hazardous waste in excess of quantities specified in §335.78 of this title (relating to Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators) in a calendar month or any quantities of industrial solid waste shall notify the executive director of such activity on forms furnished or approved by the executive director. Such person shall also submit to the executive director upon request such information as may reasonably be required to enable the executive director to determine whether the storage, processing, or disposal is compliant with the terms of this chapter. Notifications submitted pursuant to this section shall be in addition to information provided in any permit applications required by §335.2 of this title (relating to Permit Required), or any reports required by §335.9 of this title (relating to Recordkeeping and Annual Reporting Procedures Applicable to Generators), §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Hazardous Waste or Class I Waste and Primary Exporters of Hazardous Waste), and §335.13 of this title (relating to Recordkeeping and Reporting Procedures Applicable to Generators of Hazardous Waste or Class I Waste and Primary Exporters of Hazardous Waste). Any person who notifies pursuant to this subsection shall have the continuing obligation to immediately document and within 90 days provide written notice to the executive director of any changes or additional information, to that reported previously. If waste is recycled on-site or managed pursuant to §335.2(d) of this title, the generator must also comply with the notification requirements specified in subsection (h) of this

section. The information submitted pursuant to the notification requirements of this subchapter and to the additional requirements of §335.503 of this title (relating to Waste Classification and Waste Coding Required) shall include, but is not limited to:

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

(d) Persons generating more than 100 kilograms but less than 1,000 kilograms of hazardous municipal waste in any given calendar month shall notify the executive director of such activity on forms provided by the executive director. Such person shall also submit to the executive director upon request such information as may be reasonably required to enable the executive director to determine whether the storage, processing, or disposal of such waste is compliant with the terms of these sections. Notifications submitted pursuant to this section shall be in addition to any information provided on any permit application required by §335.2 of this title, or any reports required by §335.9 of this title, §335.10 of this title, and §335.13 of this title. Any person who notifies pursuant to this subsection shall have the continuing obligation to immediately document and within 90 days provide written notice to the executive director of any changes or additional information, to that reported previously.

(e)-(h) (No change.)

§335.9. Recordkeeping and Annual Reporting Procedures Applicable to Generators.

(a) Except with regard to nonhazardous recyclable materials regulated pursuant to §335.24(h) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials), each generator of hazardous waste or industrial solid waste shall comply with the following.

(1) The generator shall keep records of all hazardous waste and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal and which, at a minimum, includes the information described in subparagraphs (A)-(G) of this paragraph. These records may be maintained in any format provided they are retrievable and easy to copy. The required records must be sufficiently detailed and complete to support any contentions or claims made by the generator with respect to:

(A) the description, character, and classification of each waste, and any changes and additional information

required under §335.6(c) and (d) of this title (relating to Notification Requirements);

(B)-(G) (No change.)

(2)-(4) (No change.)

(b) (No change.)

§335.10. Shipping and Reporting Procedures Applicable to Generators of Hazardous Waste or Class I Waste and Primary Exporters of Hazardous Waste.

(a) (No change.)

(b) The manifest shall contain the following information.

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

(22) The manifest shall contain the Texas Water commission waste classification code assigned to the waste by the generator [state. Conditionally exempt small quantity generators of municipal hazardous waste who on any single shipment transport or offer for transport a total of less than 1,000 kilograms of hazardous waste may, provided a specific waste classification code has not been previously assigned for the waste being shipped, enter in Item I of the manifest as an appropriate Texas Water Commission waste classification code, the number 990000. Conditionally exempt small quantity generators of municipal hazardous waste must, if they choose to use the general waste classification code 990000, also enter in Item 15 of the manifest the words, "Generator qualifies as a CESQG"].

(23)-(24) (No change.)

(c)-(h) (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 August 12, 1992.

TRD-9210994

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: September 18, 1992

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

Subchapter C. Standard Applicable to Generators of Hazardous Waste

• 31 TAC §335.62

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

The repeal is proposed under the Texas Water Code, §5.103 and §26.011, which provides the commission with authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. The sections are also proposed under the Texas Solid Waste Disposal Act, §361.017 which provides the commission the authority to regulate industrial solid wastes and hazardous municipal wastes and all other powers necessary or convenient to carry out its responsibilities.

§335.62. *Hazardous Waste Determination.*

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 August 12, 1992.

TRD-9210993 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: September 18, 1992

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



The new section is proposed under the Texas Water Code, §5.103 and §26.011, which provides the commission with authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. The sections are also proposed under the Texas Solid Waste Disposal Act, §361.017, which provides the commission the authority to regulate industrial solid wastes and hazardous municipal wastes and all other powers necessary or convenient to carry out its responsibilities.

§335.62. *Hazardous Waste Determination and Waste Classification.* A person who generates a solid waste must determine if that waste is hazardous pursuant to §335.504 of this title (relating to Hazardous Waste Determination) and must classify any nonhazardous waste under the provisions of Subchapter R of this chapter (relating to Waste Classification).

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 August 12, 1992.

TRD-9210992 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: September 18, 1992

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



Subchapter R. Waste Classification

• 31 TAC §§335.501-335.515

The new sections are proposed under the Texas Water Code, §5.103 and §26.011, which provides the commission with authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. The sections are also proposed under the Texas Solid Waste Disposal Act, §361.017, which provides the commission the authority to regulate industrial solid wastes and hazardous municipal wastes and all other powers necessary or convenient to carry out its responsibilities.

§335.501. *Purpose, Scope, and Applicability.* All persons who generate industrial solid waste or municipal hazardous waste shall comply with the provisions of this subchapter. Generators shall classify their own waste according to the standards set forth in this subchapter without any prior approval or communication with the commission other than notification of waste generation activities pursuant to §335.6 of this title (relating to Notification Requirements) and submittal of required documentation pursuant to §335.512 of this title (relating to Documentation Required). This subchapter will:

- (1) provide a procedure and time schedule for implementation of a new Texas waste notification system; and
- (2) establish standards for classification of industrial solid waste and municipal Hazardous waste managed in Texas.

§335.502. *Conversion to New Waste Notification and Classification System.*

(a) These rules relating to waste classification are effective immediately upon adoption, and shall be implemented as defined in subsections (b)-(g) of this section, which are summarized as follows:

- (1) effective date of rules adoption—after this date all waste classifications involving new wastestreams and existing unclassified waste streams shall be classified according to the requirements of this subchapter;
- (2) January 1, 1993—completion deadline for updating all hazardous waste stream notifications;
- (3) July 1, 1994—completion deadline for updating all nonhazardous waste stream notifications;
- (4) October 1, 1994—deadline for commission to provide notice in *Texas Register* concerning final implementation of rules;
- (5) January 1, 1995—rules fully implemented. All waste must be managed according to the classification assigned under this subchapter;

(b) Waste notification information as required under §335.6 of this title (relating to Notification Requirements) and waste codes required under §335.10(b) of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Hazardous Waste or Class I Waste and Primary Exporters of Hazardous Waste) shall be provided and assigned by the generator.

(1) All waste notification information provided to the commission after the effective date of this subchapter shall be provided in a format defined by the commission.

(2) All existing waste notification information on file with the commission shall be updated to the new format by the generator according to the following schedule:

(A) all hazardous waste: January 1, 1993; and

(B) all nonhazardous industrial solid waste: July 1, 1994.

(3) All waste notification information may be submitted by paper or electronic means.

(4) Forms and format information for submitting notice of registration information by paper or electronic means may be obtained by contacting the commission at the address listed in Appendix 2 of this subchapter.

(b) All industrial solid waste managed in the state shall be classified by the generator according to the provisions of this subchapter.

(1) After the effective date of this subchapter, all new waste streams and waste streams not previously classified shall be classified and managed pursuant to the provisions of this subchapter.

(2) All generators that have existing waste streams classified as Class 1, Class 2, or Class 3 under any previous system are required to reevaluate the waste under the provisions of this subchapter and to submit the updated information to the commission pursuant to subsection (b) of this section. However, generators of waste classified under a previous waste classification system may continue to manage and dispose of that waste under the existing classification until the effective management date provided in subsection (d) of this section.

(d) The effective date for management of wastes under these rules is January 1, 1995. After this date all solid waste generated or otherwise handled in the state shall be classified and accordingly managed pursuant to this subchapter. This effective

date may be revised by subsection (e) of this section.

(e) No later than October 1, 1994, the commission shall assess the impact of the implementation of these rules. The commission shall evaluate waste capacity issues, costs to the regulated community and the state, personnel and staffing levels of the commission, and review the applicability of the rules themselves. The commission may use information from any source necessary to assess the impact. Based on this evaluation, by October 1, 1994, the commission shall give public notice in the *Texas Register* that either:

(1) these waste classification requirements take full force and effect on January 1, 1995; or

(2) implementation of these waste classification requirements shall be delayed. If implementation is delayed, the commission shall provide a revised implementation date and give additional information as necessary to guide the regulated community until the revised effective date.

(f) If the commission fails to give public notice in the *Texas Register* as required in subsection (e) of this section, these rules take full force and effect on January 1, 1995, unless the commission undertakes rule writing to delay the effective date.

(g) After the effective management date of these rules as provided in subsection (e) of this section, future reclassification of a waste may be required due to changes in classification criteria. A generator whose waste stream is reclassified to a higher waste classification after the effective management date of this subchapter as provided in subsection (e) of this section must reclassify the waste and begin managing the waste according to the more stringent classification requirements within 180 days of the adoption of the rule amendment or other change in classification criteria which caused the reclassification. In situations where this creates an unusual hardship a generator may request a different implementation time under the variance provisions of §335.514 of this title (relating to Variance from Waste Classification Provisions).

§335.503. Waste Classification and Waste Coding Required.

(a) All industrial solid waste generated, stored, processed, transported, or disposed of in the state shall be classified according to the provisions of this subchapter.

(1) All solid waste shall be classified upon generation of the waste. A generator may not dilute a waste to avoid a Class 1 classification; however, combining

waste streams for subsequent legitimate processing, storage, or disposal does not constitute dilution and is acceptable. Wastes shall be classified prior to, and following any type of dilution, processing, or mixing of the waste.

(2) All industrial solid waste shall be classified as either:

(A) hazardous;

(B) Class 1;

(C) Class 2; or

(D) Class 3.

(3) A person who generates a solid waste shall first determine if that waste is hazardous pursuant to §335.504 of this title (relating to Hazardous Waste Determination).

(4) After making the hazardous waste determination as required in paragraph (3) of this subsection, if the waste is determined to be nonhazardous, the generator shall then classify the waste as Class 1, Class 2, or Class 3, pursuant to §§335.505-335.507 of this title (relating to Class 1 Waste Determination, Class 2 Waste Determination, and Class 3 Waste Determination) using one or more of the following methods:

(A) use the criteria for waste classification as provided in §§335.504-335.507 of this title (relating to Waste Classification);

(B) use process knowledge as provided in §335.510 of this title (relating to Use of Process Knowledge);

(C) classify the waste as directed under §335.508 of this title (relating to Classification of Specific Industrial Wastes); or

(D) choose to classify a nonhazardous waste as Class 1 without any analysis to support that classification. However, documentation (analytical data and/or process knowledge) is necessary to classify a waste as Class 2 or Class 3, pursuant to §335.513 of this title (relating to Documentation Required).

(b) All industrial solid waste and municipal hazardous waste generated, stored, processed, transported or disposed of in the state after the effective date of these rules shall be coded with a seven-digit waste code number which shall include a three-digit waste sequence number, a three-digit form code, and a one-digit classifica-

tion (either H, 1, 2, or 3). Form codes are provided in Appendix 3 of this subchapter. Procedures for assigning waste form code numbers are available from the commission at the address and phone number listed in Appendix 2 of this subchapter.

§335.504. Hazardous Waste Determination. A person who generates a solid waste must determine if that waste is hazardous using the following method:

(1) first determine if the waste is listed as a hazardous waste in 40 Code of Federal Regulations Part 261, Subpart D;

(2) if the waste is not listed as a hazardous waste in 40 Code of Federal Regulations Part 261, Subpart D, then determine whether the waste exhibits a characteristic of a hazardous waste as identified in 40 Code of Federal Regulations Part 261, Subpart C, by either:

(A) testing the waste according to methods set forth in 40 Code of Federal Regulations Part 261, Subpart C, or according to an equivalent method approved by the administrator under 40 Code of Federal Regulations §260.21; or

(B) applying knowledge of the hazardous characteristic of the waste in light of the materials or process used, pursuant to §335.511 of this title (relating to Use of Process Knowledge).

§335.505. Class 1 Waste Determination. An industrial solid waste is a Class 1 waste if:

(1) it contains specific constituents which equal or exceed the levels listed in Appendix 1 of this subchapter as determined by the methods outlined in this section. A nonhazardous waste is a Class 1 waste if, using the test methods described in 40 Code of Federal Regulations Part 261 Appendix II, or equivalent methods approved by the executive director under the procedures set forth in §335.509 of this title (relating to Waste Analysis), the extract from a representative sample of the waste contains any of the contaminants listed in Appendix 1 at a concentration equal to or greater than the maximum concentration given in that table. Information on representative samples is set forth in §335.509 of this title (relating to Waste Analysis). Where matrix interferences of the waste cause the Practical Quantitation Limit (PQL) of the specific analysis to be greater than the Maximum Concentration listed in Appendix 1, then the achievable PQL becomes the Maximum Concentration, provided that the generator satisfactorily demonstrates to the executive director that lower levels of quantitation of a sample are not possible. A satisfactory demonstration

includes the results from the analysis of the waste for that specific analyte by a laboratory utilizing an appropriate EPA SW-846, EPA-600, "Standard Methods for the Examination of Water and Wastewater", or ASTM Standard Methods, or an equivalent method approved by the executive director under procedures set forth in §335.509 of this title (relating to Waste Analysis);

(2) it is Class 1 ignitable. A nonhazardous waste is Class 1 ignitable if a representative sample of the waste has any of the following properties:

(A) it is liquid and has a flash point greater than or equal to 60.0 Degree Celsius (140 Degree Fahrenheit), but less than or equal to 65.6 Degree Celsius (150 Degree Fahrenheit), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 or as determined by an equivalent test method approved by the executive director under procedures set forth in §335.509 of this title (relating to Waste Analysis); or

(B) it is a physical solid or semi-solid under which conditions normally incident to storage, transportation, and disposal is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily, and when ignited burns so vigorously and persistently as to create a serious hazard. Included in this class are spontaneously combustible and water-reactive materials, including, but not necessarily limited to, the substances listed in Table 2 of Appendix 1;

(3) it is Class 1 corrosive. A nonhazardous waste is Class 1 corrosive if a representative sample of the waste is a semi-solid or solid which, when mixed with an equivalent weight of ASTM Type II laboratory distilled or deionized water, produces a solution having a pH less than or equal to 2 or greater than or equal to 12.5. Solidified, stabilized, encapsulated, or otherwise chemically-bound wastes are not subject to this requirement provided the waste is solidified such that when a representative sample of the waste is subjected to the paint filter test (SW-846 Method 9095) it exhibits no free liquids. An equivalent method approved by the executive director under procedures set forth in §335.509 of this title (relating to Waste Analysis) may be utilized;

(4) there is an absence of analytical data and/or documented process knowledge which proves a waste is Class 2 or Class 3;

(5) it is identified as a Class 1 waste in §335.508 of this title (relating to

Classification of Specific Industrial Solid Wastes); or

(6) it is not a hazardous waste pursuant to §335.504 of this title (relating to Hazardous Waste Determination) and a generator chooses to classify the waste as Class 1.

§335.506. Class 2 Waste Determination.

(a) An industrial solid waste is a Class 2 waste if:

(1) it is not a hazardous waste pursuant to §335.504 of this title (relating to Hazardous Waste Determination);

(2) it is not a Class 1 waste pursuant to §335.505 of this title (relating to Class 1 Waste Determination); and

(3) it is not a Class 3 waste pursuant to §335.507 of this title (relating to Class 3 Waste Determination).

(b) Any waste designated as a Class 2 waste under §335.508 of this title (relating to Classification of Specific Industrial Solid Wastes) is a Class 2 waste.

§335.507. Class 3 Waste Determination. An industrial solid waste is a Class 3 waste if it is inert and essentially insoluble, and poses no threat to human health and/or the environment. Class 3 wastes include, but are not limited to, materials such as rock, brick, glass, dirt, and certain plastics and rubber, which are not readily decomposable. An industrial solid waste is a Class 3 waste if it:

(1) is not a hazardous waste pursuant to §335.504 of this title (relating to Hazardous Waste Determination);

(2) does not meet any of the Class 1 waste criteria set forth in §335.505 of this title (relating to Class 1 Waste Determination);

(3) is inert. Inertness refers to chemical inactivity of an element or compound, or a waste which exhibits those compounds. Ingredients added to mixtures chiefly for bulk and/or weight purposes are normally considered inert; and

(4) is insoluble.

(A) Insolubility is established:

(i) when, using the test methods specified in Appendix 4 (7-Day Distilled Water Leachate Test), the extract from a representative sample of the waste does not leach greater than the maximum contaminant levels, or total dissolved solids listed in 40 Code of Federal Regulations Part 141 Subparts B and G; and

(ii) using the test methods described in 40 Code of Federal Regula-

tions Part 261, Appendix II, or equivalent methods approved by the executive director under the procedures set forth in §335.509 of this title (relating to Waste Analysis), the extract from a representative sample does not exhibit detectable levels of constituents found in Table 1. This excludes the constituents listed in 40 Code of Federal Regulations Part 141, Subparts B and G, which were addressed in clause (i) of this subparagraph.

(iii) when using an appropriate test method, a representative sample of the waste does not exhibit detectable levels of total petroleum hydrocarbon (TPH). Petroleum substance wastes as defined in §334.481 of this title (relating to Definitions) are not subject to this subsection.

(iv) when using an appropriate test method, a representative sample of the waste does not exhibit detectable levels of polychlorinated biphenyls (PCB's).

(B) Subparagraph (A) of this paragraph does not apply if the generator can demonstrate that the levels present in the waste are naturally occurring in the background of that particular material. This section only applies to naturally occurring material, i.e., soil, rock, etc.

§335.508. Classification of Specific Industrial Solid Wastes. The following industrial solid wastes shall be classified according to the provisions of this section.

(1) Industrial solid waste containing asbestos material identified as Regulated Asbestos Containing Material (RACM), as defined in 40 Code of Federal Regulations Part 61, shall be classified as a Class 1 waste.

(2) Empty containers that will be disposed of, instead of recycled, shall be subject to the following criteria.

(A) A container which has held a hazardous substance, a hazardous waste, or a Class 1 waste, and is empty per §335.41(f)(2) of this title (relating to Purpose, Scope, and Applicability) concerning empty containers:

(i) shall be classified as a Class 1 waste; or

(ii) may be classified as a Class 2 waste if:

(I) it is empty per §335.41(f)(2) of this title; and

(II) the residue has been completely removed either by triple rinsing with a solvent capable of removing

any waste, by hydroblasting, or by other methods which adequately remove the residue.

(B) A container which has held a Class 2 waste shall be classified as a Class 2 waste.

(C) Aerosol cans that have been depleted of their contents, such that the inner pressure of the can equals atmospheric pressure, may be classified as Class 2 wastes. If, after depleting the can of its contents, it still contains a hazardous or Class 1 residue, then the container shall be subjected to the criteria listed in §335.505 of this title (relating to Class 1 Waste Determination).

(3) Paper, cardboard, food wastes, and general plant trash shall be subject to the following classification criteria.

(A) Paper and cardboard containers, linings, wrappings, other paper packaging materials, absorbents or soils, that are contaminated with hazardous waste or a Class 1 waste shall be subjected to the criteria listed in §335.505 of this title. Containers may be classified as Class 1 or 2 under the provisions of paragraph (2)(A) and (B) of this section.

(B) Paper and cardboard containers, linings, rappings, or other paper packaging materials, food wastes, glass, aluminum foil, plastics, styrofoam, and other types of food packaging, that are not contaminated with hazardous or Class 1 wastes, and general office trash shall be classified as Class 2 waste and designated "plant refuse." Plant refuse shall not include oils, lubricants of any type, oil filters, contaminated soils, sludges, wastewaters, or any waste that is subject to the criteria in §335.505 of this title.

(C) Any Class 2 waste can be designated plant refuse as long as the volume of the individual waste does not exceed 20% of the total plant refuse volume. When the volume of the individual Class 2 waste exceeds 20% of the total plant refuse volume, it must be designated a separate wastestream.

(4) Wastes containing greater than or equal to 50 parts per million total polychlorinated biphenyls (PCBs) shall be classified as Class 1.

(5) Petroleum hydrocarbon wastes containing greater than 1,500 parts per million total petroleum hydrocarbon (TPH) shall be classified as Class 1. Petroleum wastes resulting from the cleanup of leaking underground storage tanks (USTs) and regulated under Chapter 334,

Subchapter K of this title (relating to Petroleum Substance Waste) are not subject to classification under this section.

(6) Wastes generated by the mechanical shredding of automobiles, appliances, or other items of scrap, used or obsolete metals shall be handled according to the provisions set forth in Texas Solid Waste Disposal Act, Health and Safety Code, §361.019 (Vernon Pamphlet 1992), until the commission develops specific standards for the classification of this waste and assures adequate disposal capacity.

(7) If a nonhazardous industrial solid waste is generated as a result of commercial production of a "new chemical substance" as defined by the federal Toxic Substances Control Act, 15 United States Code Annotated §2602(9), the generator shall notify the commission prior to the processing or disposal of the waste and shall submit documentation requested under §335.513(b) and (c) of this title (relating to Documentation Required) for commission review. The waste shall be managed as a Class 1 waste, unless the generator can provide appropriate analytical data and/or process knowledge which demonstrates that the waste is Class 2 or Class 3, and the commission concurs.

(8) All nonhazardous industrial solid waste generated outside the State of Texas and transported into or through Texas for processing, storage, or disposal shall be classified as Class 1.

§335.509. Waste Analysis.

(a) Generators who use analytical methods to classify their waste must use methods described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," SW-846, "Methods for Chemical Analysis of Water and Wastes," EPA-600, "Standard Methods for the Examination of Water and Wastewater," or American Society for Testing and Materials (ASTM) Standard Methods, or may request in writing that the commission review and approve an alternate method. The generator must also choose representative sample(s) of their waste, as described in Chapter 9 of SW-846. A generator who proposes to use an alternate method must validate the alternate method by demonstrating that the method is equal to or superior in accuracy, precision, and sensitivity to the corresponding SW-846, EPA-600, Standard Method, or ASTM method.

(b) The generator proposing an alternate method shall provide the commission with the following information:

(1) a full description of the proposed method including all equipment used;

(2) a description of the types of wastes and waste matrices analyzed;

(3) comparative results of the proposed method and the corresponding SW-846 method;

(4) a complete assessment of any factors which may interfere with the method; and

(5) a description of the quality control procedures necessary to ensure the sensitivity, accuracy, and precision of the proposed method.

(c) The executive director may request additional information as necessary to adequately review the alternate methods proposed by the generator.

§335.510. Sampling Documentation.

(a) Generators who use analytical data to classify their Class 2 and Class 3 wastes pursuant to §335.509 of this title (relating to Waste Analysis) must maintain documentation of their sampling procedures.

(b) The sampling documentation must, at a minimum, include the following:

(1) dates samples were collected;

(2) a description of the site or unit from which the sample is taken and sampling location(s) at the site unit;

(3) methods and equipment utilized; and

(4) description of sample handling techniques, including containerization, preservation, and chain of custody;

(c) Generators shall document all the information listed in subsection (b) of this section, and retain copies on-site for a minimum of five years after waste is no longer generated, pursuant to §335.513 of this title (relating to Documentation Required).

(d) Generators who have existing sampling documentation, which includes the information listed in subsection (b) of this section, do not need to prepare any new documentation specifically for this section.

§335.511. Use of Process Knowledge.

(a) Generators may use their existing knowledge about the process to classify a waste. Process knowledge must be documented and maintained on site pursuant to §335.513 of this title (relating to Documentation Required). Material safety data sheets, manufacturers' literature, and other documentation generated in conjunction with a particular process may be used to classify a waste provided that the literature provides sufficient information about the waste and addresses the Class 1 criteria set forth in §335.505 of this title (relating to Class 1 Waste Determination). A generator

must be able to demonstrate requisite knowledge of his or her process by satisfying all of the following.

(1) The generator must have a full description of the process, including a list of chemical constituents that enter the process. Constituents listed in Appendix 1 of this subchapter must be addressed in this description.

(2) The generator must have a full description of the waste, including a list of chemical constituents likely to be in the waste. This list should be based on paragraph (1) of this subsection.

(3) The generator may develop a subset of Appendix 1 constituents by which to evaluate the waste utilizing the information from paragraphs (1) and (2) of this subsection.

(4) Documentation of the waste classification must be maintained, and provided to the commission if required, pursuant to §335.513 of this title.

(b) If a total analysis of the constituents the generator chooses to evaluate demonstrates that individual analytes are not present in the waste, or that they are present but at such low concentrations that the appropriate maximum leachable concentrations could not possibly be exceeded, the TCLP extraction procedure discussed in §335.505(1) of this title need not be run. If an analysis of any one of the liquid fractions of the TCLP extract indicates that a regulated constituent is present at such high concentrations that, even after accounting for dilution from the other fractions of the extract, the concentration would be equal to or greater than the maximum leachable concentration for that constituent, then the waste is Class 1, and it is not necessary to analyze the remaining fractions of the extract.

§335.512. Executive Director Review.

(a) The executive director may review the generator's classification of any waste to determine if it is appropriately classified. If the executive director determines that a waste has been classified incorrectly according to the standards set forth in this subchapter, or if the executive director determines that extenuating circumstances that may result in threat of harm to human health or the environment warrant an upgrading of the classification, the executive director may reclassify the waste to the more stringently regulated classification.

(b) A person who feels that the commission staff has inappropriately classified a waste may appeal that decision. The person shall file an appeal directly with the executive director requesting a review of the waste classification. If the person is not satisfied with the decision of the executive director, he or she may request an evidentiary hearing to determine the appropriateness of the classification, by filing a request for hearing with the chief hearings examiner of the Texas Water Commission.

§335.513. Documentation Required.

(a) Documentation on each waste stream is required to be maintained in accordance with the requirements of this subchapter.

(b) The following documentation shall be submitted to the commission within 90 days of waste generation:

- (1) description of waste;
- (2) Description of process that generated the waste;
- (3) hazardous waste determination;
- (4) all analytical data and/or process knowledge allowed under §335.511 of this title (relating to Use of Process Knowledge) used to characterize Class 3 wastes, including quality control data; and
- (5) waste classification determination.

(c) The following documentation shall be maintained on site immediately upon waste generation and for a minimum of five years after the waste is no longer generated:

- (1) all information required under subsection (b) of this section;
- (2) all analytical data and/or process knowledge allowed under §335.511 of this title used to characterize Class 2 and Class 3 wastes, including quality control data.

(d) The executive director may request that a generator submit all documentation listed in subsections (b) and (c) of this section for auditing the classification assigned. Documentation requested under this section shall be submitted within 10 working days of request receipt.

(e) Any changes to the information required in subsections (b) and (c) of this

section shall be maintained or submitted according to the timing requirements of this section.

§335.514. Variance from Waste Classification Provisions.

(a) The executive director may determine on a case-by-case basis the merits of the following types of variances:

(1) compliance with timing requirements under §335.502 of this title (relating to Conversion to New Waste Notification and Classification System);

(2) appropriateness of a particular waste classification resulting from application of the classification criteria; and

(3) other matters requiring special attention by the commission.

(b) The burden of justifying the need for a variance is on the requestor, and the requestor must submit information sufficient to clearly indicate the issues involved, the reason(s) for the request, and both positive and negative impacts that may result from the granting of the variance.

(c) A person who feels that the executive director has inappropriately denied a request for variance may appeal that decision. The person shall file an appeal directly with the executive director, requesting a review of the variance. If the person is not satisfied with the decision of the executive director, he or she may request an evidentiary hearing to determine the appropriateness of the variance, by filing a request for hearing with the chief hearings examiner of the Texas Water Commission.

§335.515. Enforcement.

(a) It is a violation of commission rules if a waste is not properly classified according to the provisions of this subchapter.

(b) Where violations of this subchapter occur the executive director may initiate formal enforcement action and may seek administrative penalties and order corrective actions, as prescribed under Chapter 337 of this title (relating to Enforcement).

(c) When establishing corrective actions and penalty amounts involving violations of this subchapter, the executive director should consider circumstances which mitigate the nature or extent of the violations.

Appendix 1

Table 1. Constituents of Concern and Their Maximum Leachable Concentrations. Values are based on information contained in Federal Registers Vol. 55 / Friday, July 27, 1990; Vol. 56 / June 7, 1991; and Integrated Risk Information Systems, Environmental Protection Agency.

Compound	CAS No.	Concentration (mg/l)
Acetone	67-64-1	400
Acetonitrile	75-05-8	20
Acetophenone	98-86-2	400
Acrylamide	79-06-1	0.08
Acrylonitrile	107-13-1	0.6
Aniline	62-53-2	60
Antimony	7440-36-0	1
Arsenic	7440-38-2	1.8
Barium	7440-39-3	100.0
Benzene	71-43-2	0.50
Benzidine	92-87-5	0.002
Beryllium	7440-41-7	0.08
Bis(2-chloroethyl) ether	111-44-4	0.3
Bis(2-ethylhexyl) phthalate	--	--
Bromodichloromethane	75-27-4	0.3

Bromomethane	74-83-9	5
Butylbenzyl phthalate	85-68-7	700
Cadmium	7440-43-9	0.5
Carbon disulfide	75-15-0	400
Carbon tetrachloride	56-23-5	0.50
Chlordane	57-74-9	0.3
Chlorobenzene	108-90-7	70
Chloroform	67-66-3	6.0
2-Chlorophenol	95-57-8	20
Chromium	7440-47-3	5.0
m-Cresol	108-39-4	200.0*
o-Cresol	95-48-7	200.0*
p-Cresol	106-44-5	200.0*
Cyanide	57-12-5	70
DDD	72-54-8	1
DDE	72-55-9	1
DDT	50-29-3	1
Dibutyl phthalate	84-74-2	400
1,4-Dichlorobenzene	106-46-7	7.5
3,3'-Dichlorobenzidine	91-94-1	0.8
1,2-Dichloroethane	107-06-2	0.50
Dibutyl phthalate	117-84-0	400
Dichlorodifluoromethane	75-71-8	700
1,1-Dichloroethylene	75-35-4	0.6
1,3-Dichloropropene	107-05-1	1
2,4-Dichlorophenol	120-83-2	10
2,4-Dichlorophenoxy-	94-75-7	10.0

acetic acid	--	--
Dieldrin	60-57-1	0.02
Diethyl phthalate	84-66-2	3000
Dimethoate	60-51-5	70
m-Dinitrobenzene	99-65-0	0.4
2,4-Dinitrophenol	51-28-5	0.7
2,4-Dinitrotoluene	121-14-2	0.13
(and 2,6-, mixture)	--	--
1,4-Dioxane	123-91-1	30
Diphenylamine	122-39-4	90
1,2-Diphenylhydrazine	122-66-7	0.4
Disulfoton	298-04-4	0.1
Endosulfan	959-98-8	0.2
Epichlorohydrin	106-89-8	40
Ethylbenzene	100-41-4	400
Ethylene dibromide	106-93-4	0.004
Heptachlor	76-44-8	0.008
(and its hydroxide)	--	--
Heptachlor epoxide	1024-57-3	0.04
Hexachlorobenzene	118-74-1	0.13
Hexachloro-1,3-butadiene	87-68-3	0.4
Hexachlorocyclopentadiene	77-47-4	20
Hexachloroethane	67-72-1	3.0
Hexachlorophene	70-30-4	1
Isobutyl alcohol	78-83-1	1000
Isophorone	78-59-1	90
Lead	7439-92-1	1.5

Lindane	58-89-9	0.3
Mercury	7439-97-6	0.2
Methacrylonitrile	126-98-7	0.4
Methomyl	16752-77-5	90
Methoxychlor	72-43-5	10.0
Methyl ethyl ketone	78-93-3	200.0
Methyl isobutyl ketone	108-86-1	200
Methylene chloride	75-09-2	50
Methyl parathion	298-00-0	0.9
Nickel	7440-02-0	70
Nitrobenzene	98-95-3	2.0
N-Nitroso-di-n-butylamine	924-16-3	0.06
N-Nitrosodiphenylamine	86-30-6	70
N-Nitrosomethylethylamine	10595-95-6	0.02
N-Nitroso-n-propylamine	621-64-7	0.05
N-Nitrosopyrrolidine	930-55-2	0.2
p-Phenylene diamine	106-50-3	20
Parathion	56-38-2	20
Pentachlorobenzene	608-93-5	3
Pentachloronitrobenzene	82-68-8	10
Pentachlorophenol	87-86-5	100.0
Phenol	108-95-2	2000
Polychlorinated	--	0.00001
dibenzo-p-dioxins (PCDDs)**	--	--
Polychlorinated	--	0.00001
dibenzo furans (PCDFs)***	--	--
Pronamide	23950-58-5	300

Pyridine	110-86-1	4
Selenium	7782-49-2	1.0
Silver	7440-22-4	5.0
Styrene	100-42-5	700
2,3,7,8-Tetrachloro-	1746-01-6	0.000005
dibenzo-p-dioxin (TCDD)	--	--
1,1,1,2-Tetrachloroethane	630-20-6	10
1,1,2,2-Tetrachloroethane	79-34-5	2
Tetrachloroethylene	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	100
Thiosemicarbazide	79-19-6	0.2
Toluene	56-23-5	1000
Toxaphene	8001-35-2	0.3
trans-1,3-Dichloro-	10061-02-6	1
propene	--	--
Tribromomethane	75-25-2	70
1,2,4-Trichlorobenzene	120-82-1	70
1,1,1-Trichloroethane	71-55-6	300
Trichloroethylene	79-01-6	0.5
1,1,2-Trichloroethane	79-00-5	6
Trichloroflouromethane	75-69-4	1000
2,4,5-Trichlorophenoxy-	93-72-1	1.0
propionic acid	--	--
1,2,3-Trichloropropane	96-18-4	20
2,4,5-Trichlorophenol	95-95-4	400.0
2,4,6-Trichlorophenol	88-06-2	2
Vanadium	7440-28-0	30

Vinyl chloride	75-01-4	0.2
Xylenes (all isomers)	1330-82-1	7000

* If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol concentration is used. The Maximum Concentration for total cresol is 200.0 mg/l.

** This category contains congener chemicals, including Tetrachlorodibenzo-p-dioxins (see also 2,3,7,8-TCDD), pentachlorodibenzo-p-dioxins, and hexachlorodibenzo-p-dioxins.

*** This category contains congener chemicals, including tetrachlorodibenzofurans, pentachlorodibenzofurans, and hexachlorodibenzofurans.

Appendix 1

Table 2. Flammable Solids. Constituents listed from Department of Transportation Regulations, 49 CFR Part 173 Subpart E, October 1, 1990.

Compound or Material

Aluminum, metallic, powder
Aluminum hydride
Ammonium picrate
Calcium, metallic
Calcium carbide
Calcium chlorite
Calcium hypochlorite
Calcium silicon powder
Calcium phosphide
Cesium metal
Chromic acid or chromic acid mixture, dry
Decaborane
Lithium acetylide-ethylene diamine complex
Lithium aluminum hydride
Lithium amide, powdered
Lithium borohydride
Lithium ferro silicon
Lithium hydride
Lithium metal

Lithium silicon
Magnesium granules
Mono-(trichloro) tetra-(monopotassium dichloro)-
penta-s-triazinetrione
N-methyl-N'-nitro-Nitrosoguanidine
Peratic acid
Phosphorous, amorphous, red
Phosphorous, white or yellow
Phosphoric anhydride
Phosphorous pentachloride
Picric acid
Potassium, metallic
Potassium dichloro-s-triazine-trione
Rubidium metal
Sodium, metallic
Sodium aluminum hydride
Sodium amide
Sodium chlorite
Sodium dichloro-s-triazine-trione
Sodium hydride
Sodium hydrosulfite
Sodium nitrite and mixtures
Sodium picramate, wet
Sodium potassium alloys
Titanium metal powder
Trichloroisocyanuric acid
Trichloro-s-triazinetrione

Zinc ammonium nitrite
Zirconium hydride, powdered
Zirconium picramate

Appendix 2

Waste Analysis Team
Waste Evaluation Section
Industrial and Hazardous Waste Division
Texas Water Commission
P.O.Box 13087
Capitol Station
Austin, Texas 78711-3087

Code	Waste description
------	-------------------

LAB PACKS

LAB PACKS - Lab packs of mixed wastes, chemicals, lab wastes

- 001 Lab packs of old chemicals only
- 002 Lab packs of debris only
- 003 Mixed lab packs
- 004 Lab packs containing acute hazardous wastes
- 009 Other lab packs (Specify in Comments)

LIQUIDS

INORGANIC LIQUIDS - Waste that is primarily inorganic and highly fluid (e.g., aqueous), with low suspended inorganic solids and low organic content

- 101 Aqueous waste with low solvents
- 102 Aqueous waste with low other toxic organics
- 103 Spent acid with metals
- 104 Spent acid without metals
- 105 Acidic aqueous waste
- 106 Caustic solution with metals but no cyanides
- 107 Caustic solution with metals and cyanides
- 108 Caustic solution with cyanides but no metals

- 109 Spent caustic
- 110 Caustic aqueous waste
- 111 Aqueous waste with reactive sulfides
- 112 Aqueous waste with other reactives (e.g., explosives)
- 113 Other aqueous waste with high dissolved solids
- 114 Other aqueous waste with low dissolved solids
- 115 Scrubber water
- 116 Leachate
- 117 Waste liquid mercury
- 119 Other inorganic liquids (Specify in Comments)

ORGANIC LIQUIDS - Waste that is primarily organic and is highly fluid, with low inorganic solids content and low-to-moderate water content

- 201 Concentrated solvent-water solution
- 202 Halogenated (e.g., chlorinated) solvent
- 203 Non-halogenated solvent
- 204 Halogenated/non-halogenated solvent mixture
- 205 Oil-water emulsion or mixture
- 206 Waste oil
- 207 Concentrated aqueous solution of other organics
- 208 Concentrated phenolics
- 209 Organic paint, ink, lacquer, or varnish
- 210 Adhesives or epoxies
- 211 Paint thinner or petroleum distillates
- 212 Reactive or polymerizable organic liquids
- 219 Other organic liquids (Specify in Comments)

SOLIDS

INORGANIC SOLIDS - Waste that is primarily inorganic and solid, with low organic content and low-to-moderate water content; not pumpable

- 301 Soil Contaminated with organics
- 302 Soil contaminated with inorganics only
- 303 Ash, slag, or other residue from incineration of wastes
- 304 Other "dry" ash, slag, or thermal residue
- 305 "Dry" lime or metal hydroxide solids chemically "fixed"
- 306 "Dry" lime or metal hydroxide solids not "fixed"
- 307 Metal scale, filings, or scrap
- 308 Empty or crushed metal drums or containers
- 309 Batteries or battery parts, casings, cores
- 310 Spent solid filters or adsorbents
- 311 Asbestos solids and debris
- 312 Metal-cyanide salts/chemicals
- 313 Reactive cyanide salts/chemicals
- 314 Reactive sulfide salts/chemicals
- 315 Other reactive salts/chemicals
- 316 Other metal salts/chemicals
- 319 Other waste inorganic solids (Specify in Comments)

ORGANIC SOLIDS - Waste that is primarily organic and solid, with low-to-moderate inorganic content and water content; not pumpable

- 401 Halogenated pesticide solid
- 402 Non-halogenated pesticide solid

- 403 Solids resins or polymerized organics
- 404 Spent carbon
- 405 Reactive organic solid
- 406 Empty fiber or plastic containers
- 407 Other halogenated organic solids (Specify in Comments)
- 409 Other non-halogenated organic solids (Specify in Comments)

SLUDGES

INORGANIC SLUDGES - Waste that is primarily inorganic, with moderate-to-high water content and low organic content, and pumpable

- 501 Lime sludge without metals
- 502 Lime sludge with metals/metal hydroxide sludge
- 503 Wastewater treatment sludge with toxic organics
- 504 Other wastewater treatment sludge
- 505 Untreated plating sludge without cyanides
- 506 Untreated plating sludge with cyanides
- 507 Other sludge with cyanides
- 508 Sludge with reactive sulfides
- 509 Sludge with other reactives
- 510 Degreasing sludge with metal scale or filings
- 511 Air pollution control device sludge (e.g., fly ash, wet scrubber sludge)
- 512 Sediment or lagoon dragout contaminated with organics
- 513 Sediment or lagoon dragout contaminated with inorganics only
- 514 Drilling mud

- 515 Asbestos slurry or sludge
- 516 Chloride or other brine sludge
- 519 Other inorganic sludges (Specify in Comments)

ORGANIC SLUDGES - Waste that is primarily organic with low-to-moderate inorganic solids content and water content, and pumpable

- 601 Still bottoms of halogenated (e.g., chlorinated) solvents or other organic liquids
- 602 Still bottoms of non-halogenated solvents or other organic liquids
- 603 Oily sludge
- 604 Organic paint or ink sludge
- 605 Reactive or polymerizable organics
- 606 Resins, tars, or tarry sludge
- 607 Biological treatment sludge
- 608 Sewage or other untreated biological sludge
- 609 Other organic sludges (Specify in Comments)

GASES

INORGANIC GASES - Waste that is primarily inorganic with a low organic content and is a gas at atmospheric pressure

- 701 Inorganic gases

ORGANIC GASES - Waste that is primarily organic with low-to-moderate inorganic content and is a gas at atmospheric pressure

- 801 Organic gases

OTHER

OTHER - Waste streams not included in the above descriptions

- 901 Brine solution
- 902 Photographic chemical wastes
- 903 Catalyst waste
- 904 Plant trash
- 905 Concrete, cement, construction debris
- 906 Solids containing less than 50 ppm PCB's
- 907 Solids containing between 50 ppm and 500 ppm PCB's
- 908 Solids containing greater than 500 ppm PCB's
- 909 Sludges containing less than 50 ppm PCB's
- 910 Sludges containing between 50 and 500 ppm PCB's
- 911 Sludges containing greater than 500 ppm PCB's
- 912 Liquids containing less than 50 ppm PCB's
- 913 Liquids containing between 50 ppm and 500 ppm PCB's
- 914 Liquids containing greater than 500 ppm PCB's
- 915 Electrical equipment/devices containing less than 50 ppm
PCB's
- 916 Electrical equipment/devices containing between 50 ppm and
500 PCB's
- 917 Electrical equipment/devices containing greater than 500 ppm
PCB's
- 918 Soils containing less than 50 ppm PCB's
- 919 Soils containing between 50 ppm and 500 ppm PCB's
- 920 Soils containing greater than 500 ppm PCB's

Appendix 4

7-Day Distilled Water Leachate Test

- A. This test is intended only for dry, solid wastes, i.e., waste materials without any free liquids.
1. Place a 20 gm. (dry weight) representative sample of the waste material in a 100 ml. Erlenmeyer flask.
 2. Pipet 70 ml of deionized or distilled water into the flask and mechanically stir the material at a low speed for five (5) minutes.
 3. Stopper the flask and allow to stand for seven (7) days.
 4. At the end of seven (7) days, filter the supernatant solution through a .45 micron filter, collecting the supernatant into a separate flask.
 5. Subject the filtered leachate to a quantitative analysis, utilizing the appropriate, approved method for the maximum contaminant levels or total dissolved solids listed in 40 CFR Part 141 Subpart B, which may be present.

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 August 12, 1992.

TRD-9210991 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: September 18, 1992

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

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System of Texas

Chapter 63. Board of Trustees

- 34 TAC §§63.9, 63.11, 63.13, 63.15

The Employees Retirement System of Texas proposes new §§63.9, 63.11, 63.13, and 63.15, concerning electing officers of the board, requirements for a quorum, appointment of committees, and conducting board business. The new sections are proposed to add procedures to elect officers, appoint committees, and transact other business of the board.

William S. Nail, general counsel, 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. Nail 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 procedures to conduct business of the Board of Trustees of the Employees Retirement System of Texas. 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 William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas 78711-3207.

The new sections are proposed under the Texas Government Code, §815.102, which provides the Employees Retirement System of Texas with the authority to promulgate rules necessary to transact any business of the board.

§63.9 Officers. The members of the Board of Trustees shall elect a chairman and vice chairman for each fiscal year. The officers shall be elected at the last scheduled regular board meeting of a fiscal year and shall take office the following September 1. The chairman of the board or the vice chairman, in the chairman's absence, will preside at the meetings of the board. While

presiding, the chairman will direct the order of the meeting, recognize persons to be heard, limit time, take other action to clarify issues, and preserve order.

§63.11. Quorum. A majority of the members of the board constitute a quorum.

§63.13. Committees. The Internal Audit Committee shall be considered a standing committee and members shall be appointed by the chairman at the beginning of each fiscal year. The chairman shall designate additional ad hoc committees as are necessary to consider various aspects of the board's work. The term of an ad hoc committee shall be for the fiscal year in which the ad hoc committee is appointed or until the work of the ad hoc committee is completed if within the fiscal year.

§63.15. Roberts' Rules of Order. Unless required otherwise by law or these rules, *Roberts' Rules of Order* shall be used in the conduct of business by the board.

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 August 11, 1992

TRD-9210973 Charles D Travis
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption: September 18, 1992

For further information, please call: (512) 867-3336

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 10. Family Self-Support Services

Welfare Reform Waiver Project

- 40 TAC §§10.7001-10.7008

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

The Texas Department of Human Services (DHS) proposes the repeal of §§10.7001-10.7008, concerning the welfare reform waiver project, in its Family Self-Support Services chapter. The purpose of the repeal is to delete the rules for a project that has been completed.

Burton F. Raiford, commissioner, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implications for state or local governments as a result of enforcing or administering the repeals.

Mr. Raiford 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 obsolete rules will not stay in the rule base. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed repeals.

Questions about the content of the proposal may be directed to Judy Denton at (512) 450-3425 in DHS's Benefit Services Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-201, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The repeals are proposed under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

§10.7001 Description.

§10.7002. Eligibility for Transitional Benefits.

§10.7003. Method for Placing Clients in the Experimental and Control Groups

§10.7004. Services Provided to Experimental Group.

§10.7005. Services Provided to Control Group.

§10.7006. Moving into/out of Regions Participating in Project.

§10.7007. Restriction of Services to Control Group

§10.7008 Right to Appeal

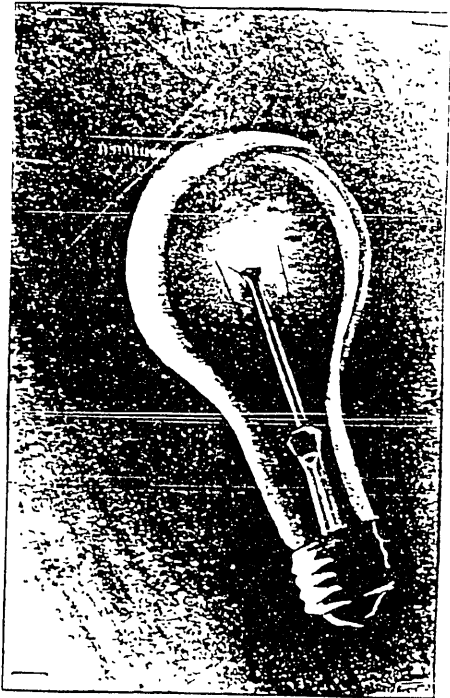
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on August 10, 1992

TRD-9210906 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: November 1, 1992

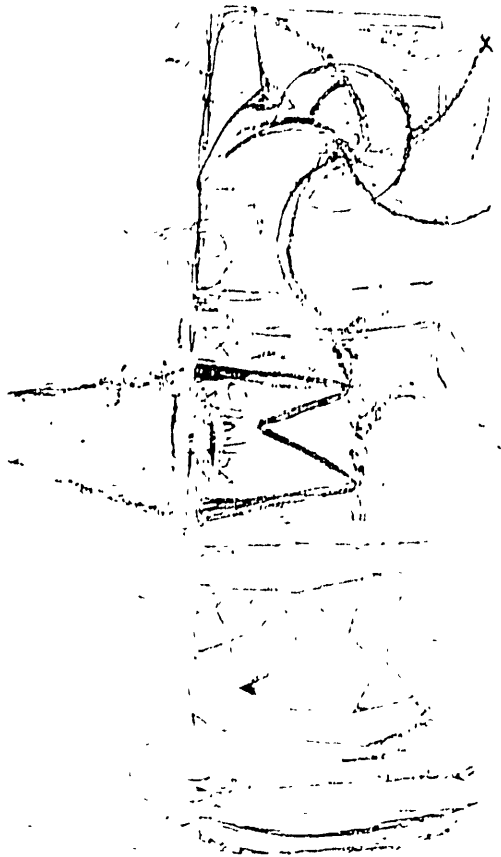
For further information, please call (512) 450-3765



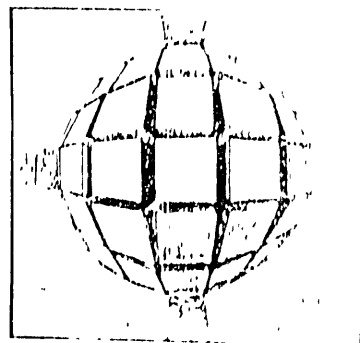
10-57



10-58



10-59



10-60

Withdrawn Sections

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*.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 48. Community Care for Aged and Disabled

Eligibility

- 40 TAC §48.2919

The Texas Department of Human Services has withdrawn from consideration a proposed amendment to §48.2919, concerning a service name change. The text of the proposed amendment appeared in the July 31, 1992, issue of the *Texas Register* (17 TexReg 5348). The effective date of the withdrawal is the date of filing.

Issued in Austin, Texas, on August 10, 1992.

TRD-9210907 Nancy Murphy
 Agency Liaison, Policy and
 Document Support
 Texas Department of
 Human Services

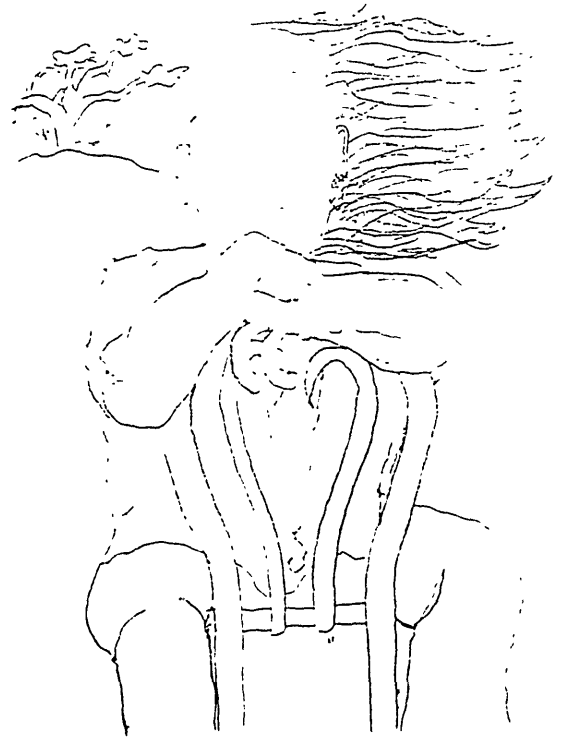
Effective date: August 10, 1992

For further information, please call: (512)
450-3765



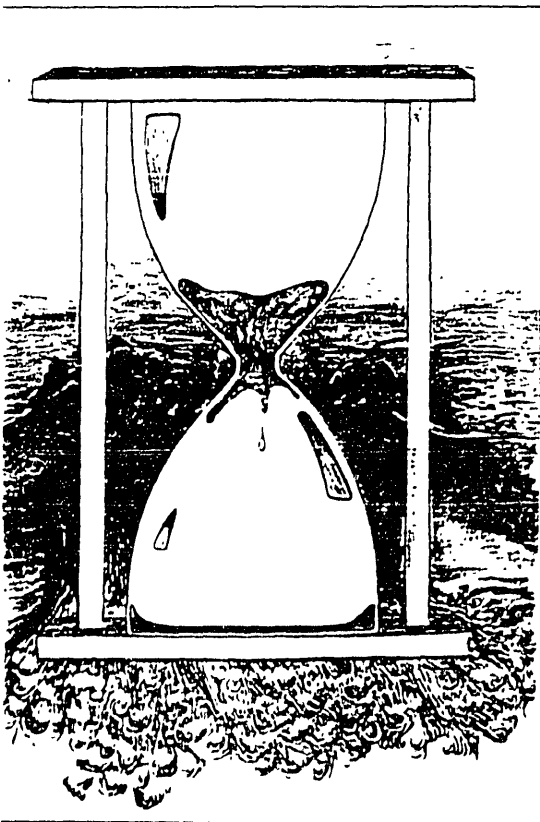


10-61



10-62

10-63



10-64



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. State Board of Registration for Professional Engineers

Chapter 131. Practice and Procedure

References

• 22 TAC §131.71

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.71, concerning reference statements, with changes to the proposed text as published in the July 10, 1992, issue of the *Texas Register* (17 TexReg 4924).

The section was amended to clarify the procedures for completing and submitting reference statements which are required as part of the application for registration. Subsection (a) as adopted specifies that three reference statements must be from professional engineers and clarifies the envelope sealing requirements the reference writer must follow be the statement is returned to the applicant.

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.

§131.71. Reference Statements

(a) The applicant, as a part of the application for registration, shall send a copy of the board's reference statement form and a copy of the portion of the applicant's supplementary experience record (SER) that the reference is to verify to a minimum of five references of which three must be professional engineers. The reference writer should complete the reference statement, sign the copy of the SER signifying agreement with the information written by the applicant, and place the completed reference statement and signed SER in an envelope. After sealing the envelope, the reference writer's signature and professional engineer's number, if applicable, shall be placed across the sealed flap of the envelope and covered with transparent tape. The reference writer shall return the sealed en-

velope to the applicant. The applicant must enclose all of the sealed reference envelopes with his application when he submits it to the office of the board. An application received without the required references, or with envelopes that have evidence of tampering, shall be considered an incomplete application and returned to the applicant. At least one reference statement should be provided concerning the work done for each employer. References need not be provided for experience gained 15 or more years prior to the date of the application unless specifically requested by the board. The reference should have personal knowledge of the applicant's work for which he is providing a reference statement. Accurate statements of fact from responsible sources concerning the applicant's technical abilities and performance are necessary as are frank and candid appraisals of his character, reputation, and suitability for professional registration.

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

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

Issued in Austin, Texas, on August 10, 1992.

TRD-9210885

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

Effective date August 31, 1992

Proposal publication date July 10, 1992

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

Education

• 22 TAC §131.91

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.91, concerning education, with changes to the proposed text as published in the July 10, 1992, issue of the *Texas Register* (17 TexReg 4924)

The section was amended to incorporate and clarify the new engineering educational requirements for registration as set out in the Texas Engineering Practice Act, §12(a)(1) and (2), which become effective September 1, 1992. Subsections (b) and (d) are adopted with slight modifications to the proposal.

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.

§131.91. Educational Requirements for Registration.

(a) An approved curriculum in engineering as used in the Texas Engineering Practice Act (the Act), §12(a)(1), is construed by the board as follows:

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

(3) a bachelor's degree in one of the mathematical, physical, or engineering sciences and in addition thereto, a master's degree in engineering or a doctor's degree in engineering, or both, provided:

(A) (No change.)

(B) the combination of the bachelor's degree and the master's degree or doctor's degree, or both, is acceptable to the board as equivalent in EAC/ABET-approved curricula content to an approved bachelor of engineering degree.

(b) A curriculum in engineering or related science as used in the Act, §12(a)(2), is construed by the board to be a bachelor of science degree in an engineering or related science program. These programs will include the following:

(1) an engineering technology curriculum that is accredited by the Technology Accreditation Commission (TAC) of the Accreditation Board for Engineering and Technology, Inc. (ABET), referred to as TAC/ABET;

(2) bachelor degree programs in engineering, other than a curriculum approved by the board in subsection (a) of this section, or in the mathematical, physical, or engineering science field approved by the board. Such degree programs must include, as a minimum, the courses listed in subparagraphs (A) and (B) of this paragraph or these courses must be taken in addition to the bachelor program

(A) 12 semester hours (18 quarter hours) of mathematics beyond trigonometry including differential and integral calculus and differential equations; and

(B) 20 semester hours (30 quarter hours) of engineering sciences which must include mechanics; thermodynamics; electrical and electronic circuits; and others selected from material sciences, transport phenomena, computer science and comparable subjects depending on the discipline or branch of engineering. Course work must incorporate hands-on laboratory work as described in the EAC/ABET criteria. Basic science courses to meet the prerequisites for these courses must be taken in addition to the 20 semester hours.

(c) A list of recognized degrees for subsections (a) and (b) of this section is available in the board office.

(d) Applicants with foreign degrees must apply under the provisions of the Act, §12(a)(2), unless such applicant meets the requirements of subsection (a) of this section.

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 August 10, 1992.

TRD-9210886 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Effective date: September 1, 1992

Proposal publication date: July 10, 1992

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

Part XII. Board of Vocational Nurse Examiners

Chapter 237. Continuing Education

• 22 TAC §237.19, §237.22

The Board of Vocational Nurse Examiners adopts amendments to §237.19 and §237.22, concerning continuing education, without changes to the proposed text as published in the June 26, 1992, issue of the *Texas Register* (17 TexReg 4596).

Section 237.19 includes and addresses the category of emeritus licensees. Section 237.22 was amended because technically, by the previous rule, no delinquent or inactive licensee irrespective of period of delinquency could be relicensed without first complying with the continuing education requirements.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on August 10, 1992

TRD-9210924 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: September 1, 1992

Proposal publication date: June 26, 1992

For further information, please call: (512) 835-2071

Chapter 239. Contested Case Procedure

Definitions

• 22 TAC §239.1

The Board of Vocational Nurse Examiners adopts an amendment to §239.1, concerning definitions, without changes to the proposed text as published in the June 26, 1992, issue of the *Texas Register* (17 TexReg 4596).

The amendment allows the definitions to include Administrative Law Judge (ALJ). Definition of Administrative Law Judge is necessary due to its use in rules in this section.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on August 10, 1992.

TRD-9210925 Marjorie A. Bronk
Executive Director
Board of Vocational Nurse
Examiners

Effective date: September 1, 1992

Proposal publication date: June 26, 1992

For further information, please call: (512) 835-2071

Hearings Process

• 22 TAC §§239.25, 239.26, 239.27, 239.28, 239.29

The Board of Vocational Nurse Examiners adopts the repeal of §§239.25, 239.26, 239.27, 239.28, and 239.29, concerning hearings process, without changes to the proposed text as published in the June 26, 1992, issue of the *Texas Register* (17 TexReg 4597).

The rules are being repealed in order to adopt new rules and to renumber these rules.

This allows for consecutive numbering of rules and allows for adoption of rules relative to administrative cases before an administrative law judge.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on August 10, 1992.

TRD-9210926 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: September 1, 1992

Proposal publication date: June 26, 1992

For further information, please call: (512) 835-2071

• 22 TAC §§239.25, 239.26, 239.27, 239.28, 239.29, 239.30, 239.31, 239.32

The Board of Vocational Nurse Examiners adopts new §§239.25, 239.26, 239.27, 239.28, 239.29, 239.30, 239.31, and 239.32, concerning the hearings process, without changes to the proposed text as published in the June 26, 1992, issue of the *Texas Register* (17 TexReg 4597).

The new rules were adopted to include information relative to the use of Administrative Law Judges and the procedures to be followed.

The new rules provide information relative to contested cases heard by an Administrative Law Judge and explains filing of exceptions and briefs to proposals for decision.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and

regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on August 10, 1992.

TRD-9210927 Marjorie A Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: September 1, 1992

Proposal publication date: June 26, 1992

For further information, please call: (512) 835-2071

Informal Disposition

• 22 TAC §239.31, §239.32

The Board of Vocational Nurse Examiners adopts the repeal of §239.31 and §239.32, concerning informal dispositions, without changes to the proposed text as published in the June 26, 1992, issue of the *Texas Register* (17 TexReg 4598).

These rules are being repealed in order to renumber them and to allow for adoption of new rules.

Consecutive numbering of the rules allows for quicker referral of rule numbers.

The repeals are adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on August 10, 1992.

TRD-9210928 Marjorie A Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: September 1, 1992

Proposal publication date: June 26, 1992

For further information, please call: (512) 835-2071

Reinstatement Process

• 22 TAC §§239.41-239.45

The Board of Vocational Nurse Examiners adopts the repeal of §§239.41-239.45, concerning reinstatement process, without changes to the proposed text as published in the June 26, 1992, issue of the *Texas Register* (17 TexReg 4598).

These rules are repealed in order to adopt new rules and allow for renumbering of these rules.

No comments were received regarding adoption of the repeals.

The repeal of these rules is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on August 10, 1992

TRD-9210930 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: September 1, 1992

Proposal publication date: June 26, 1992

For further information, please call: (512) 835-2071

Informal Dispositions

• 22 TAC §239.41, §239.42

The Board of Vocational Nurse Examiners adopts new §239.41 and §239.42, concerning informal dispositions, without changes to the proposed text as published in the June 26, 1992, issue of the *Texas Register* (17 TexReg 4599).

The new rules are proposed to allow for renumbering of §239.31 and §239.32 that are being repealed in order to expand the subchapter relative to hearing process.

Adoption of these rules allows for consecutive numbering of the rules.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on August 10, 1992

TRD-9210929 Marjorie A Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: September 1, 1992

Proposal publication date: June 26, 1992

For further information, please call: (512) 835-2071

Reinstatement Process

• 22 TAC §§239.51-239.55

The Board of Vocational Nurse Examiners adopt new §§239.51-239.55, concerning reinstatement process, without changes to the proposed text as published in the June 26, 1992, issue of the *Texas Register* (17 TexReg 4598).

The rules are adopted to replace §§239.41, 239.42, 239.43, 239.44, and 239.45 which were repealed in order to allow for renumbering of rules in this section while adding new rules to another section of this chapter.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on August 10, 1992.

TRD-9210931 Marjorie A Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: September 1, 1992

Proposal publication date: June 26, 1992

For further information, please call: (512) 835-2071

Part XXII. Texas State Board of Public Accountancy

Chapter 501. Professional Conduct

Client Records

• 22 TAC §501.32

The Texas State Board of Public Accountancy adopts an amendment to §501.32, concerning records, without changes to the proposed text as published in the May 15, 1992, issue of the *Texas Register* (17 TexReg 3539).

The amendment is necessary in order to ensure that the ownership of different types of records is clearly defined.

The amendment will set forth the types of records that are the property of the CPA and the records that are the property of the client.

One individual submitted comments suggesting that the rule be expanded to include a specific definition of "books and records that are not otherwise available to the client."

The board believes that the rule is clear as written and that a more specific definition is not necessary.

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 records used in the performance of public accounting.

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 August 10, 1992.

TRD-9210949 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: September 1, 1992

Proposal publication date: May 15, 1992

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

◆ ◆ ◆
• 22 TAC §501.33

The Texas State Board of Public Accountancy adopts new §501.33, concerning working papers, without changes to the proposed text as published in the May 15, 1992, issue of the *Texas Register* (17 TexReg 3539).

The rule is necessary in order to clarify which records and papers belong to the client and which records belong to the CPA.

The rule defines working papers.

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 records used in the performance of public accounting.

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 August 10, 1992.

TRD-9210948 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: September 1, 1992

Proposal publication date: May 15, 1992

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

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act

Fees

• 22 TAC §535.101

The Texas Real Estate Commission adopts an amendment to §535.101, concerning fees, without changes to the proposed text as published in the June 2, 1992, issue of the *Texas Register* (17 TexReg 3959).

The amendment restates the existing fees charged by the commission and increases the fees for filing an original application for a real estate broker license, for taking a license examination, and for requesting a new license due to a change of sponsoring broker or address. The amendment is necessary to ensure that the commission will have sufficient operating funds to meet its obligations.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6573a, §5(h), which authorize the Texas Real Estate Commission 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 August 7, 1992

TRD-9210887 Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Effective date: August 31, 1992

Proposal publication date: June 2, 1992

For further information, please call: (512) 465-3900

◆ ◆ ◆
Licensed Real Estate Inspectors

• 22 TAC §535.222

The Texas Real Estate Commission adopts new §535.222, concerning standards of practice for real estate inspectors, with changes to the proposed text as published in the June 2, 1992, issue of the *Texas Register* (17 TexReg 3959).

The new section establishes minimum standards of practice for licensed or registered real estate inspectors. Guidelines are provided for inspection of the structural, mechanical, and electrical systems of an improvement to real property. The new section also contains definitions of key terms, provisions clarifying the scope of an inspection, a departure provision, and a provision authorizing disciplinary action for failure to comply with the section. Adoption of the new section is necessary to establish minimum inspection standards for the protection of the public.

Comments in favor of the new section were received from the San Antonio Real Estate Inspectors Association and the Texas Association of Real Estate Inspectors. The Texas Association of Realtors neither supported nor opposed adoption of the new section but suggested that the departure provision be modified to require notification of an exclusion to be given by the inspector at the time a request for inspection is received. The commission did not make the suggested change because exclusion for some items, such as those inaccessible to the inspector on the day of the inspection, will not be known at the time the request for the inspection is received. The Paris Board of Realtors opposed the requirement for an inspector to operate the pressure relief valve on hot water heaters, because operation may damage the valve. The commission deemed operation of the valve to be a critical part of the inspection and did not eliminate the requirement.

A commenter suggested that the inspector's report should indicate if an inspected item is not functioning or in need of repair so as to address the client's expectation that non-functioning items will be identified in the inspection. This change was also recommended by the Texas Real Estate Inspector Committee. The commission concurred and made the suggested change.

A number of other changes in the proposed section were made by the commission upon the recommendation of the Texas Real Estate Inspector Committee. References to ready accessibility were deleted because accessibility is specifically addressed in the section. The departure provision in subsection (c) was rewritten to clarify that exclusion and disclosure obligations apply only to items an inspector is required to inspect. Subsection (h) was modified to make subsections (b) and (c) applicable if an inspector agreed to inspect an optional item such as a private sewage system. Provisions in subsections (e)-(g) that related to the scope of the inspection were deleted to avoid possible conflict with subsection (b). Minor changes also were made for clarification or to eliminate ambiguity.

Several commenters suggested that the inspection required for structural systems was not as detailed as that required for household appliances. One commenter recommended that the requirement to render an opinion on the performance of the foundation be deleted because it called for an inspector to act as an engineer. The commission determined that the provisions relating to structural systems were sufficiently detailed and that an inspector should be required to express an opinion on the foundation, although the departure provisions of subsection (c) may require an exclusion if the inspector is not individually qualified or competent to inspect the system.

Several commenters suggested that the inspector should be required to determine the service capacity of the electrical system. The commission determined that a visual inspection of accessible components would not necessarily reveal the service capacity and declined to make the requested change.

One commenter urged the deletion of septic tanks and security systems from the section

as beyond the usual items inspected. Since the section treats septic tanks and security systems as optional, the commission did not agree with the commenter and did not make the requested change.

The new section is adopted under Texas Civil Statutes, Article 6573a, §5(h), which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

§535.222. Standards of Practice.

(a) Definition of terms. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Act—The Real Estate License Act, Texas Civil Statutes, Article 6573a.

(2) Determine—To come to a decision or resolve concerning the condition, function, operation of an item, part, component, system, or equipment.

(3) Functioning—Performing in an expected or required manner; carrying out the design purpose or intended operation of a part, system, component, or member.

(4) Identify—To determine or establish as a particular item, condition, or thing.

(5) Inaccessible—Not having access without the use of special tools, equipment, or instruments, or removing doors, walls, stored items or similar obstructions, or by causing damage to a structure, finish or component, equipment or system, or by virtue of inadequate clearance, walkways, passageways, or hazardous condition.

(6) In need of repair—Does not adequately function or perform.

(7) Inspect—To look at or examine those items, parts, systems, or components which are accessible or can reasonably be seen, heard, or operated by the inspector without, except as required by this section, laboratory, scientific, or engineering evaluation or testing, or destructive tests, dismantling or removal of parts, members, or components.

(8) Inspector—A person licensed as a real estate inspector, a person registered as an apprentice real estate inspector, or a person licensed as a real estate inspector-in-training.

(9) Observe—To take note of by means of sight, sound, smell, or touch.

(10) Performance—The act of carrying out, completing, executing, or achievement of an operation, design, or function in a manner consistent with the intent of the manufacturer, designer, or accepted industry practice.

(11) Report—A written or oral opinion of the results of observations, determinations, or findings.

(b) Scope. The standards of inspection practice established by this section are the minimum levels of inspection performance required of real estate inspectors for the accessible parts, components, and systems typically found in improvements to real property, excluding outbuildings and fences. The inspection is of conditions which are present and visible at the time of the inspection. All mechanical and electrical equipment, systems, and appliances are operated in normal modes and operating range at the time of the inspection. The inspector shall observe, render an opinion, and report which of the parts, components, and systems present in the property and required for inspection by subsections (e)-(g) of this section have or have not been inspected and if the parts, components, and systems are not functioning at the time of inspection or are in need of repair and report on visible existing or recognized hazards. The inspector may provide a higher level of inspection performance than required by this section and may inspect parts, components, and systems in addition to those described in this section. In the event of a conflict between a specific provision and a general provision, the specific provision shall control. These standards do not apply to the following:

(1) parts, components, or systems other than those specifically described in this section;

(2) conditions other than those specifically described in this section, such as environmental conditions, presence of toxic or hazardous wastes or substances, presence of termites or other wood-destroying insects or organisms or compliance with codes, ordinances, statutes, or restrictions or the efficiency, quality, or durability of any item inspected; and

(3) any part, component, or system the inspector has excluded from inspection in accordance with the departure provision contained in this section.

(c) Departure provision. An inspector shall exclude from the inspection any part, component, or system which the inspector is not competent or qualified to inspect. An inspector may exclude any part, component or system required for inspection by subsections (e)-(g) of this section which is inaccessible, which cannot be inspected due to circumstances beyond the control of the inspector, or which the client has agreed should not be inspected. This provision is not intended to prohibit an inspector from specializing or limiting himself to a given specialty nor to require the inspector to specifically exclude other parts, components, or systems not ordinarily con-

sidered a part of his specialty; however, the inspector shall comply with these standards of practice for the items being inspected or notify the client as required by this provision. If an inspector excludes any part, component, or system described in subsections (e)-(g) of this section, other than one which the client has agreed should not be inspected, the inspector shall:

(1) advise the client at the earliest practicable time that the specific part, component, or system will not be included in the inspection; and

(2) confirm in any written inspection report given to the client that the specifically listed part, component, or system has not been inspected.

(d) Enforcement. Failure to comply with this section is a ground for disciplinary action as prescribed by the Act, §23(1)(7) and §535.224 of this title (relating to Proceedings before the Committee).

(e) Structural systems.

(1) Scope.

(2) Components for inspection.

(A) Foundations.

(i) Inspection guidelines.

The inspector shall do the following:

(I) identify the type of foundation (for example, slab-on-grade or pier and beam);

(II) inspect the foundation, related structural components, and/or slab surfaces;

(III) inspect the crawl space area to determine the general condition of foundation components and report the method used to observe the crawl space when an area is not entered or when access or visibility is limited;

(IV) render an opinion as to the performance of the foundation;

(V) observe for the presence of crawl space ventilation;

(VI) observe the conditions or symptoms that may indicate the possibility of water penetration, such as improper grading around foundation walls or plumbing leaks; and

(VII) observe the site for conditions which may be adversely affecting foundation performance, such as erosion or water ponding

(ii) Specific limitations.
The inspector is not required to do the following:

(I) enter a crawl space or any areas where headroom is less than two feet, or where the inspector reasonably determines conditions or materials are hazardous to health or safety of the inspector;

(II) remove stored items or debris to gain access to crawl space areas; or

(III) move house furnishings, including carpeting, personal belongings, or other materials that may limit visual observation of structurally related components.

(B) Interior walls, doors, ceilings, and floors.

(i) Inspection guidelines.
The inspector shall do the following:

(I) observe the condition of the surfaces of walls, ceilings, and floors as related to structural performance and water penetration;

(II) inspect accessible doors for proper operation; and

(III) inspect condition of steps, stairways, balconies, and railings.

(ii) Specific limitations.
The inspector is not required to do the following:

(I) determine the condition of floor, wall, or ceiling coverings except as they affect structural performance or water penetration;

(II) identify obvious damage to floor, wall, or ceiling coverings; or

(III) determine the condition of paints, stains, and other surface coatings; or

(IV) determine condition of cabinets.

(C) Exterior walls and doors.

(i) Inspection guidelines.
The inspector shall do the following:

(I) observe deficiencies of exterior walls related to structural performance and water penetration; and

(II) observe and report on condition and operation of exterior doors and garage doors.

(ii) Specific limitations.
The inspector is not required to do the following:

(I) report the condition or presence of storm windows or doors, awnings, shutters, locks, latches, or other security devices or systems;

(II) determine the condition of paints, stains, or other surface coatings; or

(III) determine the presence of, or extent or type of, insulation or vapor barriers in exterior walls.

(D) Fireplace and chimney.

(i) Inspection guidelines.
The inspector shall do the following:

(I) inspect the chimney structure,

(II) inspect the interior of the firebox and the visible flue area;

(III) inspect the operation of the damper;

(IV) observe for presence of non-combustible hearth extension;

(V) observe the condition of lintel, hearth, and material surrounding the fireplace;

(VI) observe attic penetration of chimney flue, where accessible, for proper firestopping;

(VII) inspect gas log lighter valves for proper function and for gas leaks;

(VIII) inspect operation of circulating fan, if present; and

(IX) observe for proper installation of combustion air vent, if present.

(ii) Specific limitations.
The inspector is not required to do the following:

(I) remove logs, ashes,

fixed screens, hardware, or other attachments to gain access to the fireplace;

(II) inspect screens or glass doors;

(III) determine the adequacy of the draft or perform a chimney smoke test;

(IV) determine the clearance of any components of the fireplace from combustibles in concealed areas or adequacy of installation in areas concealed or inaccessible;

(V) observe the top of the chimney coping, chimney caps, or spark arrestors, except from ground level;

(VI) ignite the gas log lighter or decorative gas logs; or

(VII) inspect wood-burning stoves or fireplace inserts

(E) Roof, roof structure, and attic.

(i) Inspection guidelines.
The inspector shall do the following:

(I) identify the type of roof covering and inspect its condition;

(II) inspect the general condition of flashing, skylights, and other roof penetrations;

(III) observe for presence of attic space ventilation;

(IV) inspect condition of roof structure and sheathing (including evidence of moisture penetration) where accessible;

(V) report when attic observations are made from attic access opening only; and

(VI) report the method used to inspect roofing if the inspection is performed from other than roof level.

(ii) Specific limitations.
The inspector is not required to do the following:

(I) walk on or access a roof when the inspector reasonably determines that conditions are unsafe or when damage to the roof or materials may result;

(II) remove snow, ice, debris, or other materials which prohibit visual inspection of roof surfaces;

(III) inspect or determine the condition or adequacy of antennae, lightning rods, or similar attachments;

(IV) enter attic spaces which are not accessible, including those where headroom is less than five feet, or where physical damage to framework, ceilings, or insulation could result;

(V) enter spaces which present a hazard to the inspector, as reasonably determined by the inspector;

(VI) determine the remaining life expectancy of the roof covering or determine the suitability of roofing materials or applications; or

(VII) determine the adequacy of roofing fastening systems, such as nail lengths, spacing, and type.

(F) Window and door glazing.

(i) Inspection guidelines. The inspector shall do the following:

(I) inspect the condition of windows and exterior doors to determine whether glazing is present and undamaged;

(II) inspect insulated glass windows for fogging or other evidence of broken seals;

(III) observe the presence and condition of window and door screens;

(IV) inspect burglar bars for functional egress in appropriate areas; and

(V) operate windows when at burglar bar locations of sleeping rooms or egress areas and a random sampling of others which are accessible.

(ii) Specific limitations. The inspector is not required to check for the presence of safety glass.

(G) Porches and decks.

(i) Inspection guidelines. The inspector shall inspect porches, decks,

steps, balconies, and carports for structural performance as to visible footings, joists, deckings, railings, and attachment points, where applicable.

(ii) Limitations. The inspector is not required to inspect detached structures or waterfront structures and equipment, such as docks or piers.

(H) Insulation.

(i) Inspection guidelines. The inspector shall observe the presence and approximate depth of insulation where visible.

(ii) Specific limitations. The inspector is not required to determine the U-factor of insulation in walls or ceilings.

(I) Gutters and downspouts.

(i) Inspection guidelines. The inspector shall observe the general condition of installed gutter and downspout systems.

(ii) Specific limitations. The inspector is not required to inspect internal gutters, downspouts, or drainage piping.

(f) Mechanical systems.

(1) Scope.

(2) Components for inspection.

(A) Inspection guidelines for appliances.

(i) Dishwasher. The inspector shall do the following:

(I) inspect the condition of the door gasket, control knobs, and interior parts, including the dish tray, rollers, spray arms, and the soap dispenser;

(II) observe the interior for signs of rust;

(III) inspect the door spring operation;

(IV) observe the discharge hose or piping for condition and proper routing;

(V) inspect the unit for secure mounting;

(VI) observe for presence of water leaks;

(VII) operate the unit in normal mode with the soap door closed; and

(VIII) inspect for proper operation, noting that the spray arms turn, the soap door opens, and the drying element operates.

(ii) Food waste disposer. The inspector shall do the following:

(I) inspect the condition of the splash guard, grinding components, and exterior;

(II) inspect the unit for secure mounting; and

(III) operate the unit, observing noise and vibration level and signs of water leaks.

(iii) Range exhaust vent. The inspector shall do the following:

(I) inspect the condition of the filter, vent pipe, and switches;

(II) operate the blower, observing sound, speed, and vibration level;

(III) inspect operation of the light and switches; and

(IV) observe the termination of the vent pipe to outside the structure when not of recirculating type or configuration.

(iv) Electric range. The inspector shall do the following:

(I) inspect for broken or missing knobs, elements, drip pans, or other parts; and

(II) inspect for operation of the signal lights and elements at low and high settings.

(v) Gas range. The inspector shall do the following:

(I) inspect for broken or missing knobs, burners, or other parts;

(II) inspect the burners for proper lighting and operation at low and high settings;

(III) inspect for proper materials used for the gas branch line and the connection to the appliance; and

(IV) inspect for presence and location of gas shut-off valve and for leaks at the valve.

(vi) Electric oven. The inspector shall do the following:

(I) inspect for broken or missing knobs, handles, glass panels, lights or light covers, or other parts;

(II) inspect the door for seal condition, tightness of closure, and operation of the latch;

(III) inspect the oven for secure mounting;

(IV) inspect the heating elements and thermostat sensing element for proper support;

(V) observe the operation of the heating elements;

(VI) inspect the operation of the clock and timer, thermostat, and door springs; and

(VII) observe the accuracy of the thermostat with a thermometer for a 25 degree range plus or minus of a 350-degree setting.

(vii) Gas oven. The inspector shall do the following:

(I) inspect for broken or missing knobs, handles, glass panels, lights or light covers, or other parts;

(II) inspect the door for seal condition, tightness of closure, and operation of the latch;

(III) inspect the oven for secure mounting;

(IV) observe the lighting operation and condition of the flame;

(V) inspect for proper materials for the gas branch line and the connection to the appliance;

(VI) inspect for presence and location of gas shut-off valve and for leaks at the valve;

(VII) observe the accuracy of the thermostat with a thermometer

for a 25 degree range plus or minus of a 350-degree setting; and

(VIII) inspect the operation of the clock and timer, thermostat, and door springs.

(viii) Microwave oven. The inspector shall do the following:

(I) inspect for broken or missing knobs, handles, glass panels, or other parts;

(II) inspect the condition of the door and seal;

(III) observe the oven operation by heating a container of water or with other test equipment, as reasonably determined by the inspector; and

(IV) observe the operation of the light.

(ix) Trash compactor. The inspector shall do the following:

(I) inspect the overall condition of the unit;

(II) operate the unit, observing noise and vibration level; and

(III) check the unit for secure mounting in place.

(x) Other installed kitchen appliances. The inspector shall inspect overall condition, operate the appliance as practicable, or note otherwise in his report.

(xi) Bathroom exhaust vents and electric heaters. The inspector shall operate the unit, observing sound, speed, and vibration level.

(xii) Whole house vacuum system. The inspector shall do the following:

(I) inspect the condition of the main unit;

(II) operate the unit if possible; and

(III) inspect the system from all accessible outlets throughout the house.

(xiii) Gas water heater. The inspector shall do the following:

(I) inspect the tank and fittings for leaks and corrosion;

(II) observe temperature and pressure relief valve piping for proper routing, size, material, and termination;

(III) operate the temperature and pressure relief valve when of an operable type and operation will not cause damage to persons or property as reasonably determined by the inspector;

(IV) inspect for broken or missing parts, covers, or controls;

(V) inspect for adequate support;

(VI) observe the condition of burner, flame, and burner compartment;

(VII) inspect for proper materials used for the gas branch line and the connection to the appliance;

(VIII) inspect for presence and location of gas shut-off valve and for leaks at the valve.

(IX) inspect the type of vent pipe and its condition, draft, proximity to combustibles, and termination point;

(X) observe for adequate combustion and draft air;

(XI) observe for presence of safety pan and drain when applicable;

(XII) observe for proper location and installation; and

(XIII) inspect garage units for the following:

(-a-) protection for physical damage to the unit; and

(-b-) minimum clearance of 18 inches above the garage floor.

(xiv) Electric water heater. The inspector shall do the following:

(I) inspect the tank and fittings for leaks and corrosion;

(II) observe the temperature and pressure relief piping for

proper routing, size, material, and termination;

(III) operate temperature and pressure relief valve, when of an operable type and operation will not cause damage to persons or property, as reasonably determined by the inspector;

(IV) inspect for presence of safety pan and drain when applicable; and

(V) inspect for the operation of heating elements and proper wiring.

(xv) Doorbell. The inspector shall do the following:

(I) inspect the condition and operation of the unit; and

(II) inspect for proper installation of all visible and accessible parts.

(xvi) Attic power vents. The inspector shall do the following:

(I) inspect the operation of the thermostat control, if so equipped and accessible; and

(II) observe the sound, speed, and vibration level.

(xvii) Garage door operator. The inspector shall do the following:

(I) inspect the condition and operation of the garage door operator;

(II) operate the door manually or by an installed automatic door control; and

(III) test whether the door automatically reverses during closing cycle.

(xviii) Hydrotherapy or whirlpool equipment. The inspector shall do the following:

(I) inspect for proper operation;

(II) operate the equipment using normal controls;

(III) inspect for the presence and proper operation of ground fault circuit interrupter;

(IV) inspect for proper location and operation of the switches and air intake valves;

(V) observe under the tub for evidence of leaks if the access cover is available and accessible; and

(VI) inspect the movement of the discharge ports.

(B) Specific limitations for appliances. The inspector is not required to do the following:

(i) inspect or operate compactors or other devices which require use of special keys, codes, or combinations to operate, when not available;

(ii) operate or determine the condition of other auxiliary components of inspected items;

(iii) inspect self-cleaning functions;

(iv) remove an insulation blanket to gain access to water heater components;

(v) operate remote controls for garage door operators;

(vi) operate equipment beyond its normal operating range; or

(vii) operate programmable features or devices, or equipment or appliance hoses, attachments, or other accessories.

(C) Inspection guidelines for cooling systems.

(i) Cooling systems other than evaporative coolers. The inspector shall do the following:

(I) identify the type of system and energy sources;

(II) operate the system using normal control devices;

(III) inspect for proper performance, such as by observing the temperature difference between the supply air and the return air;

(IV) observe for the presence and proper installation of the condensate drain line and secondary drain line when applicable;

(V) observe for the presence of insulation on refrigerant pipes and the primary condensate drain pipe; and

(VI) inspect for the clearance of circulating air around the condensing unit and for proper installation of the unit.

(ii) Evaporative coolers. The inspector shall do the following:

(I) operate the motor and identify as one or two speed;

(II) observe the electrical pigtail connection at the motor;

(III) inspect the power source in the unit;

(IV) inspect the function of the pump and the condition of spider tubes, tube clips, and bleeder system;

(V) observe the water supply line and the condition of the float bracket;

(VI) inspect to determine that there is a minimum of a one-inch air gap between water discharge at float and water level;

(VII) inspect the fan (blower) and squirrel cage for condition and rust build-up or deterioration or corrosion;

(VIII) observe the condition of the fan belt and pulleys;

(IX) observe on the condition of the housing side panels, the water trays, the exterior housing, and the roof frame;

(X) observe and report on the condition of the roof jack or other mounting point and the location of the damper at the unit; and

(XI) observe the interior registers and the supply duct.

(D) Specific limitations for cooling systems. The inspector is not required to do the following:

(i) operate a cooling system when the outdoor temperature is less than 60 degrees Fahrenheit;

(ii) determine the proper operation of condensate systems;

(iii) inspect gas-fired refrigeration systems;

(iv) inspect for the pressure of the system coolant or determine the presence of leaks,

(v) determine the efficiency of a system;

(vi) inspect any equipment which is not in an accessible area or dismantle any equipment, controls, or gauges;

(vii) determine the electrical current draw of the system;

(viii) program digital-type thermostats or controls;

(ix) operate set back features on thermostats or controls; or

(x) inspect interior components of an evaporative cooler when the unit has been drained or shut down.

(E) Inspection guidelines for heating systems. The inspector shall do the following:

(i) identify the type of heating system and its energy sources;

(ii) operate the system using normal control devices;

(iii) inspect the condition of the controls and of the accessible operating components of the system,

(iv) observe in gas units the burner, the condition of the burner compartment; the type, condition, draft, and termination of the vent pipe and proximity to combustibles; the availability of combustion and draft air and the presence of forced air in the burner compartment;

(v) inspect in gas units for flame impingement, uplifting flame, improper flame color, and excessive scale buildup;

(vi) inspect in gas units for proper materials used for the gas branch line and the connection to the appliance;

(vii) inspect in gas units for presence and location of gas shut-off valve and for leaks at the valve; and

(viii) determine the operability of the elements in electric furnaces.

(F) Specific limitations for heating systems. The inspector is not required to do the following:

(i) activate or operate heating systems which have been shut down or which do not respond to normal control devices;

(ii) determine fully the performance of heat exchangers;

(iii) inspect any equipment unless the equipment is located in an accessible area;

(iv) dismantle any equipment, controls, or gauges;

(v) inspect accessories such as humidifiers, air purifiers, motorized dampers, heat reclaimers, electronic air filters, or wood-burning stoves;

(vi) determine the efficiency or adequacy of a system,

(vii) inspect solar heating systems;

(viii) activate heating or heat pump systems if ambient temperatures or other circumstances are, in the reasonable opinion of the inspector, not conducive to safe operation without damage to the equipment;

(ix) program digital-type thermostats or controls, or

(x) operate radiant heaters, steam heat systems, or unvented gas-fired heating appliances

(G) Inspection guidelines for ducts, vents, and flues. The inspector shall do the following.

(i) observe the condition and the routing of ducts where visible and accessible;

(ii) inspect for air flow at all accessible supply registers in the habitable areas of the structure,

(iii) inspect accessible duct fans and filters,

(iv) inspect for improper installation, such as gas piping, sewer vents, or junction boxes in the plenum or improper sealing;

(v) inspect condition of flue system components;

(vi) inspect flue and vent pipes for proper termination; and

(vii) inspect for proper materials used for the venting systems.

(H) Specific limitations for ducts, vents, and flues. The inspector is not required to do the following:

(i) determine the efficiency, adequacy, or capacity of the systems;

(ii) determine the uniformity of the supply of conditioned air to the various parts of the structure;

(iii) determine the types of materials contained in insulation, wrapping of pipes, ducts, jackets, boilers, and wiring;

(iv) operate venting systems unless ambient temperatures or other

circumstances, in the reasonable opinion of the inspector, are conducive to safe operation without damage to the equipment, or

(v) operate a unit outside its normal operating range as reasonably determined by the inspector

(I) Inspection guidelines for plumbing systems. The inspector shall do the following

(i) inspect for the type and condition of all accessible and visible water and wastewater and vent lines,

(ii) inspect and operate all fixtures and faucets where the flow end of the faucet is not connected to an appliance,

(iii) observe for the presence of back-flow devices, anti-siphon devices, or systems or air gaps when applicable,

(iv) observe water supply by viewing functional flow in two fixtures operated simultaneously;

(v) observe functional drainage at accessible plumbing fixtures,

(vi) inspect for proper installation and identification of hot and cold faucets,

(vii) operate mechanical drainstops if installed on sinks, lavatories, and tubs;

(viii) inspect commodes for cracks in the ceramic material, proper mounting on the floor, evidence of leaks, and operation of the tank components,

(ix) observe all accessible supply and drain pipes for evidence of leaks;

(x) observe existence of visible vent pipe system to the exterior of the structure and for proper routing and termination of the vent system,

(xi) inspect shower pan for leaks; and

(xii) operate exterior faucets attached or immediately adjacent to the structure

(J) Specific limitations for plumbing systems. The inspector is not required to do the following:

(i) operate any main, branch, or shut-off valves;

(ii) inspect any system which has been shut down or otherwise secured;

(iii) inspect any components which are not visible or accessible,

(iv) inspect any exterior plumbing components such as water mains, private sewer systems, water wells, sprinkler systems, or swimming pools;

(v) inspect fire sprinkler systems,

(vi) inspect or operate drain pumps or waste ejector pumps,

(vii) inspect the quality or the volume of well water,

(viii) determine the potability of any water supply,

(ix) inspect water-conditioning equipment, such as softeners or filter systems,

(x) inspect solar water heating systems;

(xi) determine the effectiveness of anti-siphon devices on appropriate fixtures or systems;

(xii) operate free-standing appliances,

(xiii) inspect private water supply systems, swimming pools, or pressure tanks,

(xiv) observe the system for proper sizing, design, or use of proper materials; or

(xv) inspect the gas supply system for leaks.

(g) Electrical systems

(1) Scope

(2) Components for inspection.

(A) Service entrance and panels.

(i) Inspection guidelines. The inspector shall do the following:

(I) observe the general condition of the service drop;

(II) observe that the drop, weatherhead, and mast are securely fastened,

(III) inspect for the presence of a grounding electrode conductor in the service where visible, proper connection to the grounding electrode or grounding system,

(IV) inspect all accessible main and subpanels to ensure they are adequately secured to the structure and appropriate for their location (weather-tight if exposed to weather, appropriate clearances and accessibility), with inside covers (dead fronts) in place and knock-outs filled;

(V) inspect the condition of the wiring in the panels, its type (copper or aluminum), and the compatibility of overcurrent protectors for the size of conductor being used and for proper sizing of listed equipment of overcurrent protection and conductors, when power requirements for listed equipment are readily available,

(VI) report (if aluminum branch circuit wire is observed in the main or subpanels) the presence or absence of appropriate connections, such as copper/aluminum approved devices, pig-tailed connections, or crimp connections; and

(VII) observe the presence of proper main disconnect(s)

(ii) Specific limitations. The inspector is not required to do the following

(I) determine the ability of the system to comply with current codes;

(II) determine service capacity amperage or voltage;

(III) dismantle any electrical device or control other than those required by this section;

(IV) insert any tool, probe, or testing device into main or subpanels,

(V) activate electrical systems or branch circuits which are not energized,

(VI) operate overload protection devices,

(VII) determine the adequacy of the ground conductor(s);

(VIII) determine the capacity of the electrical system relative to present or future use;

(IX) determine the insurability of the property;

(X) conduct voltage drop calculations; or

(XI) move furniture, stored items, or appliances to inspect panels, wiring, or connections.

(B) Branch circuits, connected devices, and fixtures

(i) Inspection guidelines. The inspector shall do the following.

(I) inspect all accessible receptacles to determine whether:

(-a-) power is present;

(-b-) polarity is proper,

(-c-) the unit is grounded, if applicable;

(-d-) heat is excessive;

(-e-) the unit is secured to the wall;

(-f-) the cover is in place; and

(-g-) ground fault circuit interrupter devices are properly installed in appropriate locations and operate properly as shown by use of a tester;

(II) operate all accessible wall and appliance switches to determine if:

(-a-) the switches are operational and functioning properly,

(-b-) there is arcing or excessive heat; and

(-c-) the switches are fastened securely with covers in place;

(III) inspect installed fixtures including lighting devices and ceiling fans;

(IV) report missing fixtures;

(V) inspect the general condition of exposed wiring and junction boxes;

(VI) inspect for the presence of conduit in appropriate locations and for proper termination of conduit;

(VII) inspect appliances and electrical gutters for proper grounding,

(VIII) observe subpanels for proper bonding and grounding;

(IX) inspect for presence of disconnects in appropriate locations; and

(X) inspect (if branch circuit aluminum wiring is discovered in the main or subpanels) a random sampling of accessible receptacles and switches and report the presence or absence of appropriate connections, such as copper/aluminum approved devices, pig-tailed connections, or crimp connections.

(ii) Specific limitations. The inspector is not required to do the following:

(I) move any objects, furniture, or appliances to gain access to any electrical component;

(II) remove switch or outlet cover plates, except where aluminum wiring is observed in the main or subpanels;

(III) inspect any electrical equipment which is not in a accessible area;

(IV) dismantle any electrical device or control;

(V) inspect ancillary systems, such as burglar and smoke or fire systems, lightning protection, low voltage systems, antennae, electrical deicing tapes, sprinkler wiring, swimming pool or spa wiring, intercom systems, any systems which are controlled by timers or photo voltaic cells, landscape lighting, cable TV wiring, telephone wiring, load or voltage regulators; or

(VI) trace wiring origins or wiring destination.

(h) Optional inspections of other systems and attachments.

(1) Scope. This subsection covers other systems and attachments which an inspector may be requested to inspect. The inspector may need special knowledge or tools to perform these inspections. It is the responsibility of the inspector to be properly informed and educated regarding current and safe procedures for inspecting the items described in this subsection. The inspector shall determine and provide a report of the condition of the equipment, systems, parts, or components by visual observation and operation in normal modes and operating range noted at the date and time of the inspection. If an inspector agrees to inspect a component described in this subsection, subsections (b) and (c) of this section apply.

(2) Components for inspection.

(A) Gas lines.

(i) Inspection guidelines. The inspector shall do the following:

(I) inspect for the condition and type of all accessible and visible gas piping; and

(II) test gas lines by using a local or an industry-accepted procedure.

(ii) Specific limitations. The inspector is not required to inspect sacrificial anode bonding or existence.

(B) Outbuildings. The inspector shall do the following:

(i) inspect the building for structural performance and for water penetration; and

(ii) observe the building for compliance with electrical, plumbing, and HVAC standards where applicable.

(C) Outdoor cooking equipment. The inspector shall do the following:

(i) identify the energy source and operate the unit;

(ii) inspect the condition of control knobs, handles, burner bars, grills, box, rotisserie (if present), and heat diffusion material;

(iii) observe the stability of the unit and pedestal;

(iv) inspect gas units for proper materials used for the gas branch line and the connection to the appliance; and

(v) inspect gas units for presence and location of the gas shut-off valve and for leaks at the valve.

(D) Lawn and garden sprinkler system.

(i) Inspection guidelines. The inspector shall do the following:

(I) operate all zones or stations on the system manually;

(II) observe water flow or pressure at the circuit heads;

(III) inspect for evidence of surface water leaks, presence and proper installation of anti-siphon valves, and backflow preventers and presence of shut-off valves;

(IV) inspect the condition and mounting of control box and visible wiring; and

(V) observe and report the operation of each zone and associated valves, spray head patterns, and areas of non-coverage within the zone.

(ii) Specific limitations. The inspector is not required to inspect the automatic function of the timer or control box, the rain sensor, or the effectiveness of anti-siphon valves or backflow preventers.

(E) Private water wells.

(i) Inspection guidelines. The inspector shall do the following:

(I) operate at least two fixtures simultaneously;

(II) identify the type of pump and type of storage equipment;

(III) observe and determine water pressure and flow and operation of pressure switches;

(IV) observe the condition of visible and accessible equipment and components;

(V) inspect for proper wiring and circuit protection;

(VI) observe the condition of, and site drainage in the area of, the well head; and

(VII) recommend, perform, or arrange to have performed, a coliform analysis.

(ii) Specific limitations. The inspector is not required to do the following:

(I) open, uncover, or remove the pump, heads, screens, lines, or other component parts of the system;

(II) determine water quality or potability or the reliability of the water supply or source; or

(III) locate or verify underground water leaks.

(F) Individual private sewage systems (septic systems).

(i) Inspection guidelines.
The inspector shall do the following:

(I) report the observed condition of the accessible or visible components of the system at the time of the inspection;

(II) operate plumbing fixtures to observe functional flow;

(III) walk over the area of tanks and fields or beds to identify by visual and olfactory means, any evidence of effluent seepage or flow at the surface of the ground;

(IV) inspect for areas of inadequate site drainage around or adjacent to the system;

(V) observe proximity, if known, of water wells; underground cisterns; water supply lines; streams, ponds, and lakes, sharp slopes or breaks; easement lines; property lines; soil absorption systems; swimming pools or sprinkler systems;

(VI) inspect the operation of the system;

(VII) observe the presence of visible access to tanks;

(VIII) determine the type of the system, if possible, and the location of the drainfield; and

(IX) verify the operation of aerators, dosing pumps, and proper wiring when equipment is present.

(ii) Specific limitations.
The inspector is not required to do the following:

(I) excavate or uncover the system or its components to determine the size, adequacy, or efficiency of the system; or

(II) determine the type of construction used unless readily known without excavation or destructive examination.

(G) Swimming pools and equipment (spas and hot tubs).

(i) Inspection guidelines.
The inspector shall do the following:

(I) determine and identify the type of pool construction;

(II) note the condition of pool surfaces, identifying cracks or deterioration of the surface(s);

(III) observe the condition of tiles, copings, and decks;

(IV) inspect the condition of slides, steps, diving boards, and other equipment;

(V) inspect the condition of drains, skimmers, and valves;

(VI) observe the presence, condition, and function of pool lights and ground fault circuit interrupter protection;

(VII) inspect the condition and function of pump motors, controls, sweeps, proper wiring, and circuit protection;

(VIII) inspect condition and function of heater, if present;

(IX) inspect gas heaters for proper materials used for the branch line and the connection to the appliance;

(X) inspect gas heaters for presence and location of the gas shut-off valve and for leaks at the valve;

(XI) observe external grounding of the pump motor, blowers, and other electrical equipment, if visible;

(XII) inspect the condition of the filter tank, pressure gauge, and for above-ground water leaks; and

(XIII) observe for the presence of and determine the condition of fences, gates, or enclosures.

(ii) Specific limitations.
The inspector is not required to the following:

(I) dismantle or otherwise open any components or lines;

(II) uncover or excavate any lines or otherwise concealed components of the system, or determine the presence of sub-surface leaks;

(III) fill the pool, spa, or hot tub with water;

(IV) determine the presence of sub-surface water tables; or

(V) inspect ancillary equipment such as computer controls, covers, chlorinators or other chemical dispensers, or water ionization devices or conditioners other than required by this section.

(H) Built-in security and fire protection equipment. The inspector shall do the following:

(i) determine the type of security system and the location of monitoring devices and control boxes;

(ii) inspect and note the existence of point of entry, motion, infrared, or other detection devices;

(iii) determine the type and location of fire detection sensors;

(iv) note whether sensors are smoke, heat, or ionization detectors;

(v) note the existence of external alarm, battery back-up, and telephone interconnect; and

(vi) observe whether system is monitored or an alarm type and randomly test the system.

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

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

TRD-9210888

Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Effective date: October 1, 1992

Proposal publication date: June 2, 1992

For further information, please call. (512) 465-3900

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

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

**Chapter 15. Drivers License
Rules**

Examination Requirements

• 37 TAC §15.54

The Texas Department of Public Safety adopts an amendment to §15.54, concerning vehicle inspection, without changes to the proposed text as published in the July 3,

1992, issue of the *Texas Register* (17 TexReg 4737)

The adoption of the amendments promulgate vehicle inspection items to be inspected prior to a road test for a driver's license and the rejection standards of a road test to promote vehicle safety and to improve driver skills.

Paragraph (2)(F) is rewritten to clarify vehicle registration and display of registration plates. Language is added in paragraph (3)(B)(i)-(xi) for clarification, inspection items deleted, and clauses renumbered. Paragraph (4) is added which provides that a seat be available for the examiner to ride on, the door next to the examiner's seat must open and close safely, and authorizes who may ride in a vehicle while driving test is being conducted.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6687b, §1A and Texas Government Code, §411.004(3), which provides the Texas Department of Public Safety with the authority to adopt rules that it determines are necessary to effectively administer this Act.

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

Issued in Austin, Texas, on August 5, 1992.

TRD-9210951 James R. Wilson
Director
Texas Department of
Public Safety

Effective date: September 1, 1992

Proposal publication date: July 3, 1992

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

Driver Improvement

• 37 TAC §15.83

The Texas Department of Public Safety adopts an amendment to §15.83, concerning driver improvement, without changes to the proposed text as published in the July 3, 1992, issue of the *Texas Register* (17 TexReg 4738).

The adoption of this amendment will enhance traffic safety by denial of a Texas driver's license to a person who has been convicted in any state on a charge which carries an automatic suspension.

The amendment adds and deletes language to clarify driver license denials. An applicant for a Texas license convicted in any state on a charge which carries an automatic suspension of license will be denied a license for the remaining period of suspension.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6687b, §1A and the Texas Government Code, §411.004(3), which provides the Texas Department of Public Safety with the authority to adopt rules that it deter-

mines are necessary to effectively administer this Act.

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

Issued in Austin, Texas, on August 5, 1992

TRD-9210950 James R. Wilson
Director
Texas Department of
Public Safety

Effective date: September 1, 1992

Proposal publication date: July 3, 1992

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part VI. Texas Commission for the Deaf and Hearing Impaired

Chapter 183. Board for Evaluation of Interpreters and Interpreter Certification

Subchapter A. Board Operations

• 40 TAC §§183.1, 183.3, 183.5

The Texas Commission for the Deaf and Hearing Impaired adopts the repeal of §§183.1, 183.3, and 183.5, concerning the Board for Evaluation of Interpreters, Subchapter A. Board Operations, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4514). The TCDHI commissioners have established September 1, 1992, as the effective date for the repeals.

The adoption of the repeals enables the adoption of new rules which provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and 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 August 3, 1992.

TRD-9210891 Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

Proposal publication date June 23, 1992

For further information, please call: (512) 444-3323

Subchapter A. Definitions and Board Operations

• 40 TAC §§183.1, 183.3, 183.5, 183.9, 183.11, 183.13, 183.17, 183.19, 183.23, 183.25, 183.29, 183.33

The Texas Commission for the Deaf and Hearing Impaired adopts new §§183.1, 183.3, 183.5, 183.9, 183.11, 183.13, 183.17, 183.19, 183.23, 183.25, 183.29, and 183.33, concerning the Board for Evaluation of Interpreters, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4514). The TCDHI Commissioners have established September 1, 1992, as the effective date of the adopted sections.

The adoption of these rules, relating to definitions and board operations, will provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, §81.006(b)(3) and §81.007, which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and programs and promulgate and establish necessary rules for the Board for Evaluation of Interpreters.

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 August 3, 1992.

TRD-9210898 Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

Proposal publication date: June 23, 1992

For further information, please call: (512) 444-3323

Subchapter B. Board Certification Procedures

• 40 TAC §§183.11, 183.13, 183.15, 183.17, 183.21, 183.29, 183.31, 183.33

The Texas Commission for the Deaf and Hearing Impaired adopts the repeal of §§183.11, 183.13, 183.15, 183.17, 183.21, 183.29, 183.31, and 183.33, concerning the Board for Evaluation of Interpreters, Subchapter B. Board Certification Procedures, without changes to the proposed text

as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4516). The TCDHI commissioners have established September 1, 1992, as the effective date for the repeals.

The adoption of the repeals enables the adoption of new rules which provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and 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 August 3, 1992

TRD-9210892
Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

Proposal publication date June 23, 1992

For further information, please call (512) 444-3323

Subchapter C. Standards of Ethical Behavior of the Texas Commission for the Deaf

• 40 TAC §§183.55, 183.57, 183.59

The Texas Commission for the Deaf and Hearing Impaired adopts the repeal of §§183.55, 183.57, and 183.59, concerning the Board for Evaluation of Interpreters, Subchapter C. Standards of Ethical Behavior of the Texas Commission for the Deaf, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4517). The TCDHI commissioners have established September 1, 1992, as the effective date for the repeal.

The adoption of the repeals enables the adoption of new rules which provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and 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 August 3, 1992.

TRD-9210893

Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date September 1, 1992

Proposal publication date: June 23, 1992

For further information, please call. (512) 444-3323

Subchapter D. Appeals Procedures for Interpreters

• 40 TAC §183.65

The Texas Commission for the Deaf and Hearing Impaired adopts the repeal of §183.65, concerning the Board for Evaluation of Interpreters, Subchapter D. Appeals Procedures for Interpreters, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4517) The TCDHI commissioners have established September 1, 1992, as the effective date for the repeal

The adoption of the repeal enables the adoption of new rules which provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and 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 August 3, 1992

TRD-9210894
Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date September 1, 1992

Proposal publication date June 23, 1992

For further information, please call (512) 444-3323

Subchapter E. Recertification Procedures

• 40 TAC §183.75, §183.77

The Texas Commission for the Deaf and Hearing Impaired adopts the repeal of §183.75, and §183.77, concerning the Board for Evaluation of Interpreters, Subchapter E. Recertification Procedures, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4517). The TCDHI commissioners have established September 1, 1992, as the effective date for the repeals.

The adoption of the repeals enables the adoption of new rules which provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters.

No comments were received regarding adoption of the repeals

The repeals are adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and 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 August 3, 1992

TRD-9210895
Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

Proposal publication date: June 23, 1992

For further information, please call (512) 444-3323

Subchapter F. Denial, Suspension, or Revocation of a Certificate

• 40 TAC §§183.85, 183.87, 183.89, 183.91, 183.93

The Texas Commission for the Deaf and Hearing Impaired adopts the repeal of §§183.85, 183.87, 183.89, 183.91, and 183.93, concerning the Board for Evaluation of Interpreters, Subchapter F Denial, Suspension, or Revocation of a Certificate, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4518). The TCDHI commissioners have established September 1, 1992, as the effective date for the repeals

The adoption of the repeals enables the adoption of new rules which provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters

No comments were received regarding adoption of the repeals

The repeals are adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and 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 August 3, 1992.

TRD-9210896
Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

Proposal publication date: June 23, 1992

For further information, please call (512) 444-3323

Subchapter G. Fees

- 40 TAC §§183.101, 183.103, 183.105, 183.107, 183.109

The Texas Commission for the Deaf and Hearing Impaired adopts the repeal of §§183.101, 183.103, 183.105, 183.107, and 183.109, concerning the Board for Evaluation of Interpreters, Subchapter G. Fees, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4518). The TCDHI commissioners have established September 1, 1992, as the effective date for the repeals.

The adoption of the repeals enables the adoption of new rules which provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and 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 August 3, 1992.

TRD-9210897
Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

Proposal publication date: June 23, 1992

For further information, please call: (512) 444-3323

Subchapter B. Board Certification Procedures

- 40 TAC §§183.101, 183.113, 183.117, 183.123, 183.125, 183.127, 183.131, 183.137, 183.139, 183.141, 183.143, 183.145, 183.147, 183.149, 183.157, 183.159, 183.161, 183.163, 183.165, 183.169, 183.171, 183.173, 183.175

The Texas Commission for the Deaf and Hearing Impaired adopts new §§183.101, 183.113, 183.117, 183.123, 183.125, 183.127, 183.131, 183.137, 183.139, 183.141, 183.143, 183.145, 183.147, 183.149, 183.157, 183.159, 183.161, 183.163, 183.165, 183.169, 183.171, 183.173, and 183.175, concerning the Board for Evaluation of Interpreters and Interpreter Certification, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4519). The TCDHI commissioners have established September 1, 1992, as the effective date for the adopted sections

The adoption of these rules, relating to board certification procedures, will provide updated

procedures and clarification in the operation of the board for Evaluation of Interpreters.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, §81.006(b)(3) and §81.007, which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and programs and promulgate and establish necessary rules for the Board for Evaluation of Interpreters.

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 August 3, 1992.

TRD-9210899
Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

Proposal publication date: June 23, 1992

For further information, please call: (512) 444-3323

Subchapter C. Standards of Ethical Behavior for Interpreters

- 40 TAC §§183.301, 183.303, 183.305

The Texas Commission for the Deaf and Hearing Impaired adopts new §§183.301, 183.303, and 183.305, concerning the Board for Evaluation of Interpreters and Interpreter Certification, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4523). The TCDHI commissioners have established September 1, 1992, as the effective date of the adopted sections

The adoption of these rules, relating to standards of ethical behavior for interpreters, will provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, §81.006(b)(3) and §81.007, which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and programs and promulgate and establish necessary rules for the Board for Evaluation of Interpreters

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 August 3, 1992.

TRD-9210900
Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

Proposal publication date: June 23, 1992

For further information, please call: (512) 444-3323

Subchapter D. Denial, Suspension, or Revocation of a Certificate

- 40 TAC §§183.501, 183.505, 183.507, 183.511

The Texas Commission for the Deaf and Hearing Impaired adopts new §§183.501, 183.505, 183.507, and 183.511, concerning the Board for Evaluation of Interpreters and Interpreter Certification, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4524). The TCDHI commissioners have established September 1, 1992, as the effective date of the adopted sections

The adoption of these rules, relating to denial, suspension, or revocation of certificate, will provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, §81.006(b)(3) and §81.007, which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and programs and promulgate and establish necessary rules for the Board for Evaluation of Interpreters.

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 August 3, 1992.

TRD-9210901
Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

Proposal publication date: June 23, 1992

For further information, please call: (512) 444-3323

Subchapter E. Fees

- 40 TAC §§183.571, 183.573, 183.575, 183.579

The Texas Commission for the Deaf and Hearing Impaired adopts new §§183.571, 183.573, 183.575, and 183.579, concerning the Board for Evaluation of Interpreters and Interpreter Certification, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4525). The TCDHI commissioners have established September 1, 1992, as the effective date of the adopted sections.

The adoption of these rules, relating to fees, will provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, §81.006(b)(3) and §81.007, which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and programs and promulgate and establish necessary rules for the Board for Evaluation of Interpreters.

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 August 3, 1992.

TRD-9210902
Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

Proposal publication date: June 23, 1992

For further information, please call: (512) 444-3323

◆ ◆ ◆
Subchapter F. Publications

• **40 TAC §§183.601, 183.603,
183.605**

The Texas Commission for the Deaf and Hearing Impaired adopts new §§183.601, 183.603, and 183.605, concerning the Board for Evaluation of Interpreters and Interpreter Certification, without changes to the proposed text as published in the June 23, 1992, issue of the *Texas Register* (17 TexReg 4526). The TCDHI commissioners have established September 1, 1992, as the effective date of the adopted sections.

The adoption of these rules, relating to publications, will provide updated procedures and clarification in the operation of the Board for Evaluation of Interpreters.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, §81.006(b)(3) and §81.007, which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and programs and promulgate and establish necessary rules for the Board for Evaluation of Interpreters.

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 August 3, 1992.

TRD-9210903
Carla Stephenson
Interim Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: September 1, 1992

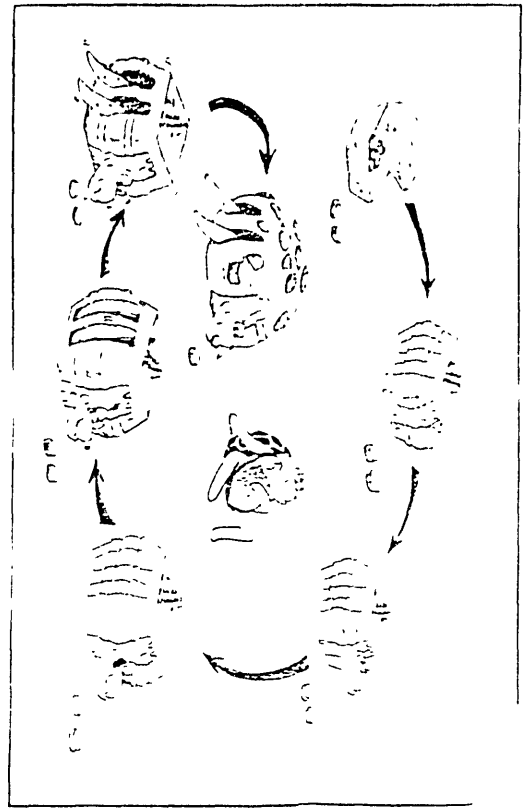
Proposal publication date: June 23, 1992

For further information, please call: (512) 444-3323

◆ ◆ ◆



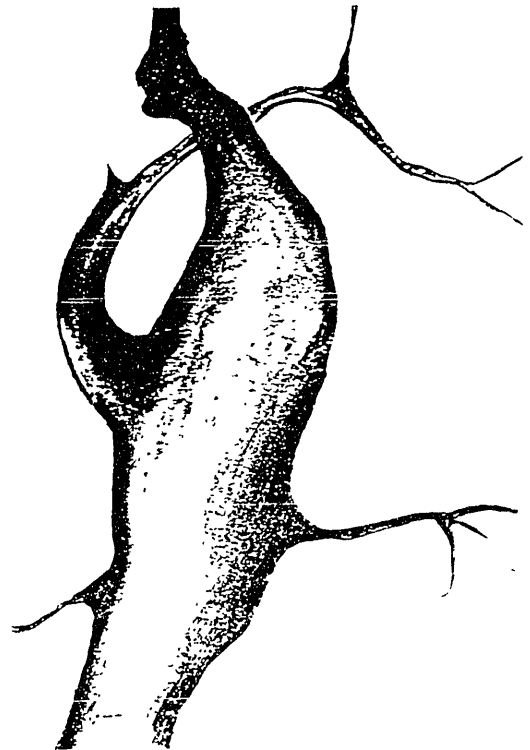
10-65



10-66



10-67



10-68

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*.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Texas State Board of Public Accountancy

Thursday, August 20, 1992, 9 a.m. The Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda summary, the full board will discuss approval of July 9, 1992 board meeting minutes, committee reports from the executive, Technical Standards Review, Behavioral Enforcement, examination, quality review, licensing, major case enforcement, and ad hoc substance abuse committees; ratification of board orders, consent orders, and proposals for decision; ratification of agreed consent orders; review of pending litigation in motion for contempt against TAPA and in Complaint Number 90-06-21L (Charles Williams) (the board may adjourn into executive session, if necessary); consideration of revisions to quality review rules; Quality Review Oversight Board proposed consultant contracts; and review of future meeting/hearing schedules. Given reasonable notice, the board will provide an interpreter for the hearing impaired.

Contact: William Treacy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: August 11, 1992, 2:01 p.m.

TRD-9210947

Texas Air Control Board

Wednesday, August 19, 1992, 4 p.m. (Revised agenda). The Monitoring and Research Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 202S, Austin. According to the complete agenda,

the committee will consider and act on implementation of the study of the winter "White haze" visible pollution in the Dallas-Fort Worth area, report on the selection of sites for Air Toxics Monitoring Network, update on monitoring in calendar year 1992 to support Urban Airshed Modeling; report on future U.S. Environmental Protection Agency requirements for monitoring to support photochemical modeling and to determine whether national ambient air quality standards are met

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451

Filed: August 11, 1992, 3:27 p.m.

TRD-9210963

Texas Bond Review Board

Thursday, August 20, 1992, 10 a.m. The Texas Bond Review Board will meet at the Clements Building, Room 101, 300 West 15th Street, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; consider proposed issues, discuss other business; and adjourn.

Contact: Tom K Pollard, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: August 12, 1992, 1:09 p.m.

TRD-9211009

Texas State Board of Dental Examiners

Saturday, August 22, 1992, 4:30 p.m. The Texas State Board of Dental Examiners will

meet at the UTHS Dental School, 7703 Floyd Curl Drive, San Antonio. According to the complete agenda, the board will call the meeting to order, take roll call; discuss approval of sedation/anesthesia permits; and discuss and vote on examination results.

Contact: C. Thomas Camp, 327 Congress Avenue, Austin, Texas 78701, (512) 477-2985

Filed: August 12, 1992, 4:38 p.m.

TRD-9211051

Advisory Commission on State Emergency Communications

Wednesday, August 19, 1992, 1 p.m. (Rescheduled from August 19, 1992, from Austin to Corpus Christi). The Work Session of the Advisory Commission on State Emergency Communications will hold an emergency meeting at Texas A&M Research, 2385 Highway 44, Corpus Christi. According to the complete agenda, the commission will call the meeting to order; review the Coastal Bend Council of Governments proposed 9-1-1, regional plan amendments; and adjourn. The emergency status was necessary as original location was filed incorrect

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911

Filed: August 12, 1992, 12:01 p.m.

TRD-9211005

The Finance Commission of Texas

Friday, August 21, 1992, 9:30 a.m. The Finance Commission of Texas will meet at The Finance Commission of Texas Building, 2601 North Lamar Boulevard, Third Floor Hearing Room, Austin. According to the agenda summary, the commission will consider committee and staff reports; consider individual departmental status and operational reports from the Banking, Savings and Loan and consumer credit departments. An executive session in regard to supervisory, litigation and personnel matters will be held.

Contact: James L. Pledger, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 475-1350.

Filed: August 12, 1992, 10:28 a.m.

TRD-9210997

Texas Historical Commission

Saturday, August 29, 1992, 10 a.m. The Texas Preservation Trust Fund Advisory Board of the Texas Historical Commission will meet at the National Trust for Historic Preservation, 500 Main Street, Suite 606, Fort Worth. According to the complete agenda, the board will discuss Texas Historic Preservation Grants 1993 pre-applications; plan future activities of the advisory board; and tour.

Contact: Stan Graves/Lisa Harvell, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: August 12, 1992, 2:10 p.m.

TRD-9211031

Texas Department of Human Services

Friday, August 21, 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 consider action on approval of the July 17, 1992 minutes; chairman's comments and announcements; Child Care Program Advisory Committee report; Tyler Regional Administrator's report; amendment to child care parent fee policy for teen parents; service hour ceiling for family care and primary home care; unit rates for case management for individuals with mental retardation or related condition and persons with chronic illness, diagnostic services for persons with potential of mental retardation, and rehabilitative services for persons with mental illness; transitional services for per-

sons to be able to receive community-based services; nursing facility moratorium rules; unit rates for case management for high-risk pregnant women and high-risk infants; ethics-related contract rules; amendments to policies and procedures; FY 92 budget adjustment; FY 94-95 LAR; drug use review board appointments; commissioner's report; and board will go into executive session to meet with its attorney concerning pending litigation and will convene in open session to take action, if necessary, resulting from discussion in executive session.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048.

Filed: August 12, 1992, 1:01 p.m.

TRD-9211007

Texas Department of Insurance

Thursday, August 20, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Robert T. Herres, San Antonio, to acquire control of United Services Automobile Association, pursuant to the provisions of Texas Insurance Code, Articles 21.49-1 §5, 19.02 and 19.10. Docket Number 11548.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: August 11, 1992, 2:55 p.m.

TRD-9210960

Thursday, August 20, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for amendment to the Declaration of Subscribers of United States Automobile Association, San Antonio, in regard to replacement of attorney-in-fact. Docket Number 11546.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: August 11, 1992, 2:55 p.m.

TRD-9210961

Lamar University System, Board of Regents

Thursday, August 13, 1992, 9:30 a.m. (Emergency revised agenda). The Board

of Regents of Lamar University System met at the John Gray Institute, Map Room, 855 Florida, Beaumont. According to the agenda summary, the board considered recommendations of personnel committee, pursuant to Article 6252-17, §2(g) in regard to the position of executive vice president for academic and student affairs. The emergency status was necessary as it was posted under Article 6252-17 (3A-h) constituting a reasonably unforeseeable situation requiring immediate action.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: August 13, 1992, 9:23 a.m.

TRD-9211048

Thursday, August 13, 1992, 1:30 p.m. The Board of Regents of Lamar University System held an emergency meeting at the John Gray Institute, Map Room, 855 Florida, Beaumont. According to the agenda summary, the board considered recommendations of personnel committee, pursuant to Article 6252-17, §2(g) in regard to the position of executive vice president for academic and student affairs. The emergency status was necessary as it was posted under Article 6252-17 (3A-h) constituting a reasonably unforeseeable situation requiring immediate action.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: August 13, 1992, 9:23 a.m.

TRD-9211073

Legislative Natural Resources Board

Friday, August 21, 1992, 10 a.m. The Legislative Natural Resources Board will meet at the Senate Meeting Room One, One Capitol Square, 300 West 15th Street, Austin. According to the complete agenda, the board will consider the testimony of John Hall, Chairman, Texas Water Commission concerning agency organization, including: petroleum storage tank program, municipal solid waste/Subtitle D rules; and permitting process; and consider reports concerning natural resource agencies subject to the continuing oversight of the board.

Contact: Carol McGarah, P.O. Box 12068, Austin, Texas 78711, (512) 463-0390.

Filed: August 12, 1992, 10:16 a.m.

TRD-9210995

Texas Department of Licensing and Regulation

Thursday, August 20, 1992, 9 a.m. The Inspections and Investigations, Manufactured Housing of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider a disputed claim by National Park Service of one Wayside Carriage manufactured home, Serial Number 57347512976, Vernon's Texas Civil Statutes, Articles 5221f, §2 and 9100.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 475-2899.

Filed: August 12, 1992, 9:38 a.m.

TR-9210989

Texas State Board of Medical Examiners

Wednesday, August 19, 1992, 12:30 p.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 complete agenda, the division will have a probation appearance by Patrick Anthony Titus, M.D., Houston. (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) 834-4502.

Filed: August 11, 1992, 3:34 p.m.

TRD-9210975

Wednesday, August 19, 1992, 2 p.m. The Long Range Planning Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; discuss Sunset Review; budget/funding/strategic plan; proposed changes to the Medical Practice Act; board rule changes regarding clerkships; and possible rule changes regarding retired physicians. (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) 834-4502.

Filed: August 11, 1992, 3:29 p.m.

TRD-9210967

Thursday, August 20, 1992, 8:30 a.m. The Standing Orders Committee of the Texas State Board of Medical Examiners will

meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; determine eligibility of physician assistant applicant, Stephen Roy Sullivan, due to violation of Physician Assistant Board Rules 185.4(5); discuss proposed physician assistant rules; and adjourn. (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) 834-4502.

Filed: August 11, 1992, 3:29 p.m.

TRD-9210969

Thursday, August 20, 1992, 9 a.m. The Disciplinary Process Review Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of minutes from June meeting; June and July 1992 enforcement reports; discuss new complaint tracking dates; discuss professional liability system, as requested by Long Range Planning Committee; and meet in executive session to review selected files and cases dismissed by Informal Settlement Conferences. (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) 834-4502.

Filed: August 11, 1992, 3:29 p.m.

TRD-9210970

Thursday, August 20, 1992, 9 a.m. The Reciprocity Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; make recommendations of ineligibility; review of June, 1992 SPEX examination statistics; reciprocal endorsement applicants to be considered for permanent licensure; review of reciprocal endorsement applicants; and adjourn. (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) 834-4502.

Filed: August 11, 1992, 3:30 p.m.

TRD-9210971

Thursday, August 20, 1992, 10 a.m. The Examination Committee of the Texas State

Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; review of examination applicants; review of the June 1992 FLEX/Jurisprudence Examination results; examination applicants complete for consideration of licensure; and proposal for a new visiting professor permit. (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) 834-4502.

Filed: August 11, 1992, 3:28 p.m.

TRD-9210966

Friday, August 21, 1992, 8 a.m. The Finance Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; discuss financial statements and budget; and adjourn. (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) 834-4502.

Filed: August 11, 1992, 3:29 p.m.

TRD-9210968

Friday, August 21, 1992, 8 a.m. The Public Information Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; newsletter: updates on survey from newsletter; future articles for newsletter; frequency of publication for newsletter; future budget for public awareness; report on Texas Tech MEDNET Project-October 14, 1992; and adjourn. (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) 834-4502.

Filed: August 11, 1992, 3:30 p.m.

TRD-9210972

Friday, August 21, 1992, 8:30 a.m. The Medical School Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; discuss agenda for medical school visits for 1992-1993; and adjourn. (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) 834-4502.

Filed: August 11, 1992, 3:34 p.m.

TRD-9210974

Thursday-Saturday, August 20-22, 1992, 1:30 p.m., 9 a.m., and 8:30 a. m. respectively. The Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the board will review USMLE examination; proposed rule change; policy decision regarding performance of electromyographic tests; proposals for decision; licensure hearing; officer election; approvals of orders; discuss approval of minutes; reports; probationary appearances; requests for modification and termination of probation; request for rehabilitation permit; board hearing; request for reinstatement; approval of duplicate licenses; approval of proposed modifications to disciplinary guidelines; approval of committee appointment; and executive director's report to include: discussion of Sunset Review; Acupuncturist Advisory Committee; Senate Bill 3; investigator training; Tonn Report regarding medical liability; Governor's Health Policy Task Force; Texas Tech MEDNET; and Texas Research League report. (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) 834-4502.

Filed: August 11, 1992, 3:38 p.m.

TRD-9210976

Polygraph Examiners Board

Friday, August 21, 1992, 10 a.m. The Polygraph Examiners Board will meet at the Holiday Inn Austin Airport, 6911 North IH-35, Board Room III, Austin. According to the complete agenda, the board will consider applications for licensure; discuss 1994-1995 budget request; strategic plan; hearings on Board Complaints C-05-FY92 and C-06-FY92; and discuss accreditation process for board approved polygraph schools.

Contact: Bryan M. Perot, P.O. Box 4087, Austin, Texas 78773, (512) 465-2058.

Filed: August 11, 1992, 2:48 p.m.

TRD-9210959

Texas Public Finance Authority

Tuesday, August 25, 1992, 9 a.m. (Rescheduled from August 12, 1992, at 9 a.m.). The Board of the Texas Public Finance Authority will meet at 300 West 15th Street, Senate Meeting Room 1, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of the minutes; consider: creation of a Series B commercial paper program, and related matters; structuring of bond refunding issues in view of recommendations by staff and FA; selection of underwriter firms to accomplish sale of refunding bonds; selection of bond counsel (sale of general obligation bonds at 11 a.m. CDT); select winning bidder and consider resolution authorizing issuance of bonds; consider TPFPA procedures for the development, distribution and processing of RFP's; meet in executive session to review status of executive director and other key staff personnel (Article 6252-17g); and consider TPFPA 1994-1995 administrative budget.

Contact: Rachael Caron, 300 West 15th Street, Suite 411, Austin, Texas 78701, (512) 463-5544.

Filed: August 12, 1992, 3:49 p.m.

TRD-9211045

Public Utility Commission of Texas

Monday, August 24, 1992, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11262-application of Fort Bend Telephone Company for approval of custom local area signaling service.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 12, 1992, 3:04 p.m.

TRD-9211039

Wednesday, December 16, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11088-application of the City of Lubbock to amend certificated service area boundaries within Lubbock County.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 11, 1992, 2:29 p.m.

TRD-9210956

Texas Savings and Loan Department

Monday, August 24, 1992, 10 a.m. The Texas Savings and Loan Department will meet at the State Office of Administrative Hearings, 300 West 15th Street, Room 408, Austin. According to the agenda summary, the department will hold a hearing to accumulate a record of evidence in regard to the application of First American Savings Banc, Bedford, Tarrant County for a branch office to be located at 222 West Southlake Boulevard, Southlake, Tarrant County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Shirley T. Burton, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 475-1350.

Filed: August 12, 1992, 10:31 a.m.

TRD-9210998

Secretary of State

Thursday-Friday, August 20-21, 1992, noon and 9 a.m. respectively. The Task Force on Economic Transition of the Secretary of State will meet at Tracor, Inc., 6500 Tracor Lane, Austin. According to the complete agenda, the task force will welcome and make introductions (Dr. Lloyd Jeff Dumas); resource discussion (Mike Klonsinski, Texas Department of Commerce); facilitator toward final actions (W.C. Enmon, Governor's Management Office); and working groups form, meet, and prepare reports. On Friday, the task force will make introductions (John Hannah, Jr.); staff progress report (Winsome Jean); report from August 20 Industry Subcommittee meeting; presentation on Texas Partnership for Economic Development (Tom Lardner); presentation-Smart Jobs Training Plan (Cynthia Mugerauer, State Job Training Coordinating Council, Texas Department of Commerce); structure categories for Volume 11 recommendations (Dr. Lloyd Jeff Dumas); and subcommittees will meet and report back to group.

Contact: Katy Davis, Capitol Building, Room 127, Austin, Texas 78711, (512) 463-9982.

Filed: August 12, 1992, 3:28 p.m.

TRD-9211041

Senate Interim Committee on State Affairs

Monday, August 24, 1992, 9 a.m. The Subcommittee on Workforce Development of the Senate Interim Committee on State Affairs will meet at the El Paso City Council Chambers, Number Two Civic Center Plaza, El Paso. According to the complete agenda, the subcommittee will call the meeting to order; hear public testimony on where Texas is in terms of developing its work force to meet the needs of its citizens and ensure economic competitiveness with other states and other countries. Testimony will also be taken on how the El Paso community is handling the challenges of developing a high skilled work force, and its goals and what should its goals should be.

Contact: Paticia Hicks, P.O. Box 12068, Sam Houston Building, #904, Austin, Texas 78711, (512) 463-0380.

Filed: August 12, 1992, 2:26 p.m.

TRD-9211032

Texas Tech University

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Academic, Student and Administrative Affairs Committee of Texas Tech University will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the May 14, 1992 minutes; consider resolution proclaiming Texas Tech University support for Lubbock becoming an AMERICA 2000 community; ratify change name of Home Economics Instructional Curriculum Center to the Home Economics Curriculum Center; combining departments of Anthropology and Sociology; and renaming leaves of absence and commissioning of peace officers; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:59 p.m.

TRD-9211024

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Finance Committee of Texas Tech University will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the May 14, 1992 minutes; consider FY 1993 operating budget; participation in master equipment financing program; new board policy on extension of credit; renewal of medical claims administration contract; extension of lease of space agreement with First National Bank; extension of campus bus service contract with

City of Lubbock; employment contracts for five coaches and increase in salary for three coaches; budget adjustment for March, April, May and June; ratify delegation of authority; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:59 p.m.

TRD-9211025

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Campus and Building Committee of Texas Tech University will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the May 14, 1992, minutes; consider submission of campus master plan to coordinating board; location of sculpture for Ronald McDonald House leased premises; construction of U.S. Department of Agric Plant Stress and Water Conservation Lab; appoint project architect for Ph. III renovation of Fisheries and Wildlife Research Building; establish line of credit and execute loan agreement with LoanSTAR Program to fund energy cost reduction measures; appoint project engineer and receive bids for underground vault for emergency fuel oil storage tanks at Central Heating and Cooling Plant II; amend contract for Phase II of renovation and addition to Physical Plant; award contract for renovation of Coronado Room in University Center; proceed with planning and budget for replacement of roof on Wall/Gates residence halls; rename electrical distribution building; ratify food science reroof contract and appoint project engineer to perform emergency repairs of university greenhouse; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 2 p.m.

TRD-9211026

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Development and Public Affairs Committee of Texas Tech University will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the May 14, 1992 minutes; consider acceptance of gift-in-kind with value in excess of \$25,000; appoint members to Board of Directors of Texas Tech University Foundation; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 2 p.m.

TRD-9211027

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Research Affairs Committee of Texas Tech University will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the May 14, 1992 minutes; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 2 p.m.

TRD-9211028

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Governmental Affairs of Texas Tech University will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the March 26, 1992 minutes; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 2 p.m.

TRD-9211029

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Committee of the Whole of Texas Tech University will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will consider president's salary effective September 1, 1991; meet in executive session, Vernon's Annotated Civil Statutes, Article 6252-17 (e) to consult with president and general counsel regarding pending and contemplated litigation, settlement offers, settlement negotiations and matters confidential pursuant to Code of Professional Responsibility of State Bar of Texas; discussion of prospective gifts to the University and Health Sciences Center and contractual negotiations contemplated and those in progress; discussion concerning evaluation and duties of Texas Tech University and Texas Tech University Health Sciences Center officers and employees; and conference with various employees for the purpose of receiving information and asking questions of employees.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 2:01 p.m.

TRD-9211039

Friday, August 21, 1992, 9:50 a.m. The Board of Regents of Texas Tech University will meet at the Administration Building, Campus, Board Suite, Lubbock. According to the agenda summary, the board will report and act on: approval of the minutes; academic, student and administrative af-

fairs; finance; campus and building; development and public affairs; and committee of the whole.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:59 p.m.

TRD-9211023

Texas Tech University Health Sciences Center

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Academic, Student, Clinical and Administrative Affairs Committee of the Texas Tech University Health Sciences Center will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the May 14, 1992 minutes; consider addendums to affiliation agreement with St. Mary of the Plains Hospital and to the master coordinating agreement with University Medical Center for resident services funding; agreements with El Paso County Hospital District doing business as R. E. Thomason General Hospital Master Consolidation agreement for various medical services; agreement with R. E. Thomason General Hospital for resident services funding; interagency cooperation contract with Department of Criminal Justice to provide medical care to prison inmates; agreement with William Beaumont Army Medical Center for Department of Emergency Medicine funding of faculty and resident services; name change of Department of Microbiology; granting of emeritus status; ratify commission of peace officers, faculty development leave and leave of absence; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:58 p.m.

TRD-9211016

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Finance Committee of Texas Tech University Health Sciences Center will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the May 15, 1992 minutes; consider FY 1993 operating Budget; participation in master equipment financing program; new board of regents policy on extension of credit; contract for medical claims administration; establishment of quasi-endowments; budget adjustments for April, May and June; ratify delegation of authority; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:58 p.m.

TRD-9211017

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Campus and Building Committee of Texas Tech University Health Sciences Center will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the May 14, 1992 minutes; consider submission of campus master plan to coordinating board; appoint architects/engineers and accept bids for renovation and enclosure of HSC building patio deck and atrium courtyard; Phase II relocation of OB/GYN Department to third level, Pod B of HSC Building; expansion of psychiatry Department/Southwest Institute to first level, Pod C of HSC Building; Phase I of development of research laboratories and faculty offices on fifth level, Pod C, HSC Building; proceed with bids and award construction contract for repair of emergency room ramp at first level, Pod A; proceed with contract documents for expansion of Emergency Center on first level, Pod A, of HSC Building, ratify award of contract for Phase I, OB/Gyn third level, Pod B, HSC Building; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:58 p.m.

TRD-9211018

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Development and Public Affairs Committee of the Texas Tech University Health Sciences Center will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the May 14, 1992 minutes; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:58 p.m.

TRD-9211019

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Research Affairs Committee of Texas Tech University Health Sciences Center will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the May 14, 1992, minutes; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:59 p.m.

TRD-9211020

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents Governmental Affairs Committee of Texas Tech University Health Sciences Center will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will discuss approval of the March 26, 1992 minutes; and reports.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:59 p.m.

TRD-9211021

Thursday, August 20, 1992, 10:30 a.m. The Committee of the Whole of the Board of Regents of Texas Tech University Health Sciences Center will meet at the Health Sciences Center Building, Campus, Room 2B152, Lubbock. According to the complete agenda, the committee will consider president's salary effective September 1, 1992; meet in executive session, Vernon's Annotated Civil Statutes, Article 6252-17 (e) to consult with president and general counsel regarding pending and contemplated litigation, settlement offers, settlement negotiations and matters confidential pursuant to Code of Professional Responsibility of State Bar of Texas; discussion of prospective gifts to the University and Health Sciences Center and contractual negotiations contemplated and those in progress; discussion concerning evaluation and duties of Texas Tech University and Texas Tech University Health Sciences Center officers and employees; and conference with various employees for the purpose of receiving information and asking questions of employees.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:59 p.m.

TRD-9211022

Thursday, August 20, 1992, 10:30 a.m. The Board of Regents of Texas Tech University Health Sciences Center will meet at the Administration Building, Campus, Board Suite, Lubbock. According to the agenda summary, the board will report and act on: approval of the minutes; president's report; academic, student, clinical and administrative affairs; finance; campus and building; development and public affairs; and committee of the whole.

Contact: Anne Davis, P.O. Box 42011, Lubbock, Texas 79409-2011, (806) 742-2161.

Filed: August 12, 1992, 1:58 p.m.

TRD-9211015

University of Houston

Monday, August 17, 1992, 2 p.m. The Animal Care Committee of the University of Houston met at the University of Houston, S&R II, Room 201, 4800 Calhoun Boulevard, Houston. According to the agenda summary, the committee discussed approval of July 20, 1992, minutes; agenda to protocols; renewal protocols; and discussed other business.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 743-9221.

Filed: August 11, 1992, 10:31 a.m.

TRD-9210946

University Interscholastic League

Tuesday, August 18, 1992, 10:30 a.m. The Waiver Review Board of the University Interscholastic League will meet at the Omni Hotel, Eighth and San Jacinto Streets, Austin. According to the agenda summary, the board will request waiver of Marcus Goodyear, Marshall High School of four year rule; request waiver of J. Kenneth Hargrove, Blue Ridge High School of four year rule; and Enrique Martinez, Pace High School of four year rule.

Contact: Charles Breithaupt, 2622 Wichita, Austin, Texas 78705, (512) 471-5883.

Filed: August 12, 1992, 3:34 p.m.

TRD-9211042

Texas Water Commission

Tuesday, August 18, 1992, 9:30 a.m. The Task Force 21: Waste Management Policy for the Future of the Texas Water Commission will hold an emergency meeting at the John H. Reagan Building, 105 West 15th Street, Room 102, Austin. According to the agenda summary, the Revenue Subcommittee Task Force 21 discussed various issues related to funding for the consolidated state environmental agency, Texas Natural Resource Conservation Commission for the 1994-1995 biennium. The emergency status was necessary as did not receive sufficient notice and agenda to file on a timely basis.

Contact: Stephen Minick, 1700 North Congress Avenue, Austin, Texas 78701-3087, (512) 463-8227.

Filed: August 13, 1992, 9:53 a.m.

TRD-9211076

Thursday, August 20, 1992, 10 a.m. The Texas Groundwater Protection Committee of the Texas Water Commission will meet at the John H. Reagan Building, 105 West

15th Street, Room 104, Austin. According to the agenda summary, the committee will discuss and take action on the following: subcommittee reports presented from Agricultural Chemicals, Groundwater Classification, Data Management, Joint Ground Water Monitoring and Contamination; presentation from Texas State Soil and Water Conservation Board; discussion on the committee's report to the next legislature for the 1991-1992 biennium; status update on NPS Ground Water Program, Texas Water Well Drillers Board and Ground Water Quality Subcommittee; and discussion of State Comprehensive Ground-Water Protection Program and related EPA grant conditions.

Contact: Mary Ambrose, 1700 North Congress Avenue, Austin, Texas 78711-3087, (512) 463-8069.

Filed: August 12, 1992, 2:44 p.m.

TRD-9211033

Friday, August 21, 1992, 8 a.m. The Municipal Solid Waste Management and Resource Recovery Council of the Texas Water Commission will meet at the Red Lion Hotel, IH-35 and Highway 290 West, Austin. According to the agenda summary, the council will discuss the following issues: introductions/announcements; discuss approval of its June 12, 1992 meeting minutes; vote on rules of procedure; future advisory council meeting dates; attendance reports; committee reports from Waste Management Policy Division, Municipal Solid Acting Division Director, Clean Texas 2000, Composting Committee, Budget Committee, Regulatory Oversight Committee, Education Committee, Legislative Committee, Recycling Committee and Conference Planning Committee; and update on status of subtitle D rules and other issues.

Contact: Gary Trim, 1700 North Congress Avenue, Austin, Texas 78711-3087, (512) 834-6625.

Filed: August 13, 1992, 9:48 a.m.

TRD-9211075

Monday, September 14, 1992, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1149B, Austin. According to the agenda summary, the commission will hold a hearing to consider Elm Valley Park Development Company, Inc.'s water rate increase effective May 28, 1992, for its service area located in Bexar County. Docket Number 9477-G.

Contact: Leslie Craven, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: August 13, 1992, 9:12 a.m.

TRD-9211061

Thursday, September 17, 1992, 10 a.m. The Stephen F. Austin Building, 1700 North Congress Avenue, Room 1028A,

Austin. According to the agenda summary, the commission will hold a hearing to consider Paula L. Ryan's application for a certificate of convenience and necessity to allow her to provide water utility service in Dallas County. The staff of the Texas Water Commission has requested a hearing on this application. Docket Number 9362-C.

Contact: Sally Colbert, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: August 13, 1992, 9:11 a.m.

TRD-9211059

Monday, September 21, 1992, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 119, Austin. According to the agenda summary, the commission will hold a hearing to consider Britmore Utility, Inc., Creekside Utility, Inc. Redwood Utility, Inc., and Peek Road Utility, Inc.'s sewer and/or water rate increases effective February 28, 1992, for their service areas located in Harris County. The staff of the Texas Water Commission has requested a hearing because of concerns about unmetered connections and possible discriminatory rates. The final utility rates determined at the hearing may be higher than the noticed rates for some customers, due to possible discriminatory rates.

Contact: William C. Harris, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: August 13, 1992, 9:12 a.m.

TRD-9211060

Wednesday, September 23, 1992, 9 a.m. 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 consider San Antonio Federal Credit Union and Vista Management Company, Agent for First South Savings' Application Number 5424 for a water use permit to maintain a dam and reservoir on an unnamed tributary (known locally as Kelly Creek) of Spring Creek, tributary of the Guadalupe River, Guadalupe River Basin, Victoria County. The dam and reservoir will be used for in-place recreational purposes approximately four miles north of the Victoria County Courthouse.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78701, (512) 371-6386.

Filed: August 13, 1992, 9:11 a.m.

TRD-9211058

Wednesday, October 14, 1992, 9 a.m. 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 com-

mission will hold a hearing on the Lower Colorado River Authority's proposed amendments to their Water Management and Drought Management plans. Copies of the proposed Water Management and Drought Management Plan, as amended, are available for public inspection at the offices of the County Clerks of the following counties: San Saba, Llano, Burnet, Blanco, Bastrop, Fayette, Colorado, Wharton, and Matagorda. Hours for public inspection are from 8 a.m. to 5 p.m. Monday-Friday.

Contact: Jerry Boyd, P.O. Box 13087, Austin, Texas 78701, (512) 371-6354.

Filed: August 13, 1992, 9:11 a.m.

TRD-9211056

Wednesday, October 28, 1992, 9 a.m. 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 on Arlington Sports Facilities Development Authority, Inc.'s Application Number 5425 for a water right permit to construct and maintain a dam and create a reservoir on Johnson Creek, tributary of the Trinity River, Trinity River Basin. The dam and reservoir will be used for in-place recreational purposes (in conjunction with a new baseball stadium for the Texas Rangers) in Tarrant County, approximately 15.5 miles east of Arlington.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78701, (512) 371-6386.

Filed: August 13, 1992, 9:11 a.m.

TRD-9211055

Wednesday, October 28, 1992, 9 a.m. 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 on Texas Parks and Wildlife Department, Design and Construction Division's Application Number 18-1975A to amend Certificate of Adjudication Number 18-1975. Certificate 18-1975 authorizes owner to divert and use not to exceed 400 acre-feet of water per annum from Fessenden Branch, tributary of Johnson Creek, tributary of Guadalupe River, Guadalupe River Basin at a maximum diversion rate of 25 cfs (11,225 gpm) for fish hatchery and game preserve purposes, Kerr County.

Contact: Lann Bookout, P.O. Box 13087, Austin, Texas 78701, (512) 371-6385.

Filed: August 13, 1992, 9:11 a.m.

TRD-9211057

Texas Water Development Board

Wednesday, August 19, 1992, 3 p.m. The Audit Committee of the Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 513-F, Austin. According to the complete agenda, the committee will consider approval of the minutes of the July 15, 1992 meeting; discuss and consider for adoption the FYE August 31, 1993 Annual Plan for the Internal Audit Division; and recess into executive session to discuss personnel and may reconvene to take action. 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 Donna Darling at 463-8422 two (2) work days prior to the meeting so that appropriate arrangements can be made.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: August 11, 1992, 3:57 p.m.

TRD-9210980

Wednesday, August 19, 1992, 4 p.m. The Finance Committee of the Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 513-F, Austin. According to the complete agenda, the committee will consider approval of the minutes of the July 15, 1992 meeting; may be briefed on the status of structuring a long-term SRF revenue bond sale and other funding and programmatic issues for the SRF; may consider items relating to any pending or prospective applications for funding; and may discuss items on the agenda of the August 20, 1992 board meeting. 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 Donna Darling at 463-8422 two (2) work days prior to the meeting so that appropriate arrangements can be made. Additional non-committee board members may be present to deliberate but will not vote in the committee meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: August 11, 1992, 3:57 p.m.

TRD-9210979

Thursday, August 20, 1992, 9 a.m. The Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the board will discuss approval of minutes; DFM's

report; financial assistance to Nacogdoches, Carthage, Hitchcock, Brownsville, San Juan, Palmview, Palo Pinto County MWD #1, East Cedar Creek FWSD, and IBWC; agricultural conservation grants; partial loan closing for Woodbranch Village; funds transfer to SRF; additional conditions for Fort Worth; contracts with Texas Department of Health, Upper Colorado River Authority, Barton Springs/Edwards Aquifer Conservation District and El Paso County Lower Valley WDA; FY 93 environmental study contracts; Texas Public Finance Authority agreement and requests; lending rate policies; investment banker for non-SRF loans; release of draft Texas Water Plan update; facility needs survey of economically distressed areas; FY 94-95 budget request; amendment of Lake Texana water right; amendment to sale and servicing agreement; finance/audit committee meeting items; litigation; and SJRA board appointment.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: August 12, 1992, 2:49 p.m.

TRD-9211036

Texas Water Resources Finance Authority

Thursday, August 20, 1992, 9 a.m. The Texas Water Resources Finance Authority will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the complete agenda, the authority will consider approval of the minutes of the regular meeting of July 16, 1992; consider authorizing the executive administrator to execute a contract with First Southwest Company to provide services related to the sale of political subdivision bonds from the TWRFA portfolio; establishing a policy on selling additional political subdivision bonds from the TWRFA portfolio; requesting proposals for marketing services if the authority permits the sale of political subdivision bonds from the TWRFA portfolio in the future; and consider amendment to the sale and servicing agreement between the Texas Water Resources Finance Authority and the Texas Water Development Board.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: August 12, 1992, 2:49 p.m.

TRD-9211037

Regional Meetings

Meetings Filed August 11, 1992

The Austin Transportation Study Policy Advisory Committee will meet at the Joe C. Thompson Conference Center, Room 2.102, 26th and Red River Streets, Austin, August 18, 1992, at 6 p.m. Information may be obtained from Joseph Gieselman, 811 Barton Springs Road, Suite 700, Austin, Texas 78704, (512) 472-7483. TRD-9210981.

The Brazos Valley Development Council Regional Review Committee met at the Brazos Center, 3232 Briarcrest, 108, Bryan, August 17, 1992, at 1:30 p.m. Information may be obtained from Jill Hyde, P.O. Drawer 4128, Bryan, Texas 77802, (409) 776-2277. TRD-9210953.

The County Education District Number Six Board of Trustees will meet at the Brownfield ISD Administration Building, 601 Tahoka Road, Brownfield, August 18, 1992, at 7 p.m. Information may be obtained from Larry R. Throm, 1628 19th Street, Lubbock, Texas 79401, (806) 766-1092. TRD-9210962.

The Hale County Appraisal District Board of Directors will meet at 302 West Eighth Street, Plainview, August 20, 1992, at 7:30 p.m. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4426. TRD-9210977.

The Hays County Appraisal District Appraisal Review Board met at 632 A East Hopkins, Municipal Building, San Marcos, August 17, 1992, at 9 a.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9210983.

The Hays County Appraisal District Appraisal Review Board will meet at 632 A East Hopkins, Municipal Building, San Marcos, August 19, 1992, at 9 a.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9210982.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl Street, District Office, Granbury, August 18, 1992, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9210978.

The Jack County Education District Board of Directors met at 819 West Belknap, Jacksboro ISD Agriculture Sciences Building, Jacksboro, August 14, 1992, at 6 p.m. Information may be obtained from Gary Zeitler, 812 West Belknap, Jacksboro, Texas 76458, (817) 567-5544. TRD-9210964.

The Limestone County Appraisal District Board of Directors will meet at the Board Room, Basement of Limestone County Courthouse, Groesbeck, August 19, 1992, at 1 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9210955.

The Region 18 Education Service Center Board of Directors will meet at 2811 LaForce Boulevard, Midland, August 20, 1992, at 7 p.m. Information may be obtained from Dr. Vernon Stokes, P.O. Box 60580, Midland, Texas 79711, (915) 563-2380. TRD-9210952.

The Trinity River Authority of Texas Utility Services Committee will meet at 5300 South Collins, Tarrant County, Arlington, August 18, 1992, at 10:30 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9210965.

Meetings Filed August 12, 1992

The County Education District Number Six Board of Trustees will meet at the Brownfield I.S.D. Administration Building, 601 Tahoka Road, Brownfield, August 18, 1992, at 7 p.m. Information may be obtained from Larry R. Throm, 1628 19th Street, Lubbock, Texas 79401, (806) 766-1092. TRD-9211003.

The East Texas Council of Governments Private Industry Council will meet at the ETCOG Office, Kilgore, August 20, 1992, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9211004.

The Education Service Center, Region II Board of Directors will meet at Joe Cotten's Bar-B-Que, Highway 77, Robstown, August 19, 1992, at 6 p.m. Information may be obtained from Dr. Ernest Zamora, 209 North Water Street, Corpus Christi, Texas 78401, (512) 883-9288. TRD-9211044.

The Education Service Center, Region II Board of Directors/Regional Advisory Committee will meet at Joe Cotten's Bar-B-Que, Highway 77, Robstown, August 19, 1992, at 6:45 p.m. Information may be obtained from Dr. Ernest Zamora, 209 North Water Street, Corpus Christi, Texas 78401, (512) 883-9288. TRD-9211043.

The Education Service Center, Region XV Board of Directors will meet at the ESC Region XV, 612 South Irene Street, Conference Room One, San Angelo, August 18, 1992, at 1:30 p.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 658-6571. TRD-0210985.

The Ellis County Appraisal District Board of Directors will meet at 406 Sycamore Street, Waxahachie, August 20, 1992, at 7 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9211008.

The Galveston County Education District Board of Trustees will meet at the Education Center, Board Room of Clear Creek ISD, 2425 East Main Street, League City, August 26, 1992, at 7 p.m. Information may be obtained from Ted L. Thomas, P.O. Box 321, Friendswood, Texas 77546, (713) 482-2205. TRD-9211052.

The Heart of Texas Council of Governments Private Industry Council will meet at the Lime Lite, Lake Whitney, August 20, 1992, at 3:30 p.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76705, (817) 756-7822. TRD-9211038.

The Houston-Galveston Area Council Projects Review Committee will meet at 3555 Timmons Lane, Board of Directors Conference Room, Fourth Floor, Houston, August 18, 1992, at 8:30 a.m. Information may be obtained from R. Ballas, 3555 Timmons Lane, Houston, Texas 77027, (713) 627-3200. TRD-9211000.

The Houston-Galveston Area Council H-GAC Board of Directors will meet at 3555 Timmons Lane, Board of Directors' Conference Room, Fourth Floor, Houston, August 18, 1992, at 10 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9210999.

The Kaufman County Education District Board of Trustees will meet at 3950 South Houston Street, Kaufman, August 18, 1992, at 7 p.m. Information may be obtained from Carolyn Harrison, P.O. Box 819, Kaufman, Texas 75142, (214) 932-6081. TRD-9210984.

The Lamar County Appraisal District Board will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, August 18, 1992, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 758-7822. TRD-9211046.

The Lee County Appraisal District Appraisal Review Board will meet at 218 East Richmond Street, Giddings, August 19, 1992, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9210988.

The Middle Rio Grande Development Council Private Industry Council will meet at the Holiday Inn, 920 East Main Street, Uvalde, August 19, 1992, at 1:30 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs,

Texas 78834, (512) 876-3533. TRD-9211002.

The North Texas Municipal Water District Board of Directors will meet at the Administrative Offices, 505 East Brown Street, Wylie, August 27, 1992, at 4 p.m. Information may be obtained from Carl W. Riehn, P.O. Box 2408, Wylie, Texas 75098, (214) 442-5405. TRD-9211014.

The Nueces River Authority Board of Directors will meet at the Plaza San Antonio Hotel, 555 South Alamo Street, San Antonio, August 21, 1992, at 11 a.m. Information may be obtained from Con Mims, P.O. Box 349, Uvalde, Texas 78802, (512) 278-6810. TRD-9211013.

The Panhandle Ground Water Conservation District Number Three Board of Directors met at the Water District Office, 300 South Omohundro, White Deer, August 17, 1992, at 8 p.m. Information may be obtained from C. E. Williams, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9211050.

The Panhandle Ground Water Conservation District Number Three Board of Directors met at the Water District Office, 300 South Omohundro, White Deer, August 17, 1992, at 8:30 p.m. Information may be obtained from C. E. Williams, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9211049.

The Panhandle Regional Planning Commission Board of Directors will meet at 2736 West Tenth, PRPC Board Room, August 20, 1992, at 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381. TRD-9211047.

The Trinity River Authority of Texas Legal Committee will meet at 5300 South Collins, Tarrant County, Arlington, August

19, 1992, at 9 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9211001.

◆ ◆ ◆
**Meetings Filed August 13,
1992**

The Education Service Center, Region XI Board of Directors will meet at the Education Service Center, Region XI, 3001 North Freeway, Fort Worth, August 25, 1992, at noon. Information may be obtained from R. P. Campbell, 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9211065.

The Guadalupe-Blanco River Authority Board of Directors will meet at the Authority's Offices, 933 East Court Street, Seguin, August 20, 1992, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822. TRD-9211064.

The Heart of Texas Council of Governments Executive Committee will meet at the Bellmead Civic Center, 3900 Parrish, Waco, August 27, 1992, at 10 a.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76705, (817) 756-7822. TRD-9211062.

The Heart of Texas Council of Governments Board of Directors will meet at the Bellmead Civic Center, 3900 Parrish, Waco, August 27, 1992, at 1 p.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76705, (817) 756-7822. TRD-9211063.

The Hunt County Appraisal District Appraisal Review Board will meet at the Hunt County Appraisal District, Board Room, 4801 King Street, Greenville, August

24-28, 1992, at 8:25 a.m. Information may be obtained from Shirley, P.O. Box 1339, Greenville, Texas 75401, (903) 454-3510. TRD-9211071.

The Jones-Stonewall County Education District Number 28 Board of Trustees will meet at the Appraisal District Office, 1137 East Court Plaza, Anson, August 20, 1992, at 9 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422. TRD-9211066.

The Jones-Stonewall County Education District Number 28 Board of Trustees will meet at the Appraisal District Office, 1137 East Court Plaza, Anson, August 24, 1992, at 9 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422. TRD-9211067.

The Region III Education Service Center Board of Directors met at the Ramada Inn, 3901 Houston Highway, Victoria, August 17, 1992, at 11:30 a.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9211054.

The Region III Education Service Center Board of Directors met at 1905 Leary Lane, Victoria, August 17, 1992, at 1:30 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9211053.

The Region VII Education Service Center Board of Directors will meet at Elizabeth's New Orleans Restaurant, Highway 322, Henderson, August 20, 1992, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (903) 984-3071. TRD-9211072.

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 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. §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 September 17, 1992. §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 September 17, 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 the TACB in writing.

Company: Alvin's Wrecking Yard, Location: Lumberton, Hardin County, Type of Facility: owner of property, Rule Violated: Board Rule 111.101, by causing, suffering, allowing, or permitting outdoor burning without the prior written consent of the board, Penalty: \$375, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 3870 Eastex Freeway, Suite 110, Beaumont, Texas 77703, (409) 898-3838 or (409) 898-3790.

Company: Amoco Oil Company, Location: Texas City, Galveston County, Type of Facility: refinery, Rule Violated: Board Rule 101.20, which requires compliance with federal new source performance standards for equipment leaks at synthetic organic chemical plants; Board Rule 101.20(2), which requires compliance with federal national emission standards for hazardous air pollutants (benzene); Board Rule 115.112, failure to install a rim-mounted secondary seal on the external floating roof of Tank Number 184; Board Rule 115.125, failure to conduct initial performance testing on HF Alkylation Unit Number 3 flares,

Penalty: \$21,250, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: Austin Brothers Grain Company, Location: Bowie, Montague County, Type of Facility: grain handling plant, Rule Violated: Board Rule 116.1, constructing and operating a grain handling plant without first obtaining a permit or qualifying for a standard exemption, Penalty: \$0, Staff Attorney: Bill Zeis, (512) 908-1844, Regional Office: 1290 South Willis, Suite 205, Abilene, Texas 79605, (915) 698-9674.

Company: Ball-Dreiling Enterprises, Incorporated d/b/a Comet Cleaners, Location: Arlington, Tarrant County and Irving, Dallas County, Type of Facility: dry cleaning facilities, Rule Violated: Board Rule 115.521, failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or other equally effective control device, Penalty: \$1,000, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Buffalo Auto Sales II, Inc., Location: Pasadena, Harris County, Type of Facility: motor vehicle sales operation, Rule Violated: Board Rule 114.1(c), offering for sale two motor vehicles which were not equipped with the emission control systems or devices with which the motor vehicles were originally equipped, Penalty: \$1,500, Staff Attorney: Terri Phelps, (512) 908-1846, Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: Chemical Dynamics, Inc., Location: Weatherford, Parker County, Type of Facility: chemical milling plant, Rule Violated: Board Rules 116.1, constructing and operating two chromic acid anodizing tanks, sodium hydroxide chemical mill, and metal sludge dryer without first obtaining a permit or qualifying for a standard exemption; Board Rule 111.101, unauthorized outdoor burning; Board Rule 116.5, failing to have filters installed on spray paint booths as required by representations in Permit Application Number C-17473, Penalty: \$12,900, Staff Attorney: Rod Johnson, (512) 908-1854, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-7981 or (817) 732-5532.

Company: City of San Antonio Department of Aviation, Location: San Antonio, Bexar County, Type of Facility: demolition activity, Rule Violated: Board Rule 101.20(2), failing to comply with federal NESHAP provisions for asbestos, Penalty: \$0, Staff Attorney: Terri Phelps, (512) 908-1846, Regional Office: 4335 Piedras West, Suite 101, San Antonio, Texas 78228, (512) 734-7981 or (512) 734-7982.

Company: Edward R. Coleman (d/b/a Rick Coleman), Location: Austin, Travis County, Type of Facility: demolition project located at 8103 Research Boulevard, Rule

Violated: Board Rule 101.20(2), which requires compliance with federal NESHAP provisions for asbestos, Penalty: \$1,000, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240 or (817) 772-9241.

Company: Comet Cleaners, Location: Arlington, Tarrant County, Type of Facility: dry cleaning facility, Rule Violated: Board Rule 115.521, failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or other equally effective control device, Penalty: \$500, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Comet Cleaners, Location: Carrollton, Dallas County, Type of Facility: dry cleaning plant, Rule Violated: Board Rule 115.521, failure to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device, Penalty: \$500, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: El Dorado Chemical Company, Location: Terrell, Kaufman County, Type of Facility: bulk fertilizer storage and handling plant, Rule Violated: Board Rule 116.4, failure to comply with permit provisions requiring paving all parking areas and covering all conveyors, both an air pollution abatement measure required by permit; Board Rule 111.101, conducting unauthorized outdoor burning; and Agreed Board Order Number 91-04(j), Penalty: \$1,500, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: El Dorado Chemical Company, Location: Corsicana, Navarro County, Type of Facility: bulk fertilizer storage and handling plant, Rule Violated: Board Rule 116.1, constructing and operating a bulk fertilizer blending unit without first obtaining a permit or qualifying for a standard exemption, Penalty: \$1,000, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Elf Atochem North America, Inc., Location: Houston, Harris County, Type of Facility: organic chemicals manufacturing plant, Rule Violated: Board Rule 112.7, causing, suffering, allowing, or permitting emissions of sulfur dioxide from a source or sources operated on a property or multiple sources operated on contiguous properties exceeding a net ground level concentration of 0.28 ppm averaged over any 30-minute period, Penalty: \$41,000, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: General Tire, Location: Waco, McLennan County, Type of Facility: owner of building or buildings, Rule Violated: Board Rule 101.20(2), failure to comply with federal national emission standards for hazardous air pollutants provisions for asbestos, Penalty: \$7,000, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240 or (817) 772-9241.

Company: Goodyear Auto Service Center Store #4164, Location: Arlington, Tarrant County, Type of Facility: automotive service store, Rule Violated: Board Rule

114.3(b), issuing a vehicle inspection certificate without completely and properly performing all air pollution emission control-related requirements, Penalty: \$1,000, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Goodyear Tire and Rubber Company, Location: Greenville, Hunt County, Type of Facility: tire tread injection molding plant, Rule Violated: Board Rule 116.4, failing to perform stack testing as required in Special Provision Number 2 of Permit Number S-18281, Penalty: \$5,000, Staff Attorney: Terri Phelps, (512) 908-1846, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Great Western Diversified, Inc., Location: El Paso, El Paso County, Type of Facility: polystyrene bead expansion plant, Rule Violated: Board Rule 116.1, constructing and operating a polystyrene bead expansion plant without first obtaining a permit or qualifying for a standard exemption, Penalty: \$2,200, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 1200 Golden Key Circle, Suite 369, El Paso, Texas 79925, (915) 591-8128 or (915) 591-8129.

Company: Green Manufacturing Company, Inc., Location: Terrell, Kaufman County, Type of Facility: lead-acid battery manufacturing plant, Rule Violated: Board Rule 116.1, constructing and operating a cast-on-strap machine and an associated 2,000-pound lead melting pot without first obtaining a permit or qualifying for a standard exemption, Penalty: \$750, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: H & M Food Systems, Location: Richland Hills, Tarrant County, Type of Facility: pepperoni and meat crumbles manufacturing plant, Rule Violated: Board Rule 101.4, nuisance level odor emissions, Penalty: \$6,000, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Janik Incorporated (d/b/a One Hour Martinizing), Location: Irving, Dallas County, Type of Facility: dry cleaning facility, Rule Violated: Board Rule 115.521, failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or other equally effective control device, Penalty: \$500, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: JPV, Incorporated (formerly d/b/a Esquire Cleaners), Location: Arlington, Tarrant County, Type of Facility: dry cleaning facility, Rule Violated: Board Rule 115.521, failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device, Penalty: \$500, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531.

Company: Koch Materials Company (published in the July 21, 1992, issue of the *Texas Register*, republishing due to minor change of order provisions), Location: Ennis, Ellis County, Type of Facility: asphalt blowing plant, Rule Violated: Board Rule 101.4, nuisance level emissions;

Board Rule 101.6, failing to notify the executive director of TACB of a major upset condition, Penalty: \$7,000, Staff Attorney: Rodman C. Johnson, (512) 908-1854, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (713) 732-5531 or (713) 732-5532.

Company: Lyondell Petrochemical Company, Location: Houston, Harris County, Type of Facility: refinery, Rule Violated: Board Rule 101.6, failure to give timely notice to the board of a major upset; Board Rule 101.20(2), violations of national emission standards for hazardous air pollutants; Board Rule 115.324(2), performing annual, rather than quarterly monitoring of emissions from plant compressor seals, pump seals, pipeline valves, and pressure relief valves, Penalty: \$47,500, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 5555 West Loop, Suite 312, Bellaire, Texas 77401, (712) 666-4964.

Company: Riley Enterprises, Inc., Location: Kennedale, Tarrant County, Type of Facility: machining, welding, and sandblasting plant, Rule Violated: Board Rule 116.1, operating its sandblasting unit without first obtaining a permit or qualifying for a standard exemption, Penalty: \$500, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Rudy Matkins (formerly d/b/a Rudy's Paint Shop), Location: Greenville, Hunt County, Type of Facility: paint shop, Rule Violated: Board Rule 116.1, constructing and operating a paint booth without first obtaining a permit or qualifying for a standard exemption, Penalty: \$750, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Occidental Chemical Corporation, Location: Deer Park, Harris County, Type of Facility: electrochemicals manufacturing plant, Rule Violated: Board Rule 114.1(a), operating a motor vehicle without the required catalytic converter; Board Rule 115.412(1)(A), failing to keep the cover closed on a cold solvent cleaner when parts were not being handled; Board Rule 115.412(1)(C), failing to attach a permanent label summarizing the operating requirements to the cold solvent cleaner, Penalty: \$2,000, Staff Attorney: Terri Phelps, (512) 908-1846, Regional office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: Omni Cleaners, Location: Irving, Dallas County, Type of Facility: dry cleaning facility, Rule Violated: Board Rule 115.521, failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device, Penalty: \$500, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Phillips Petroleum Company, Location: Pasadena, Harris County, Type of Facility: petrochemical plant, Rule Violated: Board Rule 101.20(1), violating applicable new source performance standards promulgated by the Environmental Protection Agency (EPA); Board Rule 115.332(2), failing to repair leaking valves (14) within 15 days, Penalty: \$10,500, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: Scott Polymers, Inc., Location: Saginaw, Tarrant County, Type of Facility: impregnated polystyrene bead manufacturing plant, Rule Violated: Board Rule 116.1, constructing and operating two long-term dryers and two batchout tanks without first obtaining a permit or qualifying for a standard exemption; Board Rule 116.4, exceeding the permitted pentane emissions allowable, Penalty: \$41,900, 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.

Company: Security Air Park, Inc., Location: San Antonio, Bexar County, Type of Facility: demolition activity, Rule Violated: Board Rule 101.20(2), failing to comply with federal NESHAP provisions for asbestos, Penalty: \$1,000, Staff Attorney: Terri Phelps, (512) 908-1846, Regional Office: 4335 Piedras West, Suite 101, San Antonio, Texas 78228, (512) 734-7981 or (512) 734-7982.

Company: Signtech USA, Incorporated, Location: San Antonio, Bexar County, Type of Facility: vinyl sign manufacturing plant, Rule Violated: Board Rule 116.1, constructing and operating a vinyl sign manufacturing plant without first obtaining a permit or qualifying for a standard exemption, Penalty: \$14,325, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 4335 Piedras West, Suite 101, San Antonio, Texas 78228, (512) 734-7981 or (512) 734-7982.

Company: Sonoco Products, Baker Reel Division, Location: Jefferson, Marion County, Type of Facility: wooden reels for cables manufacturing plant, Rule Violated: Board Rule 116.1, modifying a wooden reel for cables manufacturing plant without prior authorization, Penalty: \$750, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 1304 South Vine Avenue, Tyler, Texas 75701, (903) 595-2639.

Company: Tara Group, Inc., Location: Waco, McLennan County, Type of Facility: managed property where contractor conducted a demolition operation located at the Southeast corner of Bosque and Valley Mills, Rule Violated: Board Rule 101.20(2), failing to comply with federal NESHAP provisions for asbestos concerning notification and inspection requirements, Penalty: \$1,000, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240 or (817) 772-9241.

Company: Charlie Thomas Autoplex, Location: Houston, Harris County, Type of Facility: motor vehicle sales operation, Rule Violated: Board Rules 114.1(c)(1) and 114.1(c)(2), selling, leasing, or offering for sale or lease in the State of Texas a motor vehicle which was not equipped with the original or equivalent replacement emission control systems or devices in good operating condition, Penalty: \$500, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 5555 West Loop, Suite 312, Bellaire, Texas 77401, (713) 666-4964.

Company: Travis Industrial Painters, Incorporated, Location: San Marcos, Hays County, Type of Facility: water tower sand-blasting project located on the campus of Southwest Texas State University, Rule Violated: Board Rule 101.4, nuisance level sand emissions, Penalty: \$2,700, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240 or (817) 772-9241.

Company: Trinity Industries, Inc., Location: Beaumont, Jefferson County, Type of Facility: railcar repair plant and a marine division, Rule Violated: Board Rule 101.4, nuisance level paint and rust emissions, Penalty: \$30,000, Staff Attorney: Walter Ehresman, (512) 908-1843, Regional Office: 3870 Eastex Freeway, Suite 110, Beaumont, Texas 77703, (409) 898-3838 or (409) 898-3790.

Company: Vulcan Materials Company, Location: Helotes, Bexar County, Type of Facility: two asphalt concrete plants, Rule Violated: Board Rule 111.111(a) (1)(B), causing, suffering, allowing, or permitting the opacity to exceed 20% averaged over a six-minute period for a stationary source on which construction was begun after January 31, 1972, Penalty: \$1,250, Staff Attorney: Scott A. Humphrey, (512) 908-1847, Regional Office: 4335 Piedras West, Suite 101, San Antonio, Texas 78228, (512) 734-7981 or (512) 734-7982.

Company: Whitley Motors, Location: Houston, Harris County, Type of Facility: motor vehicle sales operation, Rule Violated: Board Rule 114.1(c)(2), selling, leasing, or offering for sale or lease a motor vehicle which was not equipped with the original or equivalent replacement emis-

sion control systems or devices in good operating condition, Penalty: \$500, Staff Attorney: David A. Todd, (512) 908-1851, Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Issued in Austin, Texas, on September 12, 1992.

TRD-9210990

Lane Hartsock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: August 12, 1992

◆ ◆ ◆

**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04 as amended (Texas Civil Statutes, Articles 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer ⁽¹⁾/Agricultural/ Commercial ⁽²⁾ thru \$250,000</u>	<u>Commercial⁽²⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	08/17/92-08/23/92	18.00%	18.00%

⁽¹⁾Credit for personal, family or household use. ⁽²⁾Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on August 10, 1992.

TRD-9210954

Al Endsley
Consumer Credit Commissioner

Filed: August 11, 1992

◆ ◆ ◆

Texas Department of Health

**Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED

Location	Name	License Number	City	Amendment #	Date of Action
Dallas	K Clinics, Inc.	L04582	Irving	0	07/24/92
Houston	Galleria Area MRI & Diagnostic Center	L04598	Houston	0	07/20/92
Mount Pleasant	TU Electric	L04565	Mount Pleasant	0	07/28/92
Throughout Texas	Desert Industrial X-Ray	L04590	Odessa	0	07/27/92
Throughout Texas	Heller, Lewis & House	L04613	Longview	0	07/29/92

AMENDMENTS TO EXISTING LICENSES ISSUED

Location	Name	License Number	City	Amendment #	Date of Action
Abilene	City of Abilene	L01428	Abilene	7	07/24/92
Amarillo	Northwest Texas Hospital	L02054	Amarillo	37	07/16/92
Amarillo	St. Anthony's Enterprises, Inc.	L03737	Amarillo	8	07/16/92
Arlington	Arlington Cancer Treatment Center	L03211	Arlington	31	07/22/92
Austin	St. David's Community Hospital	L00740	Austin	49	07/15/92
Austin	Medical Health Physics	L04092	Austin	11	07/16/92
Austin	Pharmaco Dynamics Research, Inc.	L04348	Austin	3	07/14/92
Austin	Austin Radiological Association	L00545	Austin	64	07/22/92
Austin	St. David's Community Hospital	L00740	Austin	50	07/28/92
Austin	Texas Department of Health	L01155	Austin	61	07/29/92
Beaumont	Baptist Hospital of Southeast Texas	L00358	Beaumont	65	07/21/92
Beaumont	Sandroz Crop Protection Corporation	L02016	Beaumont	14	07/21/92
Beeville	Samy Y. Ayoub, M.D.	L03293	Beeville	3	07/22/92
Burnet	Shepperd Memorial Hospital	L03515	Burnet	12	07/16/92
Carrollton	Trinity Medical Center	L03765	Carrollton	12	07/23/92
Channelview	Lyondell Petrochemical Company	L00064	Channelview	29	07/08/92
College Station	Texas A & M University	L00448	College Station	76	07/14/92
Corpus Christi	Central Power and Light Company	L03043	Corpus Christi	5	07/21/92
Corpus Christi	Koch Refining Company	L00322	Corpus Christi	17	07/24/92
Corpus Christi	Memorial Medical Center	L00265	Corpus Christi	47	07/30/92
Dallas	Carpenter Medical Clinic	L04500	Dallas	1	07/16/92
Dallas	St. Paul Medical Center	L01065	Dallas	32	07/22/92

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED

Location	Name	License Number	City	Amendment #	Date of Action
Dallas	Baylor University Medical Center	L01290	Dallas	25	07/21/92
Dallas	The U.T. Southwestern Medical Ctr. at Dallas	L00384	Dallas	57	07/20/92
Dallas	Mallinckrodt, Inc.	L03580	Dallas	15	07/27/92
Denton	Numed Diagnostic Imaging	L02129	Denton	45	07/24/92
El Paso	PathLab, Inc.	L02267	El Paso	12	07/16/92
El Paso	El Paso Cancer Treatment Center	L01847	El Paso	28	07/20/92
El Paso	The University of Texas at El Paso	L00159	El Paso	28	07/29/92
El Paso	BRK Electronics, Inc.	L03725	Aurora, IL	5	07/30/92
Fort Worth	All Saints Episcopal Hospital	L02212	Fort Worth	25	07/22/92
Fort Worth	Medical Plaza Hospital	L02171	Fort Worth	24	07/24/92
Freeport	Rhone-Poulenc, Inc.	L02807	Freeport	19	07/27/92
Garland	VARO, Inc. - OSD	L02155	Garland	22	07/10/92
Greenville	Citizens General Hospital	L01695	Greenville	18	07/16/92
Houston	Houston Community College System	L03099	Houston	6	07/14/92
Houston	Memorial Care System	L00439	Houston	44	07/16/92
Houston	M - I Drilling Fluids	L02761	Houston	5	07/16/92
Houston	Baylor College of Medicine	L00680	Houston	45	07/17/92
Houston	Ben Taub General Hospital	L01303	Houston	29	07/24/92
Houston	Gulf Nuclear of Louisiana, Inc.	L03378	Deer Park	5	07/24/92
Houston	Cypress Fairbanks Cardiology Associates	L04353	Houston	4	07/30/92
Humble	The Nuclear Imaging Center	L03758	Humble	5	07/14/92
Longview	Good Shepherd Medical Center	L02411	Longview	37	07/16/92
Longview	Texas Eastman Division	L00301	Longview	72	07/29/92
Lubbock	St. Mary of the Plains Hosp. and Rehab. Ctr.	L01547	Lubbock	35	07/21/92
Lubbock	Methodist Hospital	L00483	Lubbock	72	07/24/92
Midland	Midland Memorial Hospital	L00728	Midland	44	07/16/92
Midland	Memorial Hospital and Medical Center	L00728	Midland	45	07/23/92
Paris	Radiology, Inc. and/or Radiology Ctr. of Paris	L00459	Paris	24	07/16/92
Pasadena	Southmore Medical Center	L03501	Pasadena	9	07/16/92
Pasadena	Simpson Pasadena Paper Company	L00906	Pasadena	25	07/08/92
Pasadena	Lyondell Polymers Corporation	L02153	Pasadena	15	07/22/92
Pasadena	Simpson Pasadena Paper Company	L00906	Pasadena	26	07/29/92
Phillips	Phillips Petroleum Company	L02480	Borger	20	07/23/92
Plano	Children's Presbyterian Healthcare Center	L04467	Plano	1	07/17/92
San Antonio	South Texas Regional Blood Bank	L04381	San Antonio	2	07/14/92
San Antonio	Syncor International Corp.	L02033	San Antonio	60	07/14/92
San Antonio	The U.T. Health Science Ctr. at San Antonio	L01279	San Antonio	54	07/14/92
San Antonio	Snip and Ference, P.A.	L00106	San Antonio	14	07/20/92
San Antonio	Cancer Therapy & Resrch. Found. of So. Tx.	L03350	San Antonio	7	07/20/92
Three Rivers	Diamond Shamrock Refining and Marketing	L03699	Three Rivers	4	07/29/92
Throughout Texas	ACCO Perforators, Inc.	L04121	Corpus Christi	4	07/09/92
Throughout Texas	Vector Engineering and Testing Co.	L04031	Wichita Falls	4	07/14/92
Throughout Texas	Sergent, Hauskins & Beckwith Geotech. Engr.	L03622	El Paso	5	07/14/92
Throughout Texas	Southwestern Public Service Company	L01981	Amarillo	26	07/15/92
Throughout Texas	Computalog Wireline Services, Inc.	L04286	Houston	17	07/08/92
Throughout Texas	Wilson Inspection X-Ray Services, Inc.	L04469	Corpus Christi	8	07/17/92
Throughout Texas	B & R Inspection and Equipment Co., Inc.	L02564	Midland	10	07/16/92
Throughout Texas	Brazos Valley Inspection Services, Inc.	L02859	Bryan	31	07/16/92
Throughout Texas	D-Arrow Inspection, Inc.	L03816	Houston	34	07/17/92
Throughout Texas	Big State X-Ray	L02693	Odessa	14	07/20/92
Throughout Texas	Rone Engineers	L02356	Dallas	9	07/15/92
Throughout Texas	Nuclear Technologies International	L02975	Midland	33	07/21/92
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	36	07/21/92

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED

Location	Name	License Number	City	Amendment #	Date of Action
Throughout Texas	American Inspection Company Inc.	L04073	Beaumont	19	07/21/92
Throughout Texas	Longview Inspection, Inc.	L03720	Longview	37	07/21/92
Throughout Texas	Non-Destructive Inspection Corporation	L02712	Lake Jackson	28	07/21/92
Throughout Texas	TREMETRICS Inc.	L01186	Austin	30	07/24/92
Throughout Texas	Radiographic Specialists, Inc.	L02742	Houston	25	07/24/92
Throughout Texas	Lower Colorado River Authority	L02738	Austin	10	07/23/92
Throughout Texas	Astex, Inc.	L04552	San Antonio	1	07/24/92
Throughout Texas	H & G Inspection Company Inc.	L02181	Houston	68	07/28/92
Throughout Texas	Non-Destructive Inspection Corporation	L02712	Lake Jackson	29	07/28/92
Throughout Texas	Texaco, Inc.	L00247	Bellaire	62	07/29/92
Throughout Texas	Dowell Schlumberger Incorporated	L00764	Houston	61	07/30/92
Weslaco	Knapp Medical Center	L03290	Weslaco	12	07/15/92
Wichita Falls	Wichita General Hospital	L00350	Wichita Falls	42	07/23/92

RENEWALS OF EXISTING LICENSES ISSUED

Location	Name	License Number	City	Amendment #	Date of Action
Baytown	Chevron Chemical Company	L00962	Baytown	23	07/29/92
Brownsville	Valley Regional Medical Center	L02274	Brownsville	13	07/14/92
Cleburne	Schuller International, Inc.	L01482	Cleburne	12	07/30/92
Gonzales	Southern Clay Products, Inc.	L04103	Gonzales	8	07/13/92
Humble	Madaiah Revana, M.D.	L03263	Humble	4	07/22/92
Laredo	Notami Hospitals of Texas, Inc.	L02192	Laredo	10	07/30/92
Mesquite	Mesquite Community Hospital	L02733	Mesquite	19	07/20/92
Pasadena	HIMONT, U.S.A., Inc.	L01854	Pasadena	23	07/21/92
San Antonio	B. Sotoodeh, M.D.	L00367	San Antonio	9	07/24/92
San Antonio	Humana Hospital San Antonio	L02266	San Antonio	38	07/29/92
San Marcos	Southwest Texas State University	L03321	San Marcos	6	07/09/92
Throughout Texas	American Inspection Company Inc.	L04073	Beaumont	18	07/14/92
Throughout Texas	Big State X-Ray	L02693	Odessa	13	07/15/92
Throughout Texas	Geotest Engineering, Inc.	L02735	Houston	25	07/16/92
Throughout Texas	Southern Services, Inc.	L02683	Lake Jackson	35	07/28/92
Throughout Texas	E.I. DuPont de Nemours & Co., Inc.	L00517	Beaumont	54	07/29/92
Wichita Falls	Wichita Falls Clinic	L00523	Wichita Falls	21	07/16/92

TERMINATIONS OF LICENSES ISSUED

Location	Name	License Number	City	Amendment #	Date of Action
Austin	Lower Colorado River Authority	L03244	Austin	2	07/23/92
Beaumont	Texas Metal Works, Inc.	L02239	Beaumont	5	07/28/92
Borger	Phillips 66 Company	L03977	Borger	7	07/24/92
Dallas	Rone Engineers	L01688	Dallas	14	07/28/92
Rockdale	Caldwell Logging & Perforating Co., Inc.	L03740	Rockdale	1	07/14/92

AMENDMENTS TO EXISTING LICENSES DENIED

Location	Name	License Number	City	Amendment #	Date of Action
Garland	Bonded Inspections, Inc.	L00693	Garland	0	07/14/92

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and

state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, the Exchange Building, 8407 Wall Street, Austin, Texas, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

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

TRD-9110987 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: August 12, 1992

◆ ◆ ◆

Notice of Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Terry H. Peters, D.C. (registrant-R18219) of San Antonio to cease and desist using any sources of radiation in his possession until all violations found during a recent inspection of his operations have been corrected. The bureau determined that the continued use of sources of radiation at this facility constitutes a threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the actions to correct the violations and the methods to prevent their recurrence.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, the Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on August 10, 1992.

TRD-9210874

Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: August 10, 1992

◆ ◆ ◆
**Notice of Intent to Revoke Certificates
of Registration**

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Edna Medical Clinic, Edna, R02905; Michael W. Alkek, D.D.S., San Antonio, R11026; Back Pain Chiropractic Clinic, Kilgore, R16386; United Chiropractic, San Antonio, R17065; Charles C. Bennett, D.D.S., Houston, R08617; Dohrmann/Rosemont Analytical Division, Santa Clara, California, R17073.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, the Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on August 10, 1992.

TRD-9210875 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: August 10, 1992

◆ ◆ ◆
**Texas Department of Health
Notice of Intent to Revoke Radioactive
Material Licenses**

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following licensees: Harold N. Cooper, M.D., P.A., San Antonio, G01476; Woodward-Clyde Consultants, Houston, L00827; Unaspect, Inc., Crosby, L02799; G/T Asphalt, Inc., El Paso, L04437; Lone Star Test Lab, Inc., San Antonio, L04171; Cytology Technology, Inc., Houston, L04269; B & B Wireline Services, Inc., Victoria, L04119.

The department intends to revoke the radioactive material licenses; order the licensees to cease and desist use of such radioactive materials; order the licensees to divest themselves of the radioactive material; and order the licensees to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the licensees for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, the Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on August 10, 1992

TRD-9210873 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: August 10, 1992

◆ ◆ ◆
**Texas Department of Housing and
Community Affairs
Request for Proposals**

The Texas Department of Housing and Community Affairs (TDHCA), administering agency for the Dependent Care Development Grant Program (DCGP), announces a request for proposals (RFP) for the planning and development of services for activities related to dependent care information/resource and referral systems and activities related to school-age child care services. RFP packets will be mailed to organizations on the DCGP RFP mailing list.

Applicants whose proposals are funded will be expected to deliver services in accordance with the Human Services Reauthorization Act of 1984 (42 United States Code, §9871 et seq) as amended by the Human Services Reauthorization Act of 1990 (Public Law 101-501). Proposals are solicited for: the planning, development, establishment, operation, expansion, or improvement of information/resource and referral systems concerning the availability, types, costs, and locations of dependent care services; or the planning, development, establishment, operation, expansion, or improvement of programs to furnish school-age child care services before and/or after school.

Proposals may be submitted for either the dependent care information/resource and referral concept or the school-age child care concept.

The total funding available pursuant to this RFP is approximately \$788,676. Forty percent of the funds must be used for dependent care information/resource and referral activities and 60% for school-age child care activities. Projects for the dependent care information/resource and referral concept will be funded at a maximum of \$25,000 per

project and school-age care concept at a maximum of \$35,000 per project. Each proposal must include a 25% matching share from the applicant. The contract period will be 12 months, from November 1, 1992 to October 31, 1993.

Eligible applicants for these funds include: local governments; regional councils of governments; public or non-profit educational institutions; and private nonprofit organizations. Applicants must document their ability to accomplish the proposed services, and their legal authority and eligibility to enter into contract for these funds.

Deadline. Proposals must be received by TDHCA by 5 p.m. September 30, 1992.

General Information. The state reserves the right to accept or reject any or all proposals submitted. The state is under no obligation to execute a contract on the basis of the RFP and intends this material only as a means of identifying the various contractor alternative. The state intends to use responses as a basis for further negotiation of specific program details with potential contractors. If a contractor(s) is selected to provide the services described in this RFP, the decision will be based upon criteria including, but not limited to, the following: proposal order and content according to the RFP packet instruction; description of applicant's background and experience; analysis of need and priorities; description of service area; proper selection of allowable activities/services; adequacy of measurable activities/units in program narrative; interagency coordination; budgeting and cost effectiveness; description of program operations and staffing responsibilities; description of applicant's reporting capabilities; applicant's coordination with public and private entities; description of evaluation method to determine planned program and client services effectiveness; and applicant's ability to support the project after funding terminates.

This request does not commit the state to pay for any cost incurred prior to the execution of contracts, and is subject to the availability of funds from the United States Department of Health and Human Services. The state specifically reserves the right to vary all provisions at any time prior to the execution of a contract(s) if such variances are deemed to be in the best interest of the state, and to otherwise act as it determines at its sole discretion.

To obtain an RFP packet or additional information regarding this notice, contact the Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941, (512) 475-3889. If you or your organization currently is on the TDHCA DCGP RFP mailing list, an RFP request survey form recently was mailed to you. If you received that form, please use it to request a DCGP RFP.

Issued in Austin, Texas, on August 10, 1992.

TRD-9210890 Susan J. Leigh
Executive Director
Texas Department of Housing and
Community Affairs

Filed: August 10, 1992

Texas Department of Human Services Notice of Public Hearing

The Texas Department of Human Services (DHS) will conduct a public hearing to receive comments on the

department's proposed rules relating to debarment of contractors and potential contractors who have a history of poor performance or who have been convicted of or have pled guilty to criminal offenses. The proposed rules were published in the July 7, 1992, issue of the *Texas Register* (17 TexReg 4871). The public hearing will be held on Wednesday, September 2, 1992, at 9 a.m. in the department's public hearing room of the John H. Winters Center (701 West 51st Street, Austin, First Floor, East Tower). Questions about the content of the proposed rules may be directed to Glenn Scott at (512) 450-3119 in DHS's Office of the General Counsel.

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

TRD-9210919 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: August 11, 1992

Request for Proposal

The Texas Department of Human Services (DHS) announces the issuance of a request for proposal (RFP) for Medical Transportation Services in Collin, Cooke, Dallas, Denton, Ellis, Erath, Fannin, Grayson, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise counties of Region 05. Eligibility: Offerors eligible to submit proposals are: Sole Proprietorships; Partnerships; Public agencies; Private, Non-Profit agencies; and Private for Profit Corporations.

Contract Period and Allocation. The contract period will be November 1, 1992 through October 31, 1993. The proposed allocation for this period will be approximately \$650,000. Reimbursement will be made on a unit rate basis.

Contact Person. For a copy of the RFP package, call or write to O. T. Griffin, Jr., Acting Contract Administrator, 631 106th Street; Arlington, Texas 76011; (817) 640-5090, Ext. 2071; FAX (817) 695-5860. The RFP package will be available August 14, 1992. An offeror's conference will be held August 19, 1992, at the DHS office located at 631 106th Street, Arlington, in Conference Room 195 at 10 a.m.

Closing Date. Completed proposals must be actually received by 5 p. m. on September 10, 1992, by O.T. Griffin, Jr., Acting Contract Administrator, Texas Department of Human Services, 631 106th Street, Arlington, Texas 76011.

Issued in Austin, Texas, on August 10, 1992.

TRD-9210908 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: August 10, 1992

Public Utility Commission of Texas Notice of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 28,

1992, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 50, 52, and 54. A summary of the application follows.

Docket and Title Number. Application of Southwestern Bell Telephone Company to amend certificate of convenience and necessity within Cass County, Docket Number 11352, before Public Utility Commission of Texas.

The Application. In Docket Number 11352, Southwestern Bell Telephone Company seeks approval of its application to amend the exchange area boundary between its Atlanta exchange and GTE Southwest, Inc.'s Douglassville exchange to allow a residential customer to establish telephone service from the Atlanta exchange.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before September 30, 1992.

Issued in Austin, Texas, on August 10, 1992.

TRD-9210957 John M. Fenrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: August 11, 1992

◆ ◆ ◆
**Senate Committee on Health and
Human Services**

Public Hearing Notice

The Senate Committee on Health and Human Services will hold a public hearing on adoption policies and conservatorship of children in Texas on Tuesday, August 18, in San Antonio.

The hearing will begin at 10 a.m. in Room 1.104, Nursing School Auditorium of the University of Texas Health Sciences Center at San Antonio. The University recommends using the main entrance at 7703 Floyd Curl Drive. Visitors will be directed to parking by campus guards. For your convenience, a map of the area is provided on the reverse side of this notice.

The committee is particularly interested in obtaining public comment on issues relating to foster parents becoming adoptive parents, transracial adoptions and the separation of siblings. Persons concerned about other adoption-related topics also are welcome to testify before the committee.

Witnesses are encouraged to submit a written statement in addition to their oral comments, if possible. Written testimony will ensure the comments are recorded accurately in the committee's official hearing records.

Persons who are unable to attend the hearing but wish to have their comments recorded may forward written testimony to P.O. Box 12068, Austin, Texas 78711.

For more information, please contact the committee staff at (512) 463-0360.

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

TRD-9210958 Sandra Bernal-Malone
Committee Clerk
Senate Committee on Health and Human
Services

Filed: August 11, 1992

◆ ◆ ◆
**Texas Water Commission
Enforcement Orders**

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to ZIA Technology of Texas Inc. (SWR 41707) and Babcock International Group PLC on August 5, 1992, assessing \$61,040 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Erich Birch, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

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

TRD-9210884 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: August 10, 1992

◆ ◆ ◆
Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Coastal Mart, Inc. (TWC Facility 06729) on August 5, 1992, assessing \$3,440 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Mark Alvarado, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

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

TRD-9210883 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: August 10, 1992

1992 Publication Schedule for the Texas Register

Listed below are the deadline dates for the September-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.
52 Friday, July 10	Monday, July 6	Tuesday, July 7
Tuesday, July 14	Wednesday, July 8	Thursday, July 9
53 Friday, July 17	SECOND QUARTERLY INDEX	
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 Friday, January 1	Monday, December 28	Tuesday, December 29

Please use this form to order a subscription to the *Texas Register*, to order a back issue, or to indicate a change of address. Please specify the exact dates and quantities of the back issues requested. Each copy of a back issue is \$5 including postage. You may use your Mastercard or Visa to purchase back issues or subscription services. To order by credit card, please call the *Texas Register* at (512) 463-5561. All purchases made by credit card will be subject to an additional 1.9% service charge. For more information, please write to the *Texas Register*, P.O. Box 13824, Austin, TX 78711-3824 or call (512) 463-5561.

Change of Address

(Please print)

Back Issues Requested

(Please specify dates)



YES, I want to learn about the latest changes in Texas regulations that may affect the daily operation of my business. Please begin my subscription to the *Texas Register* today.

Name

Organization

Address

City, ST Zip

I would like my subscription to be the printed electronic version.

I'm enclosing payment for 1 year 6 months 7 week trial

7 week trial subscription not available for electronic subscriptions.

Bill me for 1 year 6 months

Cost of a subscription is \$90 yearly or \$70 for six months for the electronic version. Cost for the printed version is \$95 yearly or \$75 for six months. Trial subscriptions cost \$14. Please make checks payable to the Secretary of State. Subscription fees will not be refunded. Do not use this form to renew subscriptions. Return to *Texas Register*, P.O. Box 13824 Austin, TX 78711-3824. For more information, please call (512) 463-5561.

Second Class Postage
PAID
Austin, Texas
and additional entry offices

75365212 INTER-AGENCY
TEXAS STATE LIBRARY
PUBLICATIONS CLEARINGHOUSE 307
LIBRARY AND ARCHIVES BLDG
AUSTIN TX 78711