

MAY 04 89

Texas Register

Volume 14, Number 33, May 5, 1989

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Texas Register

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Information Available: The eight 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

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 6 (1981) is cited as follows: 6 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 "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 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 Administrative Code*, sections number, 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 Publications

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Texas Savings and Loan Department

2154-Loans and Investments

2155-Subsidiary Corporators

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2155-Transportation Division

Public Utility Commission of Texas

2155-Substantive Rules

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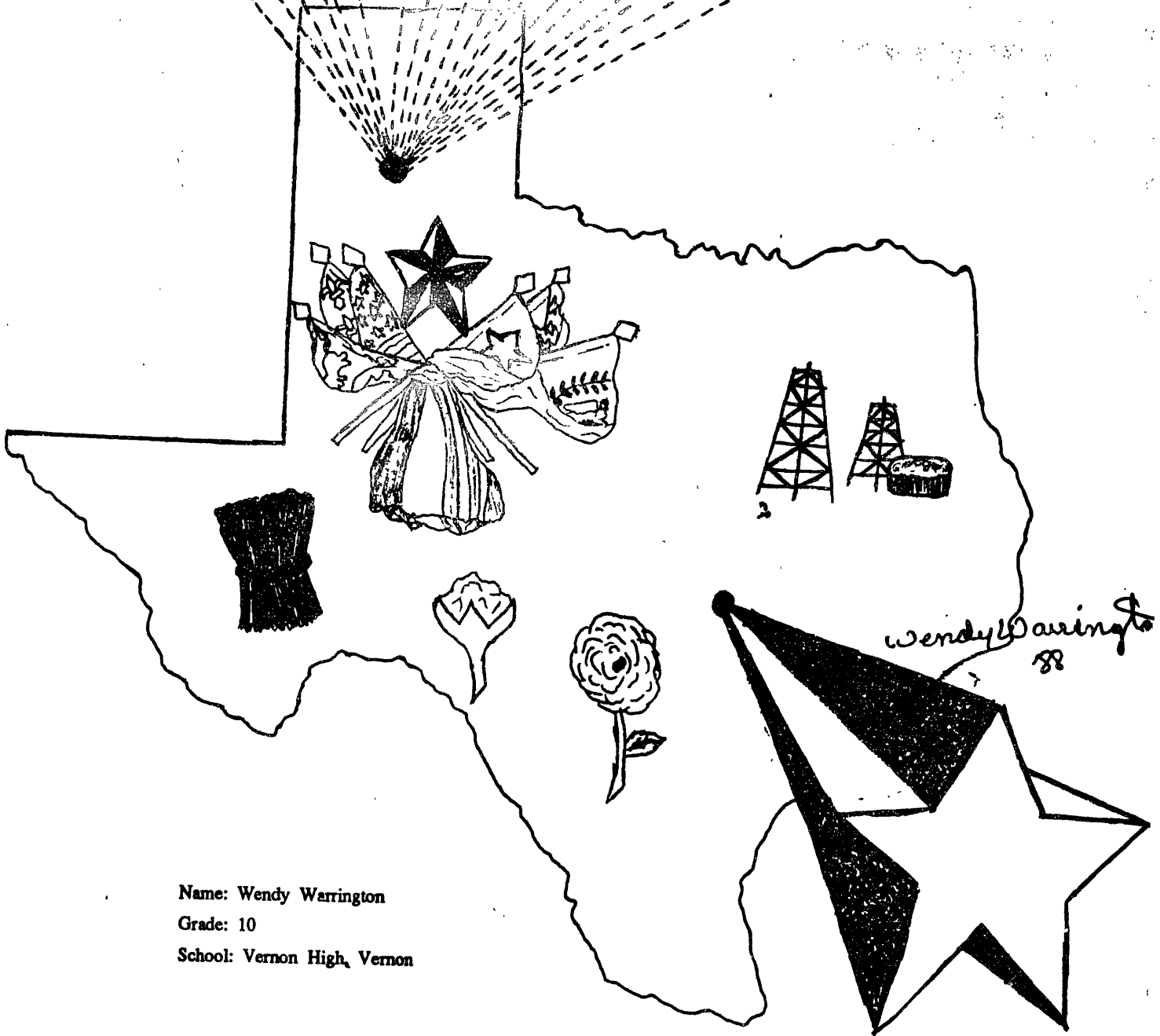
2177-Meeting Notice

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TEXAS



Name: Wendy Warrington
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TAC Titles Affected

TAC Titles Affected—May

The following is a list of administrative rules that have been published this month.

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

1 TAC §§201.2153

TITLE 7. BANKING AND SECURITIES

Part IV. Texas Savings and Loan Department

7 TAC §65.2—2154

7 TAC §65.12—2154

7 TAC §73.1—2155

TITLE 16. ECONOMIC REGULATION

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16 TAC §5.186—2155

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16 TAC §§23.61—2151, 2155

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Part IX. State Board of Medical Examiners

22 TAC §186.3—2156

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §§301.11-301.15, 301.17—2113

25 TAC §325.731—2151, 2139

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §§27.412—2111, 2151, 2139

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.319—2111

34 TAC §3.546—2140

Part IV. Employees Retirement System of Texas

34 TAC §81.7—2140

34 TAC §85.1—2111

Part IX. Bond Review Board

34 TAC §§181.3, 181.4, 181.5—2141

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §§49.514, 49.515—2143

40 TAC §§49.601-49.604—2143

40 TAC §§79.1701-79.1716—2144

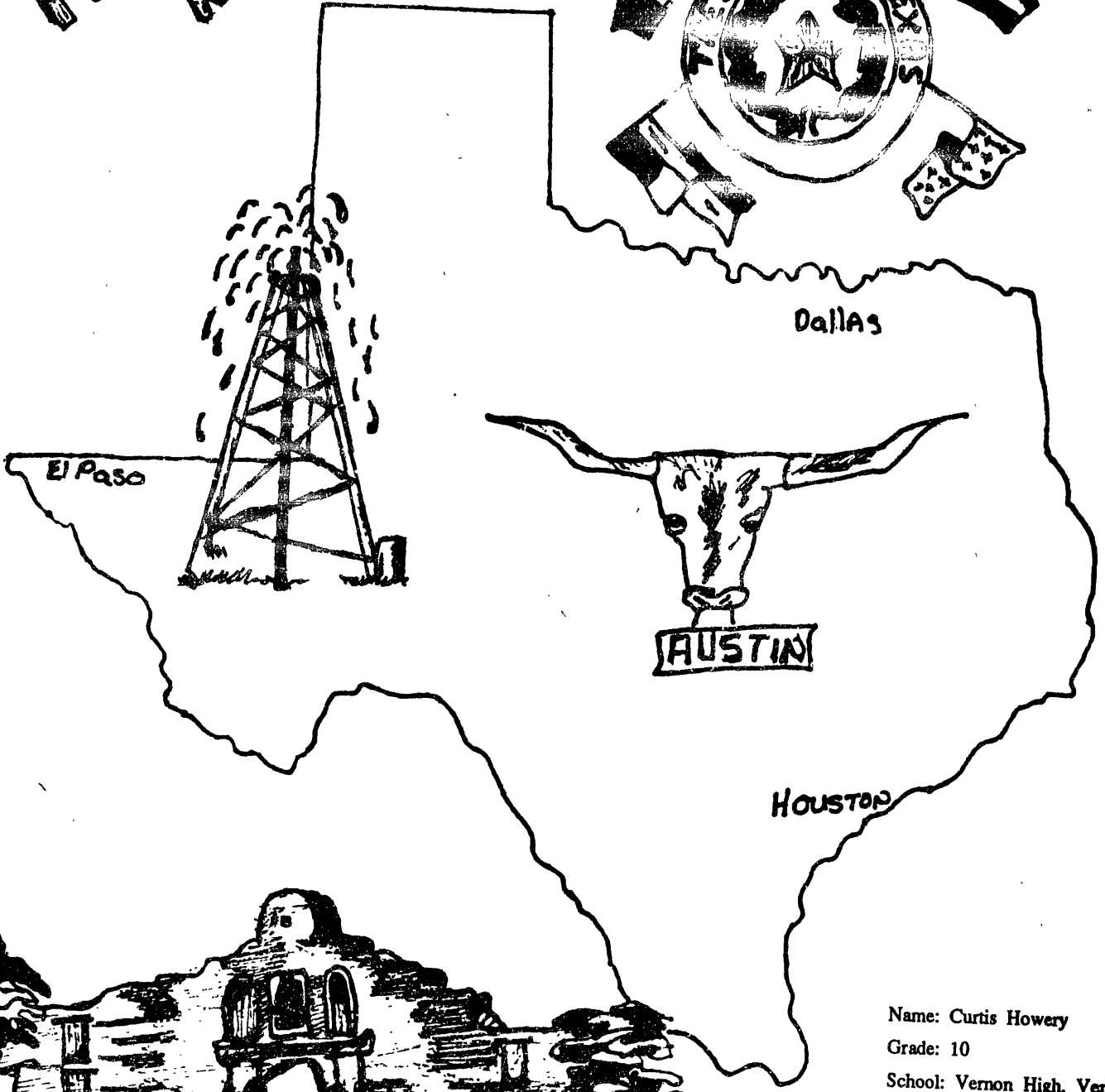
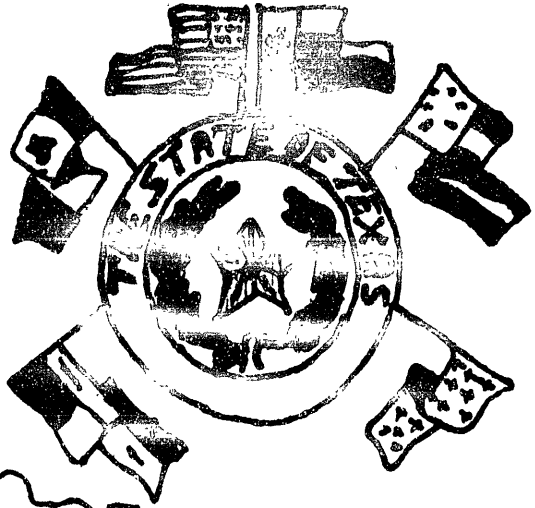
40 TAC §§85.4050-85.4057—2148

Part II. Texas Rehabilitation Commission

40 TAC §115.5—2156



TEXAS REGISTER



Name: Curtis Howery
Grade: 10
School: Vernon High, Vernon

Curtis R. Howery 88

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointments Made April 24, 1989

To be a member of the **Seventy-First Legislature, Regular Session, Call Session 29, 1989**, I nominated Mr. Thomas B. McDade of Houston, for appointment to the **State Board of Insurance for a term to expire on January 31, 1995**. Mr. McDade has asked that his name be withdrawn; therefore, I request that the Senate return this appointment to me.

To be a member of the **State Board of Insurance for a term to expire January 31, 1995**: Paul T. Wrotenbery, 3411 Monte Vista Drive, Austin, Texas 78731. Mr. Wrotenbery will be replacing James L. Nelson of Waco, whose term expired.

Issued in Austin, Texas on April 25, 1989.

TRD-8903714

William P. Clements, Jr.
Governor of Texas

Appointments Made April 25, 1989

To be a member of the **Texas Board of Health for a term to expire February 1, 1995**: Donald M. Peterson, D.O., 8363 San Cristobal, Dallas, Texas 75218. Dr. Peterson will be replacing Dr. Max M. Stettner of Lubbock whose term expired.

To be a member of the **Council on Disabilities for a term to expire January 31, 1991**: Linda Parker, 375 HC 11, Harper, Texas 78631. Mrs. Parker is being reappointed.

To be a member of the **Texas Optometry Board for a term to expire January 31, 1995**: Jimmy Bitner, Route 2, Box 94A, Fredericksburg, Texas 78624. Mr. Bitner will be replacing Reverend James Benjamin Thomas of Galveston whose term expired.

Issued in Austin, Texas on April 26, 1989.

TRD-8903743

William P. Clements, Jr.
Governor of Texas

Appointments Made April 26, 1989

To be a member of the **Radiation Advisory Board for a term to expire April 16, 1995**: Jesse W. Locke, 2545 Beechmont, Dallas, Texas 75228. Mr. Locke is being reappointed.

To be a member of the **Texas Racing Commission for a term to expire February**

1, 1995: Glenn Blodgett, D.V.M., P.O. Box 130, Guthrie, Texas 79236. Dr. Blodgett is being reappointed.

To be a member of the **Texas Racing Commission for a term to expire February 1, 1995**: A. L. Moughtan, Jr., 722 Crooked Creek, Nacogdoches, Texas 75961. Mr. Moughtan is being reappointed.

To be a member of the **State Historical Commission for a term to expire February 1, 1995**: Al Davis, 929 Wazanyale, Houston, Texas 77079. Mr. Davis will be replacing Richard H. Collins of Dallas whose term expired.

To be the **Nonresident Violator Compact Administrator for a term to expire February 1, 1991**: Calvin Michael Anderson, 8506 Flagstone, Austin, Texas 78758. Mr. Anderson is being reappointed.

To be a member of the **Texas Housing Agency Board of Directors for a term to expire January 31, 1991**: Stephen W. McAllister, 310 Cloverleaf, San Antonio, Texas 78209. Mr. McAllister will be filling the unexpired term of W. E. Daniels of Houston who is deceased.

To be a member of the **Runnels County Water Authority Board of Directors for a term to expire February 1, 1995**: Kenneth Horton Slimp, 601 Floyd, Winters, Texas 79567. Mr. Slimp is being reappointed.

To be a member of the **Council on Disabilities for a term to expire January 31, 1991**: Marvin Richard Marek, Jr., 15614 Robin Ridge, San Antonio, Texas 78243. Mr. Marek is being reappointed.

To be a member of the **Upper Colorado River Authority Board of Directors for a term to expire February 1, 1995**: James David Clendemen, Box 163, Silver, Texas 76949. Mr. Clendemen will be replacing Leonard C. Ivey, Sr. of Robert Lee whose term expired.

To be a member of the **Bandera County River Authority Board of Directors for a term to expire January 31, 1995**: J. B. Edwards, P.O. Box 63162, Pipe Creek, Texas 78063. Mr. Edwards will be replacing John Cameron of Bandera whose term expired.

To be a member of the **Texas Planning Council for Developmental Disabilities for a term to expire February 1, 1991**: Shirley Ann Menard, 113 Dearborn, Schertz, Texas 78154. Mrs. Menard will be filling the unexpired term of Gloria Drass of Fort Worth.

To be a member of the **Enhanced Recovery Committee of the Interstate Oil Com-**

pet Commission for a term at the pleasure of the governor: Steven G. Holzhauser, Star Route, Box 8, Inez, Texas 71968.

To be a member of the **Public Lands Committee of the Interstate Oil Compact Commission for a term at the pleasure of the governor**: Dan Shelly, State Representative, P.O. Box 1083, Crosby, Texas 77532.

To be a member of the **Environmental Affairs Committee of the Interstate Oil Compact Commission for a term at the pleasure of the governor**: Neal Miller, Jr., 1005 Congress Avenue, Suite 695, Austin, Texas 78701.

To be a member of the **Energy Resources Committee of the Interstate Oil Compact Commission for a term at the pleasure of the governor**: John C. Robbins, P.O. Box 2347, Longview, Texas 75606.

To be a member of the **Texas Industrialized Building Code Council for a term to expire February 1, 1991**: Douglas Steadman, 113 Sunflower, San Antonio, Texas 78213. Mr. Steadman is being reappointed.

To be a member of the **Gulf of Mexico Program for a term at the pleasure of the governor**: Frank C. Smith, Jr., 3330 Bering Drive, Houston, Texas 77057. Mr. Smith will be replacing Gayle Runnels of McAllen who resigned.

To be a member of the **Texas Industrialized Building Code Council for a term to expire February 1, 1991**: Joseph A. C. "Al" Cote, 3002 Iron Stone Court, San Antonio, Texas 78230. Mr. Cote is being reappointed.

Issued in Austin, Texas on April 27, 1989.

TRD-8903771

William P. Clements, Jr.
Governor of Texas

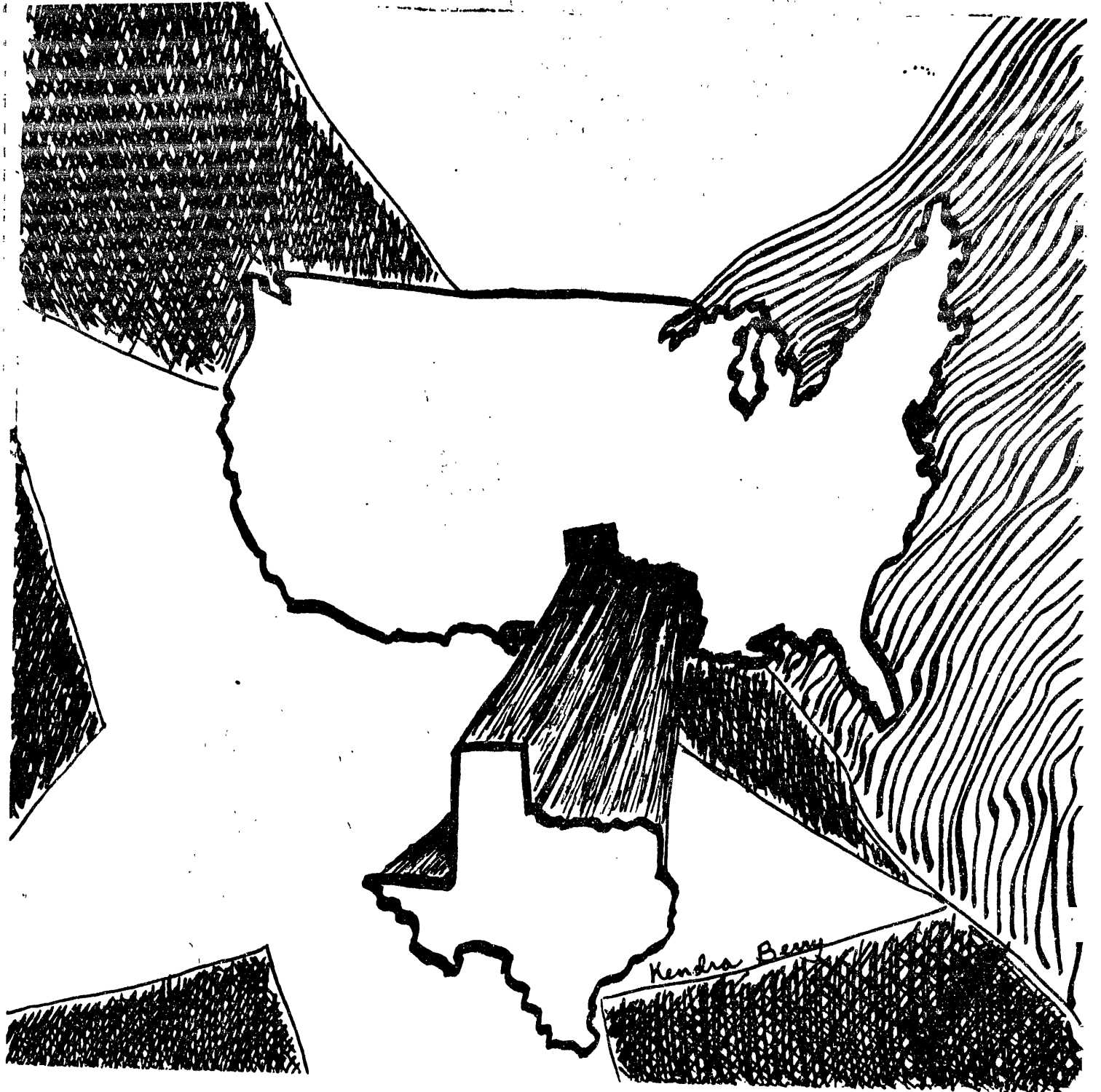
Appointment Made April 27, 1989

To be **Judge of the 146th Judicial District Court, Bell County, until the next general election and until his successor shall be duly elected and qualified**: Jack Richard (Rick) Morris, 710 Badger, Harker Heights, Texas 76543. Mr. Morris will be replacing Judge Paul R. Reagan of Belton, who is deceased.

Issued in Austin, Texas on April 28, 1989.

TRD-8903769

William P. Clements, Jr.
Governor of Texas



Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Requests for Opinions

(RQ-1685). Request from Wallace Shaw, City Attorney, City of Clute, Clute, concerning whether the Texas Open Records Act, Texas Civil Statutes, §3(a)(1) and §3(a)(17), Article 6252-17a, protect the names, home addresses, and home telephone numbers of applicants for positions as peace officers.

(RQ-1686). Request from Charles Stevenson, Acting Commissioner, Texas Department of Human Services, Austin, concerning whether Texas Open Meetings Act authorizes a governmental body to hold briefing sessions to receive information from staff members without providing notice and opening the meeting to the public.

(RQ-1687). Request from Ernestine V. Glossbrenner, Chairman, Public Education, Texas House of Representatives, Austin, concerning whether a school district may use local funds for career ladder payments.

(RQ-1688). Request from Stanley R. Watson, County Attorney, Hardeman County, Quanah, concerning the location of justices of the peace offices in Hardeman County.

(RQ-1689). Request from Robert T. Jarvis, County Attorney, Grayson County, Sherman, concerning the availability of medical records to inmates incarcerated in the county jail.

(RQ-1690). Request from Galen Ray Sumrow, Criminal District Attorney, Rockwall County, Rockwall, concerning whether an individual may be employed as a chief deputy for a county tax assessor-collector and as an official court reporter for a county court.

(RQ-1691). Request from Jack Skeen, Jr., Criminal District Attorney, Smith County, Tyler, concerning whether a writ of execution in a bond forfeiture case may issue after the time limit for a final hearing has

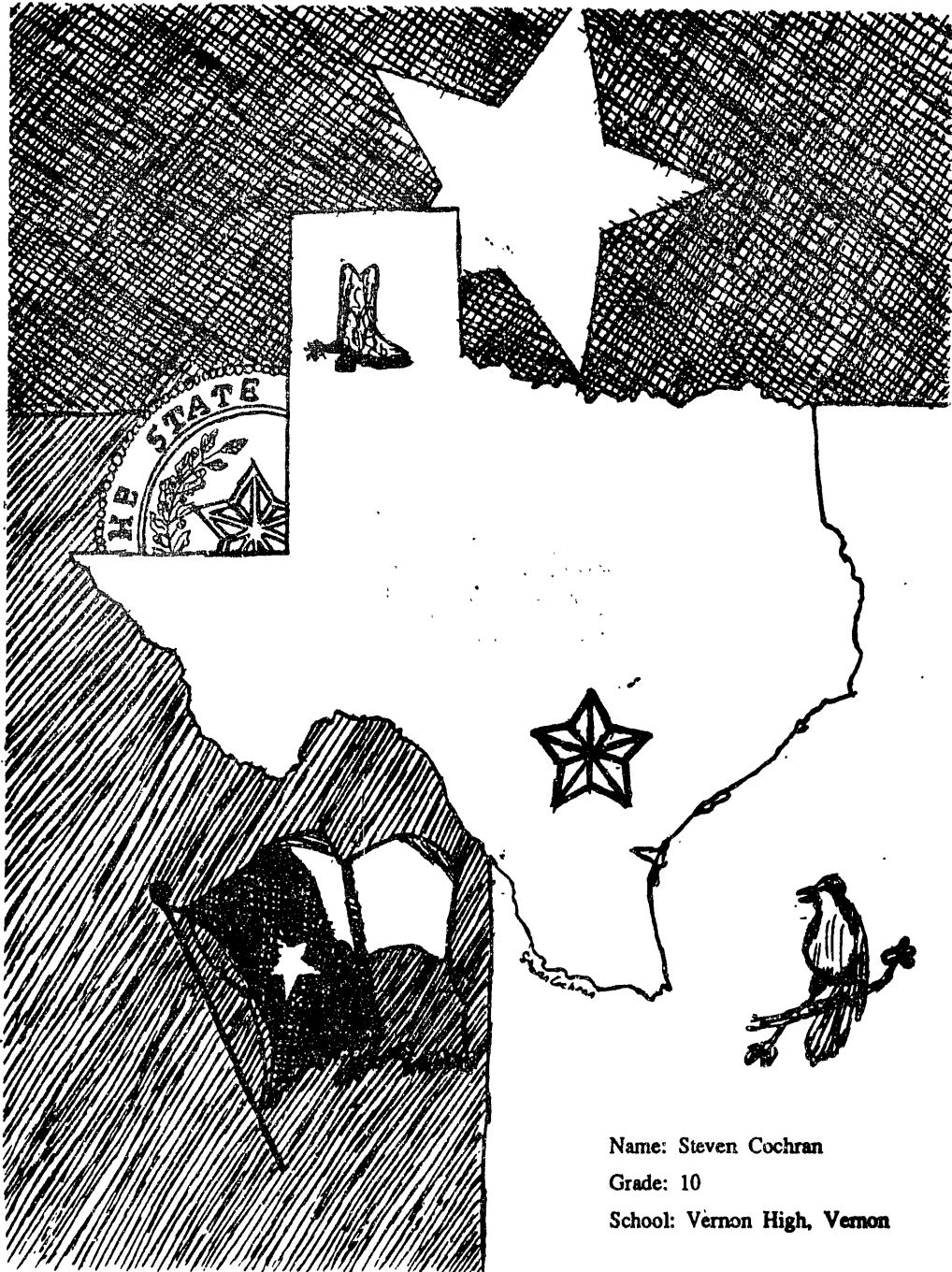
elapsed under the Code of Criminal Procedure, Article 22.16 and related questions.

(RQ-1692). Request from Dale Hanna, County Attorney, Johnson County, Cleburne, concerning whether Johnson County has the option of creating a county industrial commission instead of a board of development.

(RQ-1693). Request from Stanley R. Watson, County Attorney, Hardeman County, Quanah, concerning the authority of a commissioners court to pay additional compensation to a constable.

(RQ-1694). Request from Al Luna, Chairman, Committee on Science and Technology, Texas House of Representatives, Austin, concerning the authority of the Texas National Guard to engage in spot inspections of cargo along the United States-Mexico boundary. TRD-8903729

◆ ◆ ◆



Name: Steven Cochran

Grade: 10

School: Vernon High, Vernon

Emergency Sections

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

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

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 27. State Fire Marshal

Subchapter D. Storage and Sale of Fireworks

• 28 TAC §27.413

The State Board of Insurance adopts on an emergency basis an amendment to §27.413, concerning applications for license or permit for public display of fireworks. Amendment of §27.413(c)(8) is necessary to provide for coverage of fireworks displays through surplus lines insurance. This insurance coverage is necessary to provide for protection of the public as contemplated under the Insurance Code, Article 5.43-4, §15 and §16. The State Board of Insurance has determined that, because of market conditions, the liability insurance coverage required by the Insurance Code, Article 5.43-4, §15, is unavailable to applicants for, and holders of, public display licenses or permits. This amendment provides authorization for the acceptance of surplus lines coverage for fireworks displays until August 21, 1989. The State Board of Insurance finds that an imminent peril to the public health, safety, and welfare requires adoption of this amendment on an emergency basis in order to provide for effective insurance coverage before displays of fireworks which will necessitate coverage for public liability and for risks of injuries.

The amendment is adopted on an emergency basis under the Insurance Code, Article 5.43-4, §16, which authorizes the State Board of Insurance to adopt rules necessary for the protection, safety, and preservation of life and property by licensing and regulating public fireworks displays and other matters and activities concerning fireworks, and to accept surplus lines coverage for public liability insurance concerning fireworks.

§27.413. Applications for Licenses and Permits.

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

(c) Applications for a public display license or permit shall include the following information:

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

(8) evidence of public liability insurance, as required by the Insurance

Code, Article 5.43-4, §15, or, unit August 21 [January 2], 1989, a certificate of insurance for surplus lines coverage in compliance with the Insurance Code, Article 1.14-2, as provided under the Insurance Code, Article 5.43-4, §16(c);

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

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

Issued in Austin, Texas, on April 27, 1989.

TRD-8903784 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: April 27, 1989

Expiration date: August 25, 1989

For further information, please call: (512) 463-6327

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. States Sales and Use Tax

• 34 TAC §3.319

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.319, concerning prior contracts. The amendment deletes the exclusion of contracts from qualifying for exemption when the contract is for goods or services as needed. These types of contracts qualify under the prior contract exemption so long as they meet the other criteria of the section.

The amendment is adopted on an emergency basis in order to place all purchasers and retailers on an equal basis at the earliest possible time.

This amendment is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.319. Prior Contracts.

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

(c) Exception. A cancellation clause in a contract will not cause the loss of a prior contract exemption. However, a contract may not qualify for a prior contract exemption in the following situations.

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

(5) Contracts [With the exception of service contracts] which contain a fixed price which must be paid whether or not the service is performed, and specify the work to be performed by type and quantity, and contracts which state that "services or taxable items will be supplied as needed or upon request" will [not] qualify as prior contracts if they otherwise meet the requirements of this section.

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

(d)-(g) (No change.)

Issued in Austin, Texas, on April 26, 1989.

TRD-8903738 Bob Bullock
Comptroller of Public
Accounts

Effective date: April 26, 1989

Expiration date: August 24, 1989

For further information, please call: (512) 463-4004

Part IV. Employees Retirement System of Texas

Chapter 85. Flexible Benefits

• 34 TAC §85.1

The Employees Retirement System of Texas is renewing the effectiveness of the emergency adoption of amended §85.1, for a 60-day period effective April 27, 1989. The text of amended §85.1 was originally published in the January 6, 1989, issue of the *Texas Register* (14 TexReg 1989).

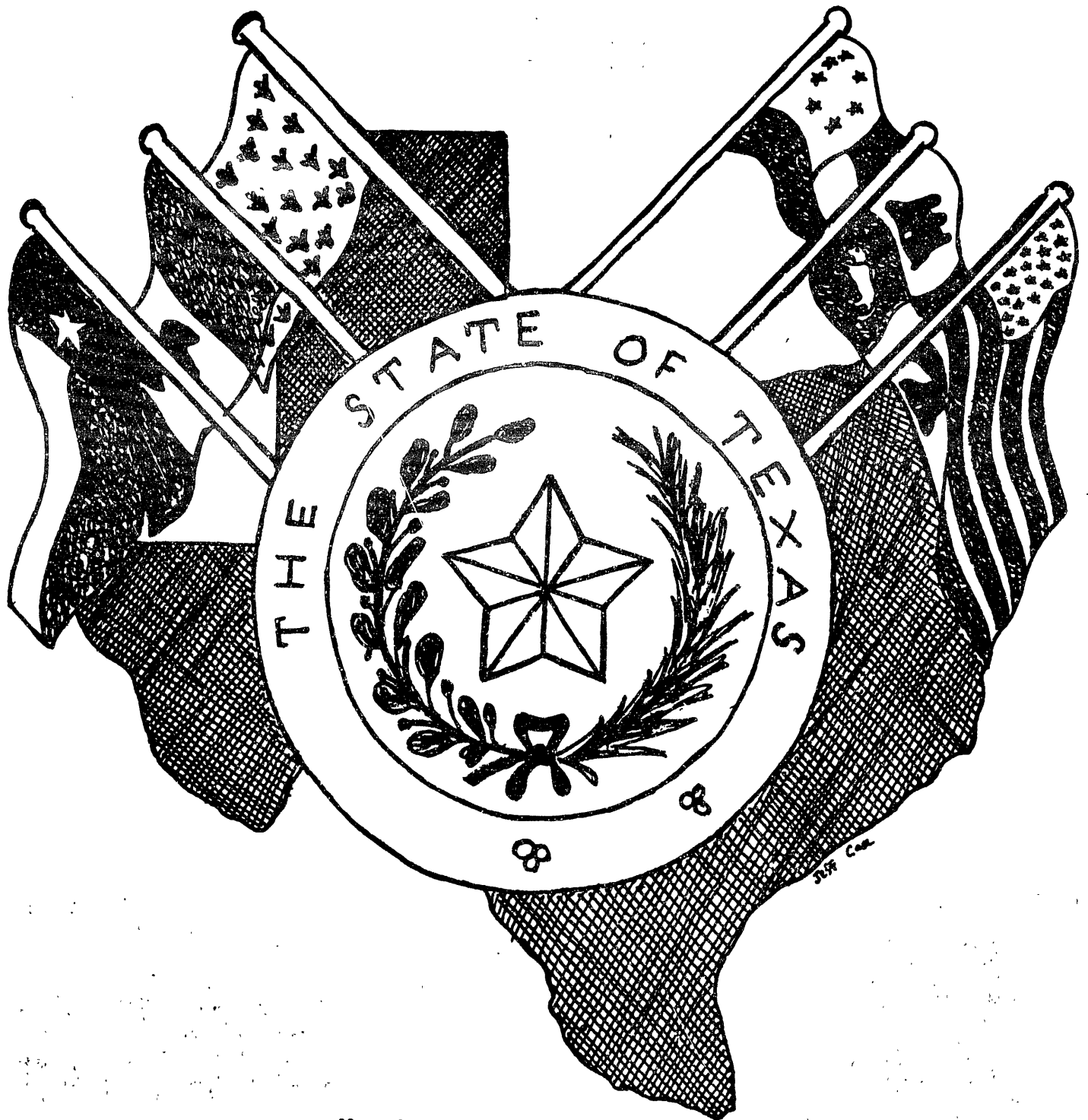
Issued in Austin, Texas on April 24, 1989.

TRD-8903689 William S. Nail
General Counsel
Employees Retirement
System of Texas

Effective date: April 27, 1989

Expiration date: June 26, 1989

For further information, please call: (512) 476-6431, Ext. 213



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Grade: 12
School: Vernon High, Vernon

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 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 301. Wastewater Surveillance and Technology

Construction Standards for On-Site Sewerage Facilities

• 25 TAC §§301.11-301.15, 301.17

The Texas Department of Health proposes amendments to §§301.11-301.15, and §301.17, concerning construction standards for on-site sewerage facilities. The amendments cover general procedures and information, design standards for sewerage systems, design standards for effluent disposal systems, disposal alternatives/special applications, on-site sewerage system maintenance and water conservation, and tables and figures.

The amendments will update, clarify, and modify the existing sections. The following is a discussion of the proposed modifications to §301.17, Tables and Figures. The proposed modifications are to Tables I, III, and V-VIII, and to Figures 1, and 3-7. Tables II and IV, and Figure 2 will not be changed. Please note that on the tables and figures the additions are in bold face and deletions are in brackets when there are changes to language in existing section.

Table I. The title of the table has been modified. The second paragraph has been deleted. The last paragraph addresses proposed wells.

Table III. The units of wastewater for travel trailer/RV park installations have been modified.

Table V. The bottom category has been modified.

Table VI. The title of the table has been modified. The table category has been revised. The trench spacing has been modified. The method to determine equivalent number of bedrooms has been revised. A discussion of alternative systems has been added.

Table VII. A new column with heading of "1/2 RFRa" has been added.

Table VIII. Distinguishable boundaries between soil types has been added. The description of the characteristics of sand has been expanded.

Figure 1. Maximum tank burial depth has been revised. Center cleanout has been made optional. Clearance above "T" fittings

has been redefined.

Figure 2. Depth of burial of tanks has been changed. Liquid surface of second tank has been modified. Clearance above "T" fittings has been redefined.

Figure 3. Paper barrier has been deleted.

Figure 4. The illustration of house on sloping lot has been replaced with a plan view of trenches installed along contours with 75 feet maximum length. Section A-A has been taken from top view with added callouts. The interface between sand and gravel has been defined.

Figure 5. Butcher paper has been deleted.

Figure 6. The title of figure has been modified. A second impervious liner has been added. A crush stone envelope has been added. Callouts have been added.

Figure 7. A second liner and leak collector and monitor system has been added. Callouts have been added. Notes 6 and 7 have been added. Paper as a barrier has been removed.

Stephen Seale, chief accountant III, has determined that for the first five-year period the sections as proposed will be in effect there will be no fiscal implication for state or local government, or small businesses as a result of enforcing or administering the sections.

Mr. Seale also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections will be reduced exposure to disease-causing agents, increased aesthetics of habitation, less lost wages and time due to illness, and less medical bills. There are no anticipated costs to individuals.

Comments on the proposal may be submitted to Charles R. Maddox, Chief, Bureau of Environmental Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7542. Comments will be accepted for 30 days following the date of publication of these proposed sections in the *Texas Register*. In addition, the department will conduct a public hearing on these proposed sections at 9 a. m., on Thursday May 25, 1989, in the auditorium of the Texas Department of Health, 1100 West 49th Street, Austin.

The amendments are proposed under Texas Civil Statutes, Article 4477-1, §23, which provide the Texas Board of Health with the authority to adopt rules covering on-site sewerage facilities; and Texas Civil Statutes, Article 4414b, §1.05, which provide the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the

commissioner of health.

§301.11. General Procedures and Information.

(a) Purpose. It is the policy of the Texas Department of Health that individual on-site sewerage facilities shall be designed, constructed, and operated to provide adequate sewage treatment and disposal that will not contaminate potable water supplies or threaten the health and welfare of the public. Therefore, the primary purpose of these standards is to establish minimally-acceptable standards for constructing on-site sewerage facilities. These construction standards will cover the aspects of on-site sewerage systems for use by individual homes, small business establishments, recreational areas, institutions, and other activities that conform to this section and do not have access to a central collection system. The various types of treatment processes covered by these standards do not have any open discharges to the surface of the ground. Any process which proposes open discharge should be designed in accordance with the requirements of the Texas Water Commission in 31 Texas Administrative Code, Chapter 317 (relating to the Design Criteria for Sewerage Systems) and must be operated under a waste discharge permit issued by the Texas Water Commission. For single or collective daily flows over 5,000 gallons per day that are proposed for on-site [subsurface] disposal, the determination of the necessity for a waste discharge permit must be obtained from the Texas Water Commission.

(b) Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

(1) (No change.)

(2) Alternate System—An on-site sewage disposal system utilizing evapotranspiration beds, pressure dosing, a mound, gravelless drainfield piping composting toilets, sewage recycling, or items approved through departmental policy.

(3)[(2)] Anaerobic digestion—The bacterial decomposition and stabilization of sewage in the absence of free oxygen.

(4)[(3)] Bedrock—A continuous

horizontal layer of hardened mineral deposits that does not support growth of common plant life.

(5)[(4)] **Blackwater**—All sewage other than greywater that contains sufficient human or animal wastes to require the water to be treated prior to disposal to the earth's subsurface.

(6)[(5)] **Bore hole**—A drilled hole four feet or greater in depth and one to three feet in diameter. See §301.16 of this title (relating to Unsatisfactory On-Site Disposal Systems).

(7)[(6)] **Caliche**—A white or pale yellow deposit of carbonate and/or sulfates of varying hardness that exists in the soil profile.

(8)[(7)] **Cesspool**—A non-watertight covered receptacle intended for the receipt and partial treatment of domestic sewage. This device is constructed such that its sidewalls and bottom are open jointed to allow the gradual discharge of liquids while retaining the solids for anaerobic decomposition. See §301.16 of this title (relating to Unsatisfactory On-Site Disposal Systems).

(9)[(8)] **Chemical**—A liquid or powdered waste that in sufficient quantity could have a biotoxic effect on on-site sewage facilities.

(10)[(9)] **Chemical toilet**—A portable toilet using chemicals to mask odors, discourage insect breeding, and provide partial disinfection.

(11)[10] **Collective system**—An on-site sewage collection, treatment, and disposal system designed to serve two or more sewage-generating units where the total combined flow from all units does not exceed 5,000 gallons per day.

(12)[(11)] **Commission**—Texas Water Commission.

(13)[(12)] **Composting toilet**—A disposal facility designed to decompose non-waterborne human wastes through bacterial action facilitated by aeration.

(14)[(13)] **Department**—Texas Department of Health.

(15)[(14)] **Evapotranspiration system**—A subsurface sewage disposal system which relies on soil capillarity and plant uptake to dispose of treated effluent through surface evaporation and plant transpiration.

(16)[(15)] **Figure**—Any reference in these sections to a Figure # is a reference to a figure shown in §301.17 of this title (relating to Tables and Figures).

(17) **Geotextile filter fabric**—A non-woven fabric suitable for wastewater applications. The fabric filament bonding must be waterproof in accordance with the physical description in §301.13(c)(6)(B) of this title (relating to Design Standards for Effluent Disposal Systems).

(18)[(16)] **Gravelless** [Gravelless] drainfield pipe—A generically labeled large diameter (usually eight or 10 inches) geotextile fabric-wrapped piping product which is intended for use without gravel in a subsurface sewage disposal system.

(19)[(17)] **Greywater**—Wastewater from clothes washing machines, showers, bathtubs, handwashing lavatories, and sinks that are not used for food preparation or disposal of chemical and biological ingredients.

(20)[(18)] **Holding tank**—A watertight container used to receive and store sewage in an anaerobic environment pending its delivery to, and treatment at, an approved treatment facility. This type of facility is generally intended for interim use, if and when approved by the local permitting authority.

(21)[(19)] **Individual**—A person, group of persons, corporation, or entity permitted to own, or use real estate.

(22)[(20)] **Injection well**—A hole drilled into permeable soil which is intended to receive either raw sewage or the effluent from some form of treatment process. See §301.16 of this title (relating to Unsatisfactory On-Site Disposal Systems).

(23)[(21)] **Innovative design**—Detailed drawings and specifications describing the construction of on-site sewage facilities that utilize materials and concepts not entirely included in these standards.

(24) **Licensing authority**—The governmental entity having legal authority over construction operation, and maintenance of on-site sewage disposal systems.

(25)[(22)] **Mobile home park**—Any facility or area developed for lease or rental of space for the placement of two or more mobile homes.

(26)[(23)] **Mound system**—A soil absorption system which is installed in or below an artificially created mound of earth.

(27)[(24)] **Natural soil**—Earthen materials deposited into place by natural processes and not disturbed by artificial processes.

(28)[(25)] **On-site aerobic treatment unit**—A watertight covered receptacle designed to receive, store, and provide treatment to domestic sewage received through a building sewer. Its function is to separate solids from the liquid, promote the aerobic digestion of organic matter through the use of a forced air supply, store, and aerobically digest settleable solids, and allow the clarified liquid to be disposed of in an approved manner/as stated in §301.13 of this title (relating to Design Standards for Effluent Disposal Systems) and §301.14 of this title (relating to Disposal Alternatives/Special Applications) (a sub-

surface disposal system).

(29)[(26)] **On-site sewerage facilities**—Septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks, and all other facilities, systems, and methods used for the disposal of sewage other than the disposal systems operated under a permit issued by the Texas Water Commission.

(30) **Owner-Holder of the warranty deed and/or the responsible occupant of the property served by an on-site sewage disposal facility.**

(31)[(27)] **Pit privy**—A vented [waterproof] vault intended to store human wastes and allow its decomposition through natural processes. In this type of treatment, no external water source is provided and there is no direct discharge to the surface. It is recommended for use only in primitive and remote areas.

(32)[(28)] **Platted-Recorded** with the county in an official plat record.

(33)[(29)] **Portable toilet**—A small portable enclosure with a built-in toilet seat and a raw sewage holding tank. It is primarily intended for use at construction sites and other areas where temporary restroom facilities are required. Domestic sewage collected in these facilities is generally retained in an anaerobic state pending delivery to, and treatment at, an approved treatment facility.

(34)[(30)] **Pressure dosing**—The use of some form of pumping device and a network of small diameter piping to distribute treated effluent within a subsurface sewage disposal area.

(35)[(31)] **Sanitary control easement**—A document securing all land, within 150 feet of a public or private potable water well location, from pollution hazards that include, but are not limited to, solid and liquid waste disposal sites, animal pens, improperly sealed or abandoned wells, major sewage pumping and treatment plants, and drainage ditches which contain industrial waste discharges.

(36)[(32)] **Scum**—A mass of organic and/or inorganic matter which floats on the surface of sewage.

(37)[(33)] **Seepage pit**—An unlined covered excavation in the ground which is designed to operate in essentially the same manner as a cesspool. See §301.16(c) of this title (relating to Unsatisfactory On-Site Disposal Systems).

(38)[(34)] **Septic tank**—A watertight covered receptacle designed to receive, store, and provide treatment to domestic sewage received from a building sewer. Its function is to separate solids from the liquid, digest organic matter under anaerobic conditions, store the digested solids through a period of detention, and allow the clarified liquid to be disposed of in an [a]

approved subsurface disposal system.

(39)(35) Sewage-Water which contains, or which has been in contact with, organic and inorganic contaminants such as human or animal wastes, vegetable matter, cooking fats and greases, laundry and dishwashing detergents, and other chemical compounds and waste products.

(40) Sewage disposal plan-A thorough, technical report prepared by a registered professional engineer or registered professional sanitarian, either having demonstrated expertise in sewage disposal planning. The plan describes the circumstances involved with sewage disposal on a land tract that has been or is proposed to be, subdivided into lots of less than 10 acres.

(41)(36) Single family dwelling-A habitable structure constructed on, or brought to its site, and occupied by one or more persons.

(42)(37) Sludge-A semi-liquid mass of partially decomposed organic and inorganic matter which settles at or near the bottom of a receptacle containing sewage.

(43)(38) Soil-The unconsolidated mineral material on the surface of the earth that serves as a natural medium for the growth of plants.

(44)(39) Soil absorption system-A subsurface sewage disposal system which relies on the soil's ability to absorb moisture and allow its dispersal by lateral and vertical movement through and between individual soil particles.

(45)(40) Split system-A wastewater disposal system that treats and disposes of blackwater and greywater separately.

(46)(41) Subsurface sewage disposal system-A network of perforated piping installed below ground level which is used to distribute pretreated sewage effluent over a given disposal area.

(47)(42) Table-Any reference in these sections to a Table # is a reference to a table shown in §301.17 of this title (relating to Figures and Tables).

(48)(43) Ultra low-flow toilets-Toilets that use 1 1/2 gallons or less per flush.

(49) Uniform gravel size-A gravel to be used in conventional absorption trench or bed installations that has been processed through shaker screens to produce a size passing one size screen and retained on another which is no more than 5/8" smaller than the first screen. (Example: passing 1" screen openings but retained on 1/2" screen openings).

(c)-(e) (No change.)

(f) Design approvals of on-site sewerage systems.

(1) (No change.)

(2) Approval of innovative designs. Agencies vested with the responsibility of enforcing on-site sewage disposal regulations may consider feasible innovative designs which are not specifically covered in these construction standards. Texas is a large state with many different types of topographical, geological, and climatic conditions. New systems may be conceived in the future to meet requirements demanded by these conditions. The systems may differ from the specific construction methods outlined in this publication. To both assist local regulatory agencies in determining the reliability of a new system and protect the public from improperly designed systems, the department will review and certify new systems on an individual basis. A system found to be designed in accordance with good engineering practice will be approved by the department for the one installation for which the design was intended. Subsequent similar designs for other installations will be reviewed by the local regulatory authority. All new and innovative designs must be submitted through a local regulatory authority to the department for review as a clearing house procedure. At the department's discretion, local regulatory authorities having qualified technical expertise will be assigned authority to review each design and administer a program to evaluate the design's in-place performance. A 12-month trial operational period shall be required prior to any final approval by the department of any innovative design.

(A) Innovative systems. Submissions of innovative systems for review must include:

(i) detailed plans sealed, dated and signed by a registered professional engineer or signed and dated by a registered professional sanitarian;

(ii)-(iv) (No change.)

(B) Expenses. No expense [All expenses] in connection with research, pilot projects, and/or demonstration projects shall [must] be borne by the department [activity submitting the innovative design for review]. Local agencies may elect to participate in these activities.

(3) (No change.)

(4) Residential lot sizing.

(A) (No change.)

(B) Platted or unplatted subdivisions served by a public water supply. Subdivisions of single family residences platted or designed after January 1, 1988, and served by a public water supply but utilizing individual subsurface methods for sewage disposal, shall provide for individual lots having surface areas of at least

1/2 acre, or shall have a site-specific design by a registered professional engineer or registered professional sanitarian and approved by the department. In no instance shall the area available for such system be less than two times the design area. The surface area must be free of restrictions indicated in Table I and those referred to throughout this publication.

(C) Platted or unplatted subdivisions served by individual water systems. In subdivisions platted or designed after January 1, 1988, for single family residences where each lot maintains an individual water supply well and sewerage system with a subsurface soil system, the plat shall show the approved well location and a sanitary control easement around the well within a 100-foot radius in which no subsurface sewerage system may be constructed. A watertight sewerage unit or lined evapotranspiration bed with leak detection capability may be placed closer to the water well than 150 feet, provided the minimum separation stated in Table I is not violated. To minimize the possibility of the transmission of waterborne diseases due to the pollution of the water supplied for domestic use, each lot in a platted subdivision shall contain not less area than one acre, or shall have a site-specific design by a registered professional engineer or a registered professional sanitarian and approved by the department or its designee. In no instance shall the area available for such systems be less than two times the design area. The surface area must be free of restrictions indicated in Table I and those referred to throughout this publication.

(D) Smaller lots or tracts. The construction or installation of an on-site sewage facility on a lot or tract that is smaller than the size required in subparagraphs [§301.11(f)(4)](B) and (C) of this paragraph [section] shall not be allowed, [] [However] except, on such smaller lots or tracts, designed or recorded with a county in its official plat record prior to January 1, 1988, an on-site sewerage facility may be permitted to be constructed and licensed to operate if it meets the following criteria. It must be demonstrated through [by] a thorough investigation by [of] a registered professional engineer, [or] a registered professional sanitarian, (either having demonstrated expertise in on-site sewerage system design) or by a designated representative of the licensing authority that an on-site sewerage facility on one of these lots can be operated without causing a threat or harm to an existing or proposed water supply system or to the public health, or creating the threat of pollution or nuisance conditions. Regardless of lot size utilized for an on-site sewerage facilities, all other requirements contained in these sections still apply.

(5) Mobile home parks and

multi-use residential developments served by a central sewerage system. Mobile home parks and multi-use residential developments which are owned or controlled by an individual and which rents or leases space, or mobile home parks and multi-use residential developments which are sold but ownership and control of a central water system and/or a central sewerage system is vested in a responsible entity, may utilize smaller lots than stated in paragraph (4)(B) of this subsection, provided an overall sewerage plan is submitted to the department or its designee and approved and water is supplied by a central water system. Parks and developments of this type may connect no more than 20 units to a single sewerage system, provided the system is designed by a registered professional engineer or registered professional sanitarian. The total anticipated sewage discharge shall not exceed 5,000 gallons per day from the connected homes and the sewerage facility must conform to the definition of on-site sewerage facilities in subsection (b)(29) [26] of this section. Individual home sites must meet the requirements in paragraph (4) of this subsection unless applicable under this section.

(6) Exemptions and variances.

Requests for exemptions or variances of any part or parts of these standards for the design, installation, or operation of any on-site sewerage system shall be considered on an individual basis. The burden of proof is the responsibility of the registered professional engineer or [.] registered professional sanitarian [, or other qualified individual] responsible for the design or installation of the system under consideration. This individual must demonstrate to the satisfaction of the department or licensing authority, that the exemption or variance has been requested because conditions are such that equivalent protection of the public health and environment can be provided by alternate means or construction features. Any such request must be accompanied by sufficient engineering or applicable data to meet the department's or licensing authority's satisfaction. The department shall, at the request of local authorities, provide evaluation and comment services for any such local authority. A registered professional engineer or a registered professional sanitarian shall certify in writing that the system he or she designed is constructed in accordance with the plans approved by the department or the local authority.

§301.12. Design Standards for Sewerage Systems.

(a) Septic tank design—residential.

(1) House sewer. The sewer from the house plumbing system to the septic tank shall be constructed of structurally sound pipe such as cast iron, ductile iron, or ASTM D 3034, polyvinyl chloride SDR 35 [(or equivalent) plastic] pipe with optional metallic locating tape, bedded in

sand. Cast iron, ductile iron, Schedule 40 PVC, or high strength pipe should always be used under driveways. The pipe from the house to the septic tank shall have a minimum inside diameter of not less than three inches and be compatible with the house stub out pipe. The slope of the house sewer shall be no less than 1/4-inch fall per foot of pipe. The stub out location shall be at the highest possible elevation with respect to the house foundation to avoid deep treatment systems. The line must be of watertight construction. A cleanout plug must be provided within three feet of the building and at changes [90 degree turns] in alignment, both horizontal and vertical, and at every 50 feet of straight horizontal piping. Prospective installers and users of low flush commodes should consult with the manufacturers of these devices regarding their grade requirements. Too steep or too shallow slopes on pipes connecting the toilet and the treatment tank may require excessive maintenance. Piping from the treatment tankage to the disposal area must have at least 2 inches inside diameter, have at least a minimum fall of 1.8-inch per foot and be as sturdy as ASTM 3034, SDR 35 PVC piping. Metallic locating tape can [shall] be used at the discretion of the local authority with the installation of all piping to and within the disposal area. This tape, if utilized, must [shall] be readily detectable with a metal detector.

(2) (No change.)

(3) Inlet and outlet devices. To assure rapid drainage of house plumbing, the flow line of the inlet pipe shall be at least three inches higher than the operating tank liquid level which is determined by the flow line of the outlet pipe. Liquid penetration of the inlet device shall be at least six inches but never greater than that of the outlet device. Liquid penetration of the outlet device shall be approximately one-fourth to one-half of the tank's liquid depth. T branches are required for inlet and outlet devices because they provide a means for venting the gases produced by the decomposition process from the tank and absorption system through the house plumbing. Otherwise, gases may escape from around the lid of the tank and cause an odor nuisance in the vicinity of the septic tank. T branches also offer ready access for required maintenance. To prevent the escape of floating solids from the tank to the subsurface disposal field and the possibility of inlet stoppages, the open spaces between the tops of the inlet and outlet devices and the underside of the tank cover shall [not] be [greater than four inches, nor less than two inches] visible separations not larger than one inch. See Figure 1. In order to provide a good watertight septic tank, the inlet and outlet T branches shall be installed in a permanent manner at the time the septic tank is constructed. Factory built tanks shall have the T branches grouted in place before delivery to the job site so that the only connections to the tank at the point of

installation will be the influent and effluent lines. Manufacturers of prefabricated tanks shall be allowed to install watertight flanges into the tank walls, into which inlet and outlet stubs can be easily fitted by field installers, causing watertight connections.

(4) Details of septic tank design.

(A) Two single compartment tanks in series, or a two-compartment tank, with approximately one-half to two-thirds of the total volume in the first compartment, will be required for acceptable solids removal. For flows greater than 500 gallons per day, three single compartment tanks may be used in series. Tanks may be round, rectangular, or of a shape that allows the department's standards to be met. The second tank or compartment shall have inlet and outlet devices designed the same as for a single-compartment tank, except that the elevation, or flow line, of the inlet device in the second unit shall be the same as the outlet device in the first unit. See Figure 2. A 10-inch minimum diameter or square port shall be provided over the inlet and outlet T branches to each flow line device for inspection, cleaning, and maintenance. Both the inlet and outlet devices shall be accessible for inspection and maintenance without having to enter the septic tank. For tanks not having more than 12 inches of earthen cover, the use of sectional slab covers will conveniently and safely provide the needed access. For tanks buried more than 12 inches, manholes with risers are required. The septic tank shall be of sturdy, watertight construction. Materials used may be steel-reinforced poured-in-place concrete, steel-reinforced pre-cast concrete, fiberglass reinforced plastic [fiberglass], polyethylene, or other materials approved by the licensing [regulatory] authority. Metal septic tanks are prohibited because they are subject to corrosion. The septic tank shall be structurally designed to resist buckling from external hydraulic loading and exterior loading caused by earth fill, garden tractors, riding lawn mowers, or any expected maximum wheel weights. Tanks [At the option of the regulatory authority, the tanks] shall be tested by filling with fresh or construction grade water following installation and checked 24 hours later for leaks and structural integrity. At the discretion of the regulating authority, a dye test, or any other test for watertightness that is acceptable to the department, shall be performed on septic tanks to be installed in areas with high groundwater tables. Tanks exhibiting obvious deflections, leaks, or defects that will impair treatment must not be used. Where concrete tanks are installed, sweating, or condensation at construction joints is acceptable.

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

(D) Pre-cast concrete, polyethylene, and prefabricated fiberglass tanks

are subject to prior approval of the licensing authority, who should consult with the department regarding the uniquely differing materials, manufacturing methods, and designs used. All pre-cast or prefabricated tanks shall be clearly marked, tagged, or stamped with the manufacturer's name, [an exclusive serial number,] and the capacity of such tanks near the level of the outlet in at least two positions so as to be clearly visible to the inspecting or permitting authority even after they have been placed in the ground. Direction of flow into and out of the tank shall be indicated by arrows clearly marked at the inlet and outlet. Listing of this information with the address of the installation shall be maintained by the regulatory authority.

(E) Septic tanks must be installed so as to provide at least 12 inches drop in elevation from the bottom of the outlet pipe to the bottom of the disposal area. A washed sand [pad,] or gravel (1-1/2 inch maximum) pad [sandy loam, or select material] with a minimum thickness of four inches must be placed under all prefabricated tanks. Unless otherwise specified by a tank manufacturer's requirements, all [All] septic tank excavations must be backfilled with sand, pea gravel, select backfill, or loam [not containing rocks greater than one inch in size]. It is acceptable to mound soil [sandy loam] over a septic tank which is set high to maintain fall to the drainfield.

(F) When [treated] sewage must be pumped to a treatment unit or a [the] disposal area, an appropriate [effluent] pump shall be placed in a watertight tank. A check valve shall be provided if the receiving unit [disposal area] is upgrade and higher than the pump. The tank shall be provided with a highwater alarm having a power circuit separate from the pump. The electrical connections located inside the tank shall be hard-wired [external to the pump chamber]. Electrical connections located outside the tank may be plug-in type. [Effluent pump] Pump tanks shall have a minimum capacity of 200 [500] gallons after the alarm is activated[,] and shall be constructed as a separate unit or watertight chamber.

(b) Septic tank design--institutional.

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

(3) Compartments to be provided. A minimum of two [Two] compartments or a maximum of three shall be provided, the first created by a wall with a tee to permit liquid flow from the first compartment to the second one. The flow line of this intermediate fitting shall be at the elevation of the flow line of the outlet fitting of the second or third compartment. The fitting shall be three inches below the elevation of the flow line of the first compartment's inlet fitting. The capacity of the

first compartment in a two-compartment arrangement shall be 50% to 67% of the total required volume [one to two times the capacity of the second compartment]. When three compartments are proposed, each compartment shall have one-third of the total required volume. All tanks must be vented internally.

(4) Selection of septic tank capacity. The net volume or effective capacity below the flow line of a septic tank for flows up to 250 gallons per day shall be at least 750 gallons. For flows between 250 and 5,000 gallons per day, the capacity of the tank shall be equal to at least three days, sewage flow. For singular or collective daily flows over 5,000 gallons per day, the determination of the necessity for a waste discharge permit must be obtained from the commission.

(5) Pump tank usage. When [treated] sewage must be pumped to a treatment unit or a [the] disposal area, an appropriate [effluent] pump shall be placed in a separate watertight tank. A check valve shall be provided if the receiving unit [disposal area] is upgrade and higher than the pump. The tank shall be provided with a highwater alarm having a power circuit separate from the pump. The electrical connections located inside the tank shall be hard-wired [, external to the pump chamber]. Electrical connections located outside the tank may be plug-in type. Pump [Effluent pump] tanks for flows less than 500 gallons per day shall have a minimum volume [capacity] of one day's storage [1000 gallons] after the alarm is activated. For daily flows over 500 gallons, a duplex pump configuration must be provided and the tank shall have a storage volume of two hours at peak flow or four hours at average flow, whichever is larger. A dual pump system should have the alarm on level below the second pump on level, and should have a lock-on feature in the alarm circuit so that once it is activated it will not go off when the second pump draws the liquid level below the alarm on level. The alarm should have a manual reset switch. Pump switchgear shall be selected such that both pumps shall operate as the first pump or an alternating basis.

(c) On-site aerobic sewerage plants.

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

(3) Permit policy. Subject to the requirements of the local regulatory authority, an owner of a home, small business, or institution may elect to use an aerobic individual wastewater disposal system.

(4) Effluent disposal practice. Effluent from an individual aerobic wastewater treatment plant may be discharged into a properly designed and constructed subsurface sewerage system or allowed to be surface discharged in accordance with state laws and policies established by the department and the

commission. [The effluent from an individual small aerobic wastewater disposal unit must be discharged into a properly designed and constructed subsurface sewerage system. No discharges to or above the ground surface or into the waters of the state are authorized by the department. Such practices may be permitted by the commission and the department on a limited basis through the implementation of local regulatory programs.]

(5)-(7) (No change.)

(8) Treatment limitations. In addition to the previously mentioned statement, the prospective user should be aware that small aerobic treatment plants treat sewage differently than septic tanks. Aerobic treatment plants operate by mixing raw sewage together with air and masses of bacteria. Several kinds of bacteria consume the sewage and air, changing it to nitrogen, carbon dioxide, and water, all of which are used by plant life. Treated clear effluent still contains microscopic bacteria and viruses that were in the raw sewage. Therefore, the clear liquid [so it] must be kept out of contact with the general public as much as possible. It is possible to disinfect treated sewage with chlorine, bromine, ultraviolet light, ozone, or other commercially available products. However, existing disinfection technology will [nothing will make] not make aerobically treated sewage safe enough to be used as potable water [use as fresh water]. Subsurface disposal [Disposal] systems for aerobic plant effluent shall be the same as for septic tank effluents.

(9) Siting considerations. Most aerobic treatment plants sized for single home or small commercial shop use are usually only slightly larger than a septic tank but may not be installed as deeply. The organic loading of commercial or institutional applications may require individual design considerations. The treatment unit inspection access is exposed to the surface, unlike a septic tank which is usually covered over with a layer of gravel or grass sod. The treatment unit is generally of one piece construction using concrete or fiberglass. [Costs. Because aerobic treatment plants use a completely different process than septic tanks, there should be little or no odor if the plant is operated and maintained properly. Operation and maintenance costs are considerably greater than for septic tanks, however. Most aerobic treatment plant suppliers will caution the homeowners about excessively loading the unit with garbage disposal wastes or toxic materials.]

(10) [Siting considerations. Most aerobic treatment plants sized for single home or small commercial shop use are usually only slightly larger than a septic tank but may not be installed as deeply. The organic loading of commercial or institutional applications may require individual design considerations. Its inspection access is exposed to the surface, unlike a septic

tank which is usually covered over with a layer of gravel or grass sod. The unit is generally one piece construction using concrete or fiberglass.]

(10) [(11)] Solids accumulations. Most aerobic treatment plants operate by applying air from an air compressor to the bottom of the tank that first accepts raw sewage. As the air bubbles rise to the surface the sewage mixes with a mass of brownish gray bacteria called activated sludge. Several baffles and/or compartments are required within the single unit so that several different activities can be done at the same time. These include mixing the air, sewage, and bacteria together, then allowing the bacteria to settle while the treated effluent is drained off the top. Solid materials that the bacteria cannot consume will accumulate in a sludge holding compartment along with grease, oil, and other undigested floating wastes. The sludge and floating wastes will have to be removed occasionally by a licensed sludge hauling company. How often sludge has to be removed depends upon the type and amount of waste the owner applies to the system.

(d) Grease traps.

(1) Installation. Grease traps shall be used on kitchen wastelines from institutions, hotels, restaurants, schools with lunchrooms, and other places that may discharge large amounts of greases and oils to the sewer. However, wastes from garbage grinders must not be allowed to enter a grease trap unless the trap has been properly sized according to paragraph (2) of this subsection, and approval has been obtained from the local regulating agency. The trap shall be installed near the plumbing fixture that discharges greasy wastewater and should be easily accessible for cleaning. For [When] maximum [efficiency] grease removal [is necessary], a dual chambered trap that separates, then stores grease shall be utilized. If the dual chamber trap is installed as close as possible to the source of hot greasy wastes, the separated grease can be conveyed to the secondary chamber, where it accumulates, cools, and solidifies. Grease traps shall be cleaned out periodically to prevent the discharge of grease to the underground disposal system.

(2) Sizing. Grease trap sizing will depend on the particulars of the application. Building code authorities and interceptor [trap] manufacturers should be consulted prior to sizing the system [unit]. No interceptor, which is a trap with a liquid holding capacity of less than 100 gallons, shall be approved for any food preparatory establishment required to have a grease trap [unit]. Grease traps [interceptors] shall be sized using either the Uniform Plumbing Code or local sizing requirements, whichever size is largest, to determine maximum flow rate and shall [required to] have at least two compartments. [The primary compartment shall

hold seven times the maximum gallons-per-minute flow and the secondary shall hold five times this flow rate.] If garbage disposals are required by the permitting authority, they shall be plumbed into the unit [and the unit sized to hold 10 times the maximum gallons-per-minute flow rate in the primary compartment and seven times this flow rate in the secondary compartment]. The primary compartment shall hold at least 60% of the total volume of required; the secondary compartment shall hold 40% of the required volume.

(3) Inlets and outlets. Grease trap inlets and outlets should be submerged under the normal liquid level. The compartments of the grease trap should be vented to the open air. Cleanouts at the inlets and outlets should be provided external to the grease trap.

§301.13. Design Standards for Effluent Disposal Systems.

(a) (No change.)

(b) Percolation test procedures. It has been previously mentioned that the percolation test is but one of many indicators of a site's future suitability to accept sewage for safe permanent disposal. Consequently, it should not be considered as the sole basis of designing an on-site sewerage system. Experiences of local regulatory agents will have priority over the test results. Experience should be based on tests conducted during the wettest season of the year.

(1) Location and number of tests. If local conditions dictate that percolation testing is required, then a [A] minimum of two test holes will be required with the holes uniformly spaced over the proposed absorption field site. The actual number of holes required for an individual soil evaluation should be determined experimentally in accordance with the following procedures:

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

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

(5) Filling of test holes. In the conduct of the test, carefully fill the hole with clear water to a minimum depth of 12 inches. In most soils, it is necessary to refill the hole by supplying a surplus reservoir of water manually or by means of an automatic siphon, to keep water in the hole until saturation occurs (approximately 24 hours). Determine the percolation rate >24 hours after water is first added to the hole. This procedure is to insure that the soil is given ample opportunity to swell and to approach the condition it will be in during the wettest season of the year. Thus, the test will give comparable results in the same soil, whether made in a dry or in a wet season. In sandy soils containing little or no clay, [the swelling procedure is not essential and] the test may be made as described in paragraph (7)

of this subsection after the 24-hour saturation period [water from one filling of the hole has completely seeped away].

(6) Percolation rate measurement. Percolation [With the exception of sandy soils, percolation] rate measurements shall be made on the day following the procedure described in paragraph (5) of this subsection. After the overnight swelling period, adjust the water depth to approximately 12 inches from the bottom. From a fixed reference point, measure the drop in water level over a 30-minute period. This drop is used to calculate the percolation rate. If the rate is slower than 30 minutes per inch, continue with measuring the rate for an additional 30 minutes. The slower rate of the two consecutive one-half hour tests should be used.

(7) (No change.)

(c) Effluent disposal systems.

(1) (No change.)

(2) Soil absorption trench. A soil absorption trench may be used if the proposed site provides sufficient room and is of suitable soil. If the soil is not suitable, an alternate system shall be used. An experienced soils scientist, registered professional engineer, or registered professional sanitarian should be consulted to determine if the site qualifies for trenches.

(A) Absorption trench field for level terrain. Where the topography or ground slope is not too steep, a flat or level system of gravel-filled absorption trenches [or percolation beds] is recommended. The optional use of a looped trench system will avoid dead ends and assure maximum effective utilization of all portions of the system. No individual trench shall exceed 75 feet in length. Closed loop trench designs shall incorporate headers and laterals to eliminate trenches that exceed 75 feet in length.

(i) (No change.)

(ii) All parts of the trench or bed bottom shall be at the same elevation. Trenches should be constructed as shallow as possible with a minimum depth of 18 inches and a maximum depth of 36 inches. Deeper trenches should be used where snow may saturate the upper portion of the trench. For trench depths greater than 24 inches (except where snow exists), sand shall be used to fill the trench up to the top soil cover as shown in Figure 3. The trench width shall not exceed 36 inches, as narrow trenches (12 to 18 inches) are recommended. Although trench length is based on bottom area only, sidewall area is important since much of the wastewater is absorbed through the sidewalls and is eventually evapotranspired. Minimum [maximum] allowable spacing between adjacent edges of parallel trenches is three trench widths or five feet, whichever is smaller.

(iii) The proper installation of adequate construction materials is vitally important to the success of an absorption trench system. Materials include piping media, media barrier, and backfill. A liquid [Liquid] from the sewerage unit is conducted to the absorption system via a watertight line similar to the house sewer. The liquid is distributed uniformly through the gravel-filled trenches by the use of two [three]-inch to 10-inch perforated plastic pipe of any one size, or equivalent pipe materials. It is important that the

distribution piping be laid reasonably level (4 inches per 100 feet maximum allowable grade) in the trenches, with a minimum of six inches gravel depth under the pipe. A minimum [total] gravel depth of approximately 12 inches is required. The trench media must be clean graded gravel, broken vitrified brick, washed rock, crushed stone, crushed hardened limestone, or similar aggregate that is generally one uniform size (from 0.75 inches to 2.0 inches). Refer to the definition for uniform gravel size in §301.11(b)(39) of this title (relating to

Definitions). Oyster shell, other types of shell, and soft limestone are not allowed for trench media because the cementitious properties of this type of material often result in early trench failure. The perforated distribution pipe and fittings shall consist of the following materials and minimum sizes: [The distribution pipe shall consist of plastic perforated pipe, 4-inch corrugated polyethylene, or equivalent materials with an SDR ratio (ratio of pipe diameter to wall thickness) not numerically greater than 41.]

polyvinyl chloride (PVC) 2 inch diameter

ASTM D3034, SDR 35

ASTM D2729

ASTM F 789

Polyethylene, corrugated 4 inch diameter

ASTM F 405, standard tubing

Polyethylene, smoothwall 3 inch diameter

ASTM F 810

(iv) Piping made of different materials may be used if approved by the local licensing authority after departmental consultation prior to its installation. Jointed tile is not recommended for use because of the difficulty in maintaining joint spacing and keeping the line level. Geotextile [Covering of several layers of newspapers, a layer of butcher paper, or geotextile] filter fabric material or a hay layer two to four inches thick, placed over the top of the gravel is required to prevent the sandy loam or sand backfill from lavading the gravel until the backfill becomes stabilized. [When only sandy loam is placed over gravel, only geotextile filters fabric shall be allowed.] Refer to paragraph (7)(B) of this subsection for minimum requirements for the geotextile filter fabric. Tar paper or other impervious material shall not be used under any circumstance. The pipe selected for drainfield construction shall have sufficient strength to resist crushing from external loadings such as earth fill, garden tractors, riding mowers, and similar yard equipment. Bituminous fiberboard or paper pipe shall not be used anywhere in the sewerage system. Poor construction practices will cause serious damage to the soil absorption system. Prior to issuance of a permit, notice shall be given to the regulatory authority of the types of piping proposed.

(v){(iv)} It is extremely important that care be taken to avoid sealing the surface of the bottom and sides of the absorption trenches through smearing. Trenches or beds shall not be excavated when the soil is sufficiently wet so as to smear or compact easily. All smeared or

compacted surfaces occurring during construction shall be raked to a depth of one inch and loose material removed just before the gravel or other media is placed. The absorptive areas should not be walked on unnecessarily. The completed surface of the disposal area must not be paved, used for parking of vehicles, or covered with impermeable materials.

(B) Absorption trench field for irregular terrain. Where the topography or ground slope is too steep for feasible construction of a level [closed-looped] trench system but where the slope is free of ledges or breaks and is less than a 15% grade, the following alternate layout may be used. There shall be a minimum 16-inch drop from the bottom of the septic tank outlet pipe to the bottom of the first trench when trenches are installed in this configuration.

(i) A single level trench, constructed with a relief line [like the closed-loop trench,] is built along a contour. The overflow from this trench is conducted via a watertight pipe to the next lower level where a second trench can be built along a contour similar to the upper trench. The pattern can be repeated until the required minimum trench bottom area has been provided. It is required that no individual trench exceed 75 feet in length. This technique is graphically illustrated in Figure 4. Other details of trench construction described in subparagraph (A) of this paragraph, and shown in Figure 3, should be followed. [The crossover trench must be as shallow as possible to prevent effluent from draining from the upper to lower levels

through disturbed soil.]

(ii) (No change.)

(3) Soil absorption beds. In addition to the trench-type absorption field, two or three absorption beds of reasonably equivalent areas, separated by at least four feet and using watertight flow diversion valving, (See Figure 5), may be used in areas where the combination of soil percolation and lot size precludes the use of a trench-type system with minimum spacing between trenches. While absorption beds require more bottom area than trenches, they tend to be more compact.

(A) Construction. The bed shall be constructed with its depth ranging from 18 [24] inches to 36 inches. It shall be kept as shallow as possible to promote aerobic bacterial action in the soil. The bottom of the bed must be level to within two inches overall [plus or minus one inch] for uniform wastewater distribution. Fill dirt, top soil, or other material unacceptable to the regulatory authority shall not be placed on the bed bottom for any reason. Media (gravel, crushed stone, etc.) that is generally one uniform size from 0.75 to 2.0 inches shall be placed on the bed bottom followed by two or more distribution pipes spaced six to 12 feet apart and between three to four feet from the edge of the bed. The amount of gravel and spacing between the pipes is dependent on the size of the pipe used. The distribution pipe is then surrounded with additional gravel to the top of the pipe. The pipe must be one size, from two [three] to 10 inches in diameter. The total depth of the gravel in the bed is 12

inches. The gravel shall then be covered with [filtering material, such as several layers of newspaper, a layer of butcher paper, or] geotextile filter fabric, or a two to four inch layer of hay, to prevent the [final] soil layer from invading the gravel and reducing porosity. The next soil layer shall consist of sand, sandy loam, or a mixture of the two.

(B) (No change.)

(C) Capillary medium. If clay, rock, or other semi-impervious material is excavated from the bed site, it must be removed and under no circumstances be used as backfill in the bed. Sand or sandy loam will provide a capillary medium to help eliminate some of the wastewater through evapotranspiration, as explained in paragraph (3) of this subsection. The bed

shall be filled to within six inches from the top with sand or sandy loam and mounded with sandy loam so that the center of the bed is approximately four inches above normal ground elevation. This will provide drainage away from the absorption bed. When this system is used, the total absorption bed area must be calculated using the following formulas:

For Single-Family Situations:

[For Dwellings]

$$A = \frac{150 (1 B)}{R_a}$$

Where:

- A** = The total absorption bed area required for two beds.
B = The total number of bedrooms in the dwelling.
R_a = Sewage application rate for absorption trenches expressed as gallons per square foot of bed bottom, per day based on percolation rate.
(See Table VI)

For non-single family residential situations:

$$A = \frac{2Q}{R_a}$$

Where

- Q** = The total daily wastewater discharge in gallons from that situation.

(4) Evapotranspiration beds.

(A) General. Evapotranspiration bed systems are alternate systems and may be used in locations where soil conditions are not suitable for any type of soil absorption system. For very porous soils, solutioned limestone, fractured bedrock, and situations that would allow excessively rapid migration of sewage toward groundwater, lined evapotranspiration beds must be designed and certified by a registered professional engineer, [or] registered professional sanitarian, or qualified designer. The beds must be located outside the flood-prone area and not within areas subject to inundation or erosion by flood waters or rainfall runoff. An applicant for a permit to install a sewerage system shall consult with the local flood plain ordinances administrator, county engineer, State Highways and Public Transportation Department, nearest river authority, Farmers Home Administration, Federal Emergency Management Agency, and any other officials who may have information regarding the potential for flooding at the site of the evapotranspiration beds.

(B) Evapotranspiration bed construction features. The following factors must be considered in the design of evapotranspiration beds: annual mean rainfall and wettest month of the year; annual mean evaporation rate and monthly minimal rate; growing season variations; native grasses and shrubs available for cover; absorptive capacity of the soil surrounding an unlined bed; and site conditions, including varying sunlight and air movement.

(i) (No change.)

(ii) An evapotranspiration bed [Evapotranspiration beds are] system is one of the candidate disposal methods that may be constructed in impervious soil or soil with very high absorptive capacity. When the soils have a very high percolation rate, less than five minutes per inch, liners approved by the local regulatory authority must be constructed to guard against the possibility of wastewater discharging through the soil (fissured rock or gravel) and contaminating streams, lakes, or shallow groundwater. Impervious liners may consist of reinforced concrete, 20 mil minimum single layer thickness plastic, or rubber liners. All must be repairable in the field. Liners are not required in slowly permeable soils (having permeability of less than 10-4 [10] centimeters per second) and

should not be used since some of the wastewater may be absorbed into the soil and will help to reduce the overall evapotranspiration load. An evapotranspiration system shall be designed using the following parameters.

(I) Beds may be designed in any configuration subject to the approval of the permitting agency (square or round, for example), but the total number of square feet of bed bottom area must be determined by the formulas in subparagraph (C) of this paragraph.

(II)-(III) (No change.)

(IV) It is possible for a liner to be damaged after it has been covered, causing the bed to leak sewage without showing at the surface. At the discretion of the permitting agency, each bed may be required to have a separate monitor system installed in a manner that will facilitate collection and sampling of effluent leakage from a ruptured liner. The monitor system is designed to offer a means of detecting liner failure through periodic dye testing and sampling, which will help ensure the protection of the environment. The entire monitor system must be assembled and ready for approval during a single inspection. No sand shall be put in place as a cushion until the monitor system has been inspected and approved by the licensing authority.

(V) As regards evapotranspiration bed. [Evapotranspiration Bed.] Its [Its] design features, as illustrated in Figure 6, are as follows:

(-a-) As regards leak monitor piping material, all [All] piping must be three to four inches in diameter. All perforated distribution [collection] lines of an evapotranspiration bed monitor system must conform to the pipe material requirements set forth in paragraph (I)(A)(iii) of this subsection. [have a minimum crush strength of 1,500 pounds per linear foot]. The standpipe and sample sump must be of Schedule 40 polyvinyl chloride or stronger. Leak monitor collection pipe shall be wrapped with a filter cloth meeting requirements as set forth in paragraph (7)(B) of this subsection. All connections shall be glued or rubber gasketed joints with the exception of the intruder resistant standpipe cap located at finished topsoil grade. Perforations in the

collection lines must face downward, with the two rows of perforations equally offset perpendicular to the ground.

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

(-e-) The collection line(s) shall tee into a solid wall 2 to 3 inches standpipe which must have a sampling sump below the bottom of the Tee. This sump shall be eight to 12 inches in depth, measured from the bottom of the tee. A cap or plug must be glued to the bottom of the sump to provide a watertight connection. The top of the standpipe shall be flush with the finished grade of topsoil, and shall be covered with an [a] intruder resistant, removable access cap. A minimum three-inch wide by three-inch deep dry moat shall surround the standpipe cap to facilitate ease of cap removal and replacement.

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

(VI) Rock media that is generally one uniform size from 0.75 to 2.0 inches shall be placed on the bed bottom to a minimum depth of 12 inches [or less depending on the overall bed depth,] after the liner and sand cushion are placed over the monitor system.

(VII) The top of the distribution pipe must be flush with the rock media and adequate to provide for uniform distribution of effluent. A 12-foot maximum separation between pipes and no less than three to four feet separation between bed walls and the pipe is permissible. The bed bottom and the pipe must be level.

(VIII) A permanent water permeable sand barrier, such as geotextile filter fabric [(butcher paper, newspaper, or geotextile fabric)] is then placed over the rock. Sand is then added to fill the bed to within two inches from the top.

(IX)-(XI)-(No change.)

(C) Bed sizing. Evaporation and rainfall data for various areas of the state are listed in Table VII. Additional data may be found in Report 192 and Report LP192, published by the commission. After the reader considers the requirements in subparagraph (B) of this paragraph, the bed area may be approximated by using the following formulas:

For Single Family Situations

$$A = \frac{31,000 (1 + B)}{E_A - 1/2 RFR_A}$$

Where A = Total area of both beds (To find one bed area divide A by 2)

B = Total number of bedrooms (B=2 for minimum residence. For a two bedroom house with a living area of 1500 sq. ft. or more - use B=3. For each additional 800 sq. ft. - Increase B by one.)

E_A = Mean pan evaporation rate in inches per year (See Table VII)

RFR_A = Mean rainfall rate in inches per year (See Table VII)

For Non-single family residential situations:

$$A = \frac{3100 Q}{E_A - 1/2 RFR_A}$$

Where Q = Average daily flow into the system, expressed as Gallons per day (See Table III).

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

(5) Pressure dosing systems (a disposal alternative).

(A) Description. A basic pressure dosing system must consist of an approved sewerage system, an effluent holding tank, an easily serviced screened intake electric pump which is activated by a float or programmed start/stop switch, a solid wall force main, and perforated distribution piping which is installed within the absorption area. The effluent pump must be capable of an operating range that will assure that effluent is delivered to the most distant point of the perforated piping network, yet not be excessive to the point that blow-outs occur in shallow systems. The programmed start/stop switch should allow the pump to operate at least three times during the 24-hour day. A high water alarm, on an electric circuit separate from the pump, must be provided. After the alarm activates, the residential or institutional effluent holding tank shall have the storage capacities as stated in §301.12(a)(4) (F) or (b)(5) of this title (relating to Design Standards for Sewerage Systems) [remaining capacity of 500 gallons for residences and 1,000 gallons for businesses and institutions]. The number of perforations per length of pipe and the number of pipe lengths used per absorption area must be adequate to assure uniform liquid distribution over the entire bed area.

(B) Application. Pressure dosing is an appropriate method of conveying effluent from a treatment site that is at a lower elevation than the disposal site. It is also appropriate where seasonal high water tables exist or where the soil mantle thickness is from two to four feet to solid rock. In these situations the system must be oversized substantially to promote the effect of evapotranspiration. Commercial establish-

ments may need to use continuously staged pressure dosing if their flow rates vary greatly during their business hours. The United States Department of Commerce (USDC) has produced [University of] North Carolina State University Sea Grant College Publication UNC-S82-03 which discusses the design of a low pressure dosing system for subsurface disposal of treated sewage. It is a 31-page document that was published for public use in May 1982. Inquiry on how to obtain a copy should be sent to the department [U.S. Department of Commerce, Washington, D.C. 20460]. At the discretion of the local regulatory agent, pressure dosing systems must be designed by a registered professional engineer, [or] registered professional sanitarian, or other qualified designer. Minimum gravel size for these systems shall be 3/8 inches. The EPA Design Manual, discussed in subsection (a) of this section, also has information. Although these publications are referred to for design information, the department does not adopt them or any other technical literature.

(6) Mound systems (a disposal alternative).

(A) Physical description. A mound system is comprised on the native soil above the restriction layer (groundwater, level, fissured rock, etc.), a scarified interface between the native soil and a sand fill, a sand fill, a gravel distribution bed, distribution piping, and a top-soil cover. The depth of the material between the gravel distribution bed and the restricting layer shall be at least four feet. The preferred shape is a long narrow rectangle, with the long dimension laid out along a contour. Effluent shall be pressure dosed into the distribution piping to ensure equal distribution and to control application rates. [A mound system is comprised of a layering of sand fill, gravel, perforated pipe, and top soil. The layering begins in a two-to-three inch ex-

posed area of natural ground and develops above the ground line approximately three feet. For greatest efficiency, its shape is rectangular. The small diameter perforated piping must be pressure-fed, as pressure systems have greater control over application rates.]

(B) (No change.)

(7) Gravelless [Gravel less] drainfield piping (a disposal alternative).

(A) Appropriateness.

Gravelless [Gravel less] pipe may be used in place of conventional gravel-filled trench systems. The regulatory authority and permit applicant shall carefully consider all site conditions and circumstances before arriving at decisions regarding pipe diameter selection, trench dimensions, depth of the installed pipe, and suitability of on-site soil as backfill material.

(B) Physical description.

(i) Gravelless pipe generally consists of eight-inch or 10-inch diameter corrugated polyethylene pipe having two rows of perforations located approximately 120 degrees apart along the pipe's bottom half. The pipe is enclosed in a layer of unwoven spun-bonded polypropylene, polyester or nylon filter wrap. Pipe shall meet American Society for Testing and Materials, ASTM F-667 Standard Specifications, for large diameter corrugated high density polyethylene (ASTM D 1248) tubing. Perforations shall be 1/2 inch diameter in 10-inch diameter pipe and 3/8 inch diameter in eight-inch diameter pipe. Perforations shall be arranged and spaced so that only one hole exists in each inner corrugation. The filter cloth must meet the following material specifications: [ASTM D3776 and ASTM D 1682 specifications for weight and grab strength. Its burst strength and air permeability must meet ASTM D3786 and ASTM D 737 specifications, respectively.]

	Minimum Values
Weight, oz. per sq. yd. (ASTM D3776).....	0.70
Grab Strength, lbs. (ASTM D4632).....	11
Air Permeability, cfm per sq. ft. (ASTM D737).....	500
Water Flow Rate, gpm/sq.ft. @ 3" head.....	33
(ASTM D4491)	
Trapezoidal Tear Strength, lbs. (ASTM D4533).....	6

(U) Installations must be in accordance with the pipe manufacturers, instructions. However, the system installer is cautioned against surrounding the pipe with native soils having percolation rates slower than 30 minutes per inch or laden with very fine soil particles that might plug the filter wrap.

(C) (No change.)

§301.14. Disposal Alternatives/Special Applications.

(a) Surface irrigation systems. Designers and local authorities shall refer to Texas Department of Health for the most recent policy regarding the disposal of wastewater by surface irrigation. These systems must be designed by a registered engineer or registered professional sanitarian and submitted to the licensing authority or the department for approval.

(b)(a) Greywater systems. Generally, blackwater and greywater are approximately 40% to 60% of the total domestic sewage flow, respectively. Subsurface greywater systems may be utilized with disposal of blackwater through a split system only under the following conditions.

(1) Designers and local authorities shall refer to the Texas Department of Health for the most recent policy regarding the disposal of overwater by subsurface absorption, evapotranspiration, or surface irrigation. A greywater

disposal system utilizing anything other than conventional sewage treatment and absorption beds or trenches shall be designed and certified by a registered professional engineer, [or] registered professional sanitarian, or qualified designer who can provide to the permitting authority evidence that the system complies with all appropriate state regulations and local governmental regulations.

(2) (No change.)

(c)[b] Composting toilets. The composting toilet unit must be listed with the NSF. The NSF seal on a particular unit indicates its ability to meet the requirements of the NSF Standard Number 41, relating to wastewater recycle/reuse and water conservation devices. The liquid waste from the composting toilet unit must be disposed of through an approved subsurface disposal system.

(d)[(c)] Sewage recycling systems. For small on-site applications, sewage recycling systems are very limited in types and capability as follows.

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

§301.15. On-site Sewerage System Maintenance and Water Conservation.

(a) The professional installer should provide the owner of an on-site disposal system the following maintenance and water conservation information free of charge.

(1)[(a)] An on-site sewerage system should not be treated as if it were a city sewer.

(2) Economy in the use of water helps prevent overloading of a sewerage system that could lessen its usefulness.

(3) Leaky faucets and faulty commode fill-up mechanisms should be carefully guarded against.

(4) Garbage grinders can cause a rapid buildup of sludge or scum resulting in a requirement for more frequent cleaning and possible system failure.

(5) The excessive use of garbage grinders and grease discarding should be avoided.

(b) Water conservation measures that will reduce the load on the on-site sewerage system include the following.

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

(6) Reduce the amount of water used for flushing the commode by installing a toilet tank dam or filling and capping two one-quart plastic bottles with water and lowering them into the tank of the commode. Do not use bricks since they may crumble and cause damage to the fixture. If a new toilet is installed, install a 1-1/2 [2-1/2] gallon (or less) commode rather than the conventional three-to-five gallon fixture.

(7)-(13) (No change.)

(c)-(j) (No change.)

§301.17. Tables and Figures.

(a) Table I. The following table covers the minimum required distances in feet for conventional systems:

TABLE I
MINIMUM REQUIRED SEPARATION DISTANCES IN FEET FOR ON-SITE SEWERAGE UNITS
[CONVENTIONAL SYSTEMS]

From	To	Sewage Treatment Tanks	Lined Evapo. Beds	Soil Absorption Systems or Unlined Evapo. Beds	Sewer Pipe With Watertight Joints
Private Water Wells, Underground Cisterns and Pump Suction Pipes		50[+]	150*	150+	20[+]
Public Water Wells		50	150[*]	150	20
Water Supply Lines		10	10	10	9
Streams, Ponds and Lakes		50	75*	75	20
Sharp Slopes, Breaks		5	--	50**	5
Foundations, Structures and Surface Improvements		5	5	15	-
Property Lines		10	10	10	-
Easement Lines		1	1	5***	-
Soil Absorption Systems		5	5	20	-
Swimming Pools		15	15	15	-

NOTE: Please refer to preamble for a discussion of changes.

*When a leak detection system, as described in Sec. 301.13.(c)(3)(A)(i)(IV)(-a) is used, the minimum required distance is 50 feet to existing private water wells, cisterns and pump suction pipes.

[Var. These minimum required distances may be varied if an innovative lined system is required by the permitting authority to be designed by a Registered Professional Engineer or Registered Professional Sanitarian.]

**The absorption system's bottom must be a minimum of 50 feet from any break or outcropping ledges, unless it is designed by a Registered Professional Engineer or a Registered Professional Sanitarian having hydrogeological data of the strata below the system's site. Greywater disposal areas may be installed to within 25 ft. of the slope face.

***A drainage easement having sloped sides greater than 30% or grade breaks will require adherence to the 50 foot criteria indicated by**

+This distance may be reduced to a minimum of 50 feet, for existing or proposed private water wells only, if the space between the existing private water well casing and the surrounding ground is filled with cement slurry that is pumped through a tube that extends to the required depth of sealing. This depth shall be at least two times the horizontal encroachment measurement but not more than the depth to the water producing strata. A three foot square by six inch thick concrete slab shall be poured around the casing.

(b) (no change)

(c) Table III. The following table covers individual usage rates in businesses and institutions:

TABLE III
INDIVIDUAL USAGE RATES
IN
BUSINESSES/INSTITUTIONS

NOTE: Please refer to preamble for a discussion of changes.

This table may be used for estimating gallons of daily sewage flow per person to determine minimum tank capacity requirements, unless actual water usage data is available and has been carefully checked by the designer of the proposed system.

TYPE OF ESTABLISHMENT	GALLONS/PERSON/DAY
Airports (per passenger)	5
Apartment Houses	50
Boarding Schools	50
Churches (per member)	5
Country Clubs (per resident member)	100
Country Clubs (per non-resident member present)	25
Day Care Centers (without kitchen)	15
Day Care Centers (with kitchen)	25
Drive-in Theaters (per car space).	5
Factories (gallons per person per shift, exclusive of industrial wastes)	20
Hospitals	200
Hotels	80
Institutions other than Hospitals	100
Laundries Self-service (gallons per wash, i.e., per customer).	50
Lounges (bar & tables)	10
Mobile Homes	75
Motels	50
Movie Theaters (per auditorium seat)	5
Office Buildings*	15
Parks (without bathhouse)	5
Parks (with bathhouse)	15
Restaurants (24-hour full service)	70/seat/day
Restaurants (breakfast/lunch or lunch/dinner)	35/seat/day
Restaurants (fast food - paper plate service)	15/seat/day
Schools without cafeterias, gymnasiums or showers	15
Schools with cafeterias, but no gymnasiums or showers	20
Schools with cafeterias, gymnasiums and showers	25
Service stations (per vehicle served)	10
Stores (total per day per washroom)	400
Swimming Pools and Bathhouses	10
Townhouses (with clothes washer)	50
Travel Trailer/RV Parks	50/space
Vet Clinics (per animal)	10
Work or Construction Camps (semi-permanent)	50
Youth camps (no showers or meals served)	15

*Note: Offices without Food Service or Bathing Facilities, with Restrooms Equipped with Toilets Requiring 1.5 Gallon per Flush or Less, and Automatic Cutoff Faucets 6

(d) (no change)

(e) Table V. The following table covers criteria for soil absorption of sewage effluent developed for site specific evaluations:

TABLE V
CRITERIA FOR SOIL ABSORPTION OF SEWAGE EFFLUENT DEVELOPED FOR
SITE SPECIFIC EVALUATIONS

Site Characteristic	Classification		
	Suitable	Provisionally Suitable (1)	Not Suitable
Topography	Slopes 0-15%	Slopes 15-30%	Slopes greater than 30% Complex slopes.
Subsoil Texture	Sandy soils Loamy soils	Clayey soils with low shrink-swell potential.	Clayey soils with high shrink-swell potential.
Subsoil Structure		Angular or subangular blocky.	Platy structure. Weathered rock. Massive clayey soils.
Soil Depth	Weathered rock or consolidated bedrock greater than 48 inches below ground surface.	Weathered bedrock or consolidated rock from 36 to 48 inches below ground surface.	Weathered rock or consolidated bedrock less than 36 inches below ground surface.
Restrictive Layer	None within 36 inches of the ground surface.		Restrictive horizon within 36 inches of the ground surface or below the trench bottom.
Soil Drainage	No drainage mottles within 36 inches of the ground surface.		Drainage mottles (chroma 2 or less) within 36 inches of the ground surface.
Flooding			Areas subject to a possible flood. Depressional areas without adequate drainage.
Percolation {Soil Permeability}	Greater than or equal to 5 min/inch but less than or equal to 60 min/inch.		Less than or equal to 5 min/inch or greater than 60 min/inch. Unselective fill materials,

NOTE: Please refer to preamble for a discussion of changes.

Soil may be reclassified from unsuitable to provisionally suitable under certain conditions using acceptable site or system modifications.

(f) Table VI. The following table covers absorption trench and bed sizing for single family residential:

NOTE: Please refer to preamble for a discussion of changes.

TABLE VI
CONVENTIONAL ABSORPTION TRENCH AND BED SIZING REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL DWELLINGS

Average Percolation Rate (Minutes/Inch)		Sewage Application Rate, R_a	Soil Texture (See Table VIII USDA Soil Textural Classifications)	Minimum Bottom Area (Sq. Ft.) For a One or Two Bedroom House (Living areas less than 1500 Sq. Ft.)		Minimum Bottom Area For Each Additional Bedroom* (Sq. Ft./Bedroom)	
Minutes Per Inch	Inches Per Hour	Gallons per Sq. Ft. Per Day		Trench	Bed	Trench	Bed
Less Than 5	More Than 12	Too Great For Consideration	Sand/Gravel	Sections on Alternative [Alternative] Systems**			
5-15	4-12	0.6	Sandy Loam	380	750	200	250
15-30	2-4	0.5	Sandy Clay	500	900	250	300
30-45	1.3-2	0.4	Silty Clay	625	1125	300	400
45-60	1.0-1.3	0.3	Clay Loam	800	1500	400	500
More Than 60	Less Than 1.0	Less Than 0.3	Clay	See Sections on Alternative Systems			

Minimum trench bottom area is calculated to include capacity for washing machine wastewater, organic material from garbage grinders, and infiltration from rainfall.

Required minimum spacing between parallel conventional absorption trenches is three trench widths or five feet whichever is smaller [3 trench widths].

*When dwellings consist of a large living area relative to the number of designated bedrooms, the following guidelines should be used to approximate the trench area:

For a two bedroom house with a living area of 1,500 sq. ft. or more [Less than 1,500 sq. ft. - Use trench area for two bedroom house. 1,500 sq. ft. to 1,900 sq. ft.] - Use trench or bed area for three bedroom house. For each additional 800 sq. ft. - Add trench or bed area equal to one bedroom.

This criteria is valid for normal water consumption by an average household occupancy and is not applicable to collective sewage system design.

**Disposal alternatives include evapotranspiration beds, pressure dosing systems, mound systems, gravel less drainfield piping, composting toilets or sewage recycling.

(g) Table VII. The following table covers mean pan evaporation and rainfall:

TABLE VII

MEAN PAN EVAPORATION AND RAINFALL

Station	E_A Mean Evaporation Rate Inches/Year)	RFR_A Mean Rainfall (Inches/Year)	$1/2 RFR_A$
Abilene	75.0*	23.8**	11.9
Amarillo	87.9	20.28	10.14
Austin	70.0	32.49	16.25
Beaumont	47.8	55.07	27.54
Brownsville	56.0	25.13	12.57
Canyon Lake	80.8	33.19	16.60
Corpus Christi	67.0*	32.0**	16.0
Daingerfield	74.2	46.12	23.06
Dallas	85.0	35.94	17.97
El Paso	106.5	7.77	3.89
Fort Stockton	105.6	11.85	5.93
Houston	48.7	48.19	24.09
Lake Somerville	71.7	37.45	18.73
Laredo	87.0*	21.0**	10.5
Lubbock	88.7	18.41	9.21
Lufkin	51.0*	43.0**	21.5
Midland-Odessa	85.0*	13.0**	6.5
San Antonio	70.0*	30.0**	15.0
San Angelo	84.0*	19.0**	9.5
Temple	68.2	34.00	17.0
Tyler	55.0*	42.0**	21.0
Uvalde	72.0*	25.0**	12.5
Wichita Falls	73.0*	27.0**	13.5

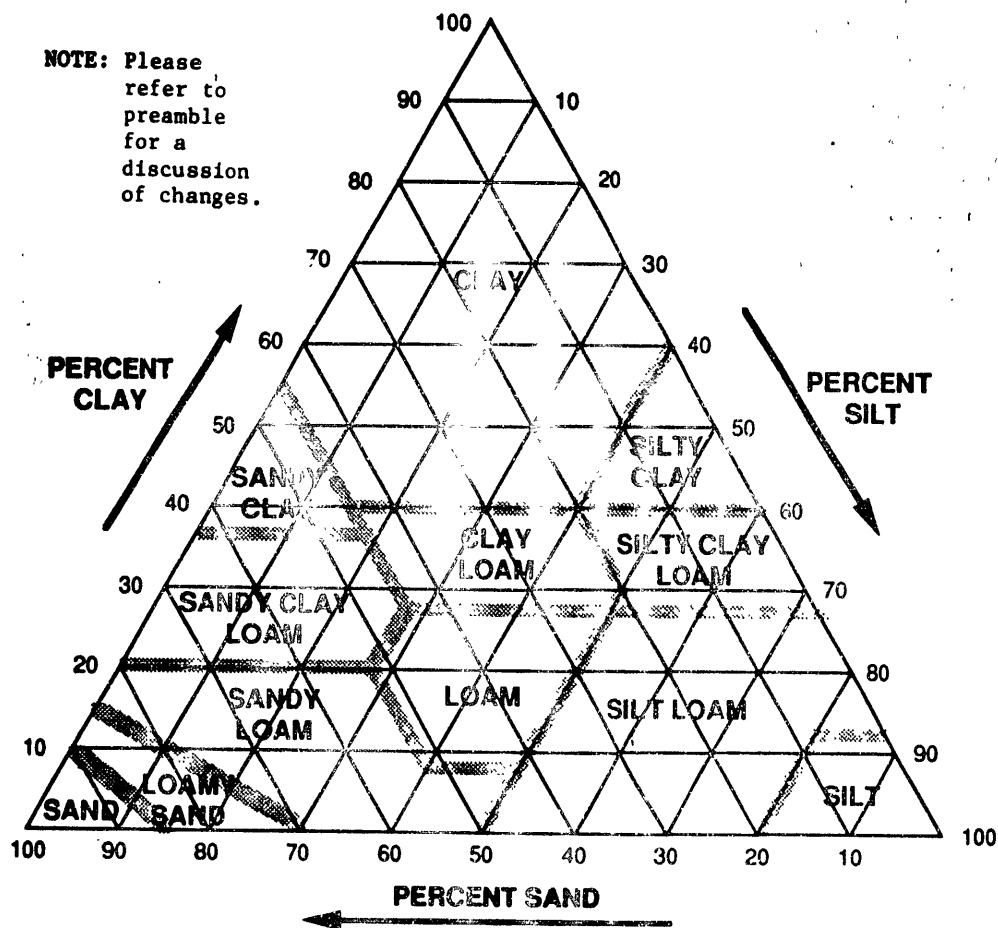
*Interpolated From Map, P. 66 "Climatic Atlas of Texas"

**Interpolated From Map, P. 18 "Climatic Atlas of Texas"

NOTE: Please refer to preamble
for a discussion of changes.

(h) Table VIII. The following table covers USDA Soil Textural Classifications:

TABLE VIII
USDA SOIL TEXTURAL CLASSIFICATIONS



Clay — Smaller than 0.002 millimeters in diameter

Silt — 0.05 to 0.002 millimeters in diameter

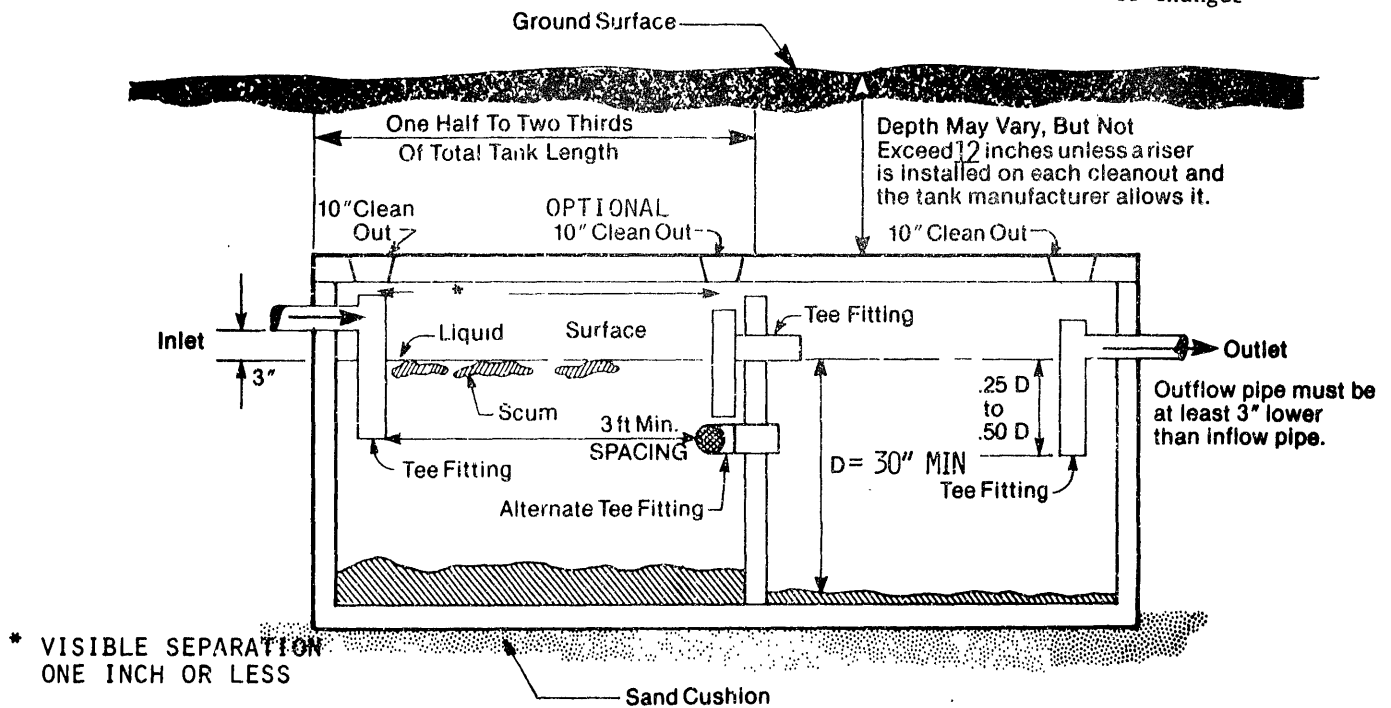
Sand — 2.0 to 0.05 millimeters in diameter

(SAND SHALL BE FREE OF ORGANIC MATTER AND SHALL BE COMPOSED OF SILICA, QUARTZ, MICA OR ANY OTHER STABLE MINERAL.)

(1) Figure 1. The following figure illustrates a two-compartment septic tank and is not intended to serve as an engineered design for construction purposes.

NOTE: Please refer to preamble for a discussion of changes

FIGURE 1
TWO COMPARTMENT SEPTIC TANK

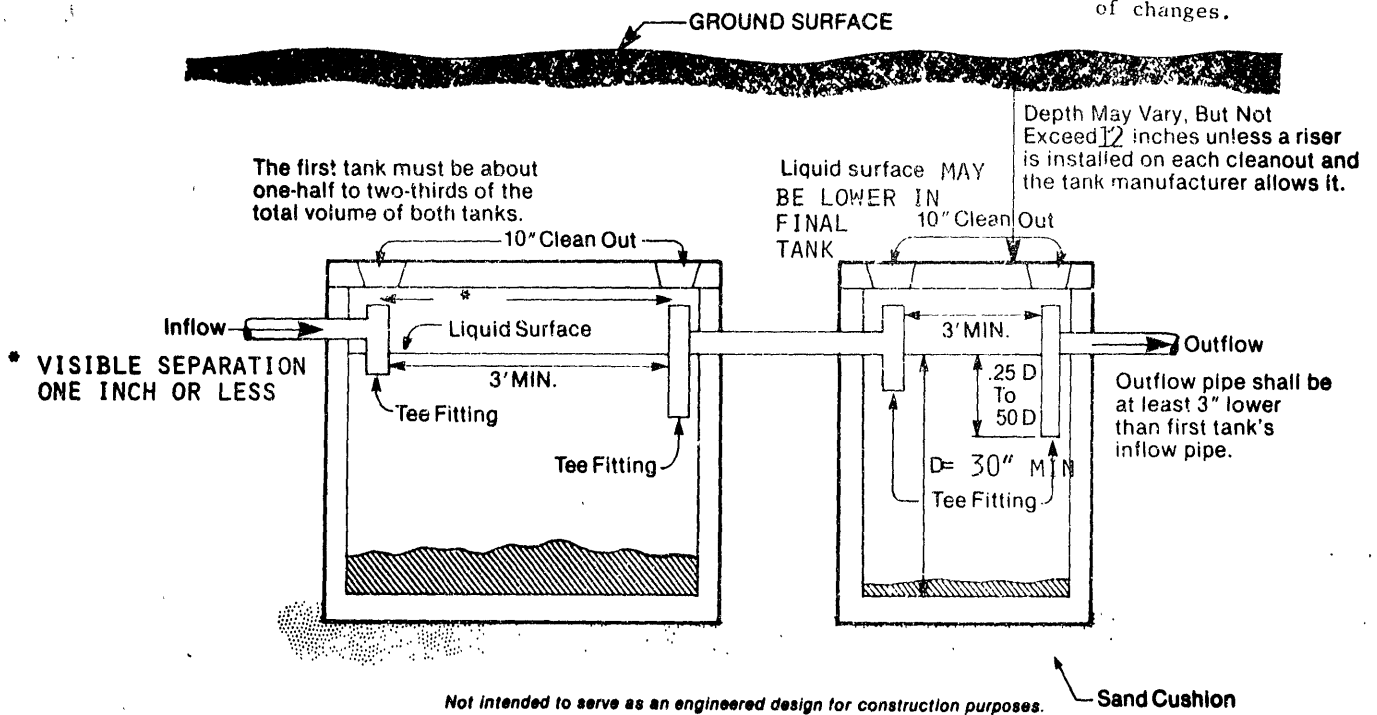


Not intended to serve as an engineered design for construction purposes

(j) Figure 2. The following figure illustrates two septic in series and is not intended to serve as an engineered design for construction purposes.

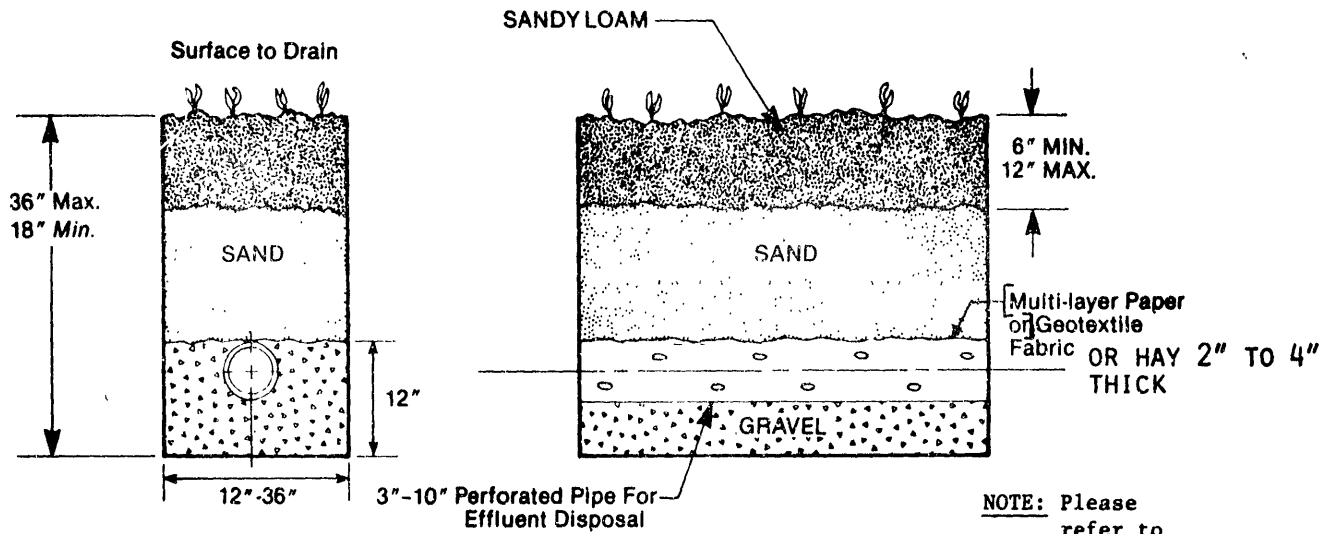
FIGURE 2
TWO SEPTIC TANKS
IN SERIES

NOTE: Please refer to preamble for a discussion of changes.



(k) Figure 3. The following figure illustrates soil absorption trench details and is not intended to serve as an engineered design for construction purposes.

FIGURE 3
SOIL ABSORPTION TRENCH



Not intended to serve as an engineered design for construction purposes.

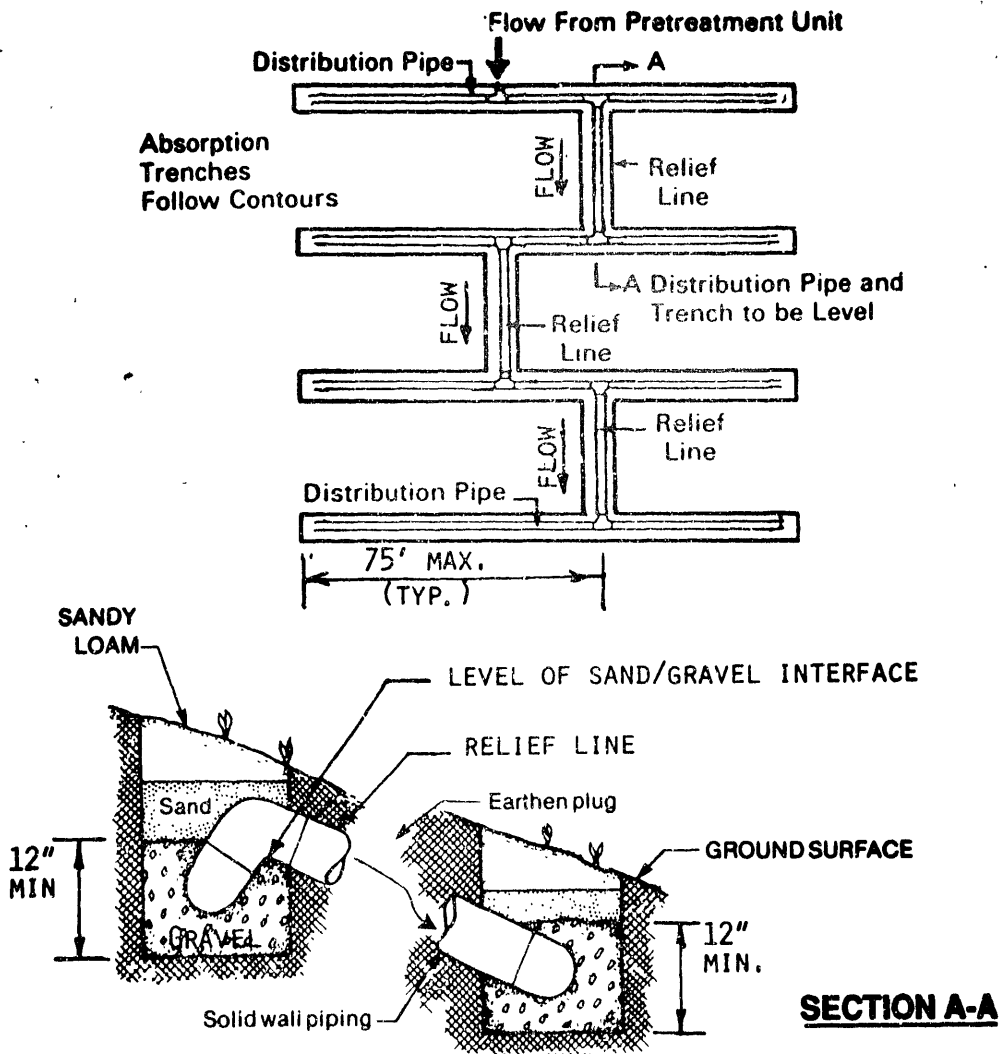
NOTE: Please refer to preamble for a discussion of changes.

(1) Figure 4. The following figure illustrates a septic tank system for sloping ground without sharp slopes or grade breaks.

FIGURE 4

**ABSORPTION TRENCH [SEPTIC TANK]
SYSTEM FOR SLOPING GROUND**
(for slopes not greater than 15% and
without sharp grade breaks)
[without sharp slopes or grade breaks]

NOTE: Please refer to preamble for a discussion of changes.

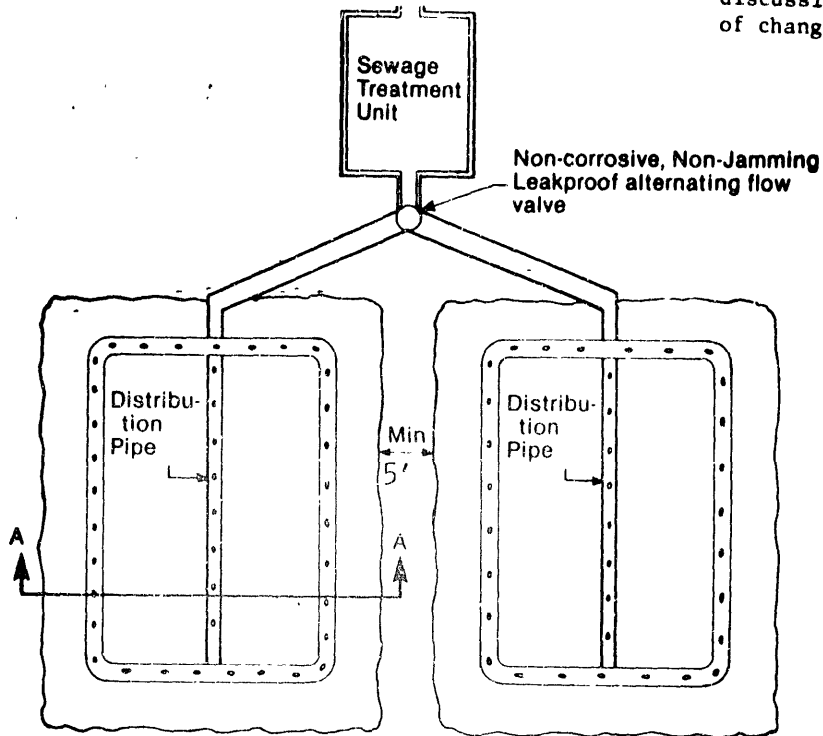


The septic tank and perforated piping shall be installed level while compacted earthen plugs shall separate the solid wall piping from the perforated piping and gravel. THE INTERFACE BETWEEN THE SAND AND GRAVEL LAYERS SHALL BE AT THE SAME ELEVATION AS THE BOTTOM OF THE 90 DEGREE ELBOW.

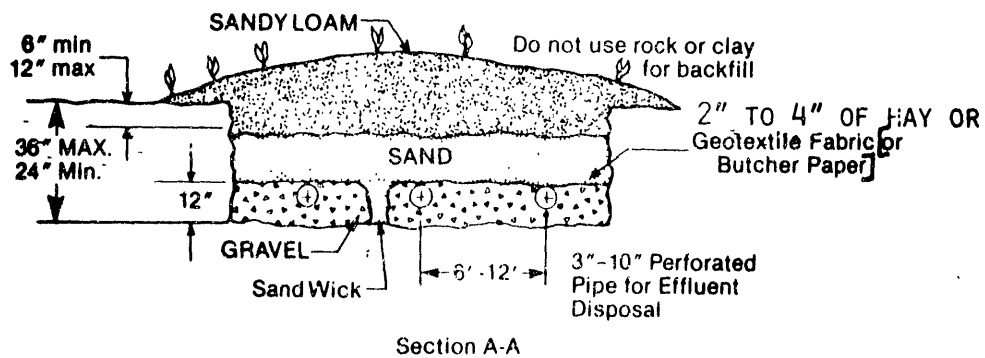
(a) Figure 5. The following figure illustrates soil absorption bed details and is not intended to serve as an engineered design for construction purposes.

FIGURE 5
SOIL ABSORPTION BED
DETAILS

NOTE: Please refer to preamble for a discussion of changes.



Plan View Of Dual Bed System



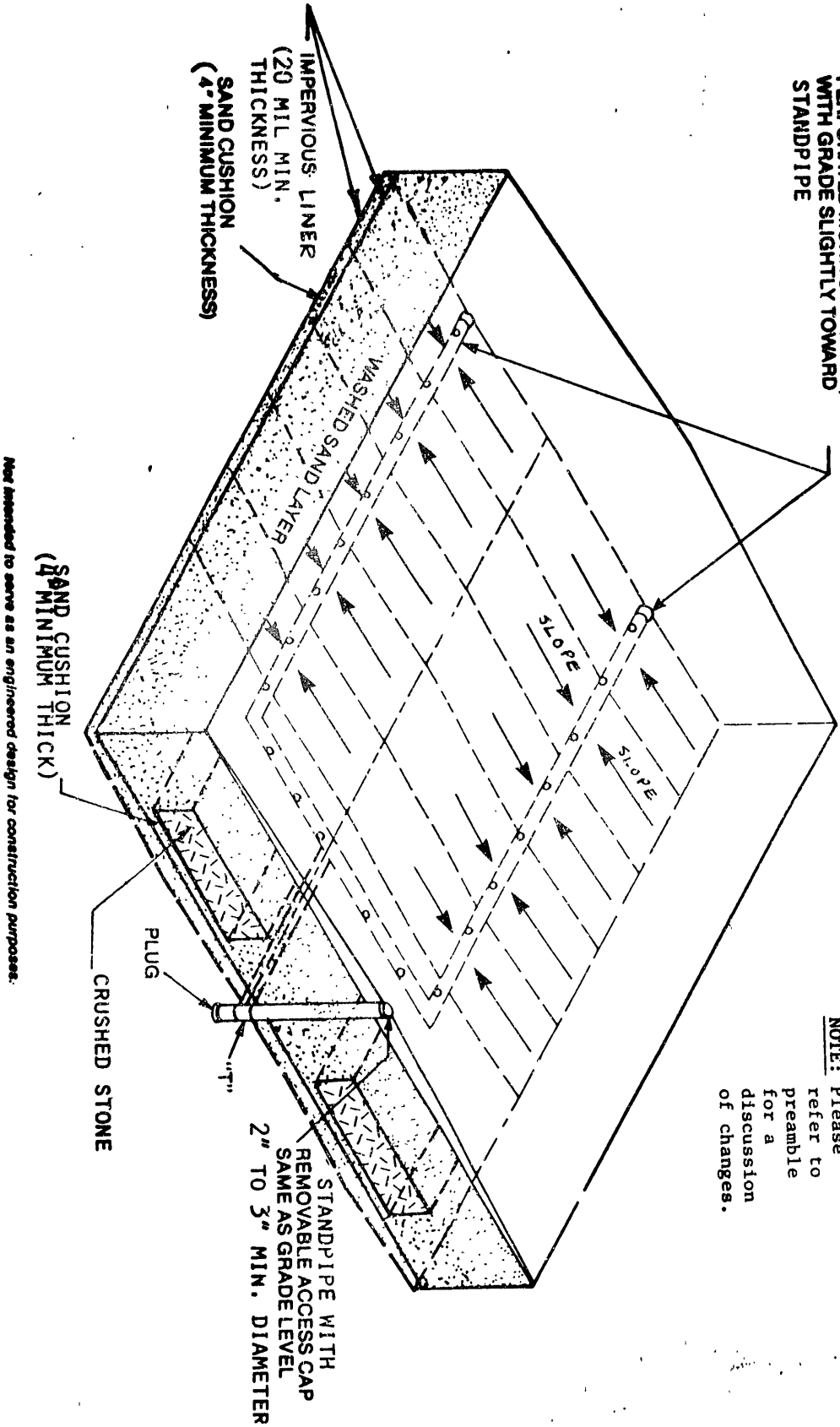
Section A-A

Not intended to serve as an engineered design for construction purposes.

(n) Figure 6. The following illustrates a leak monitor system and is not intended to serve as an engineered design for construction purposes. FIGURE 6

LEAK MONITOR SYSTEM
(See Figure 7 for Cross-Section)

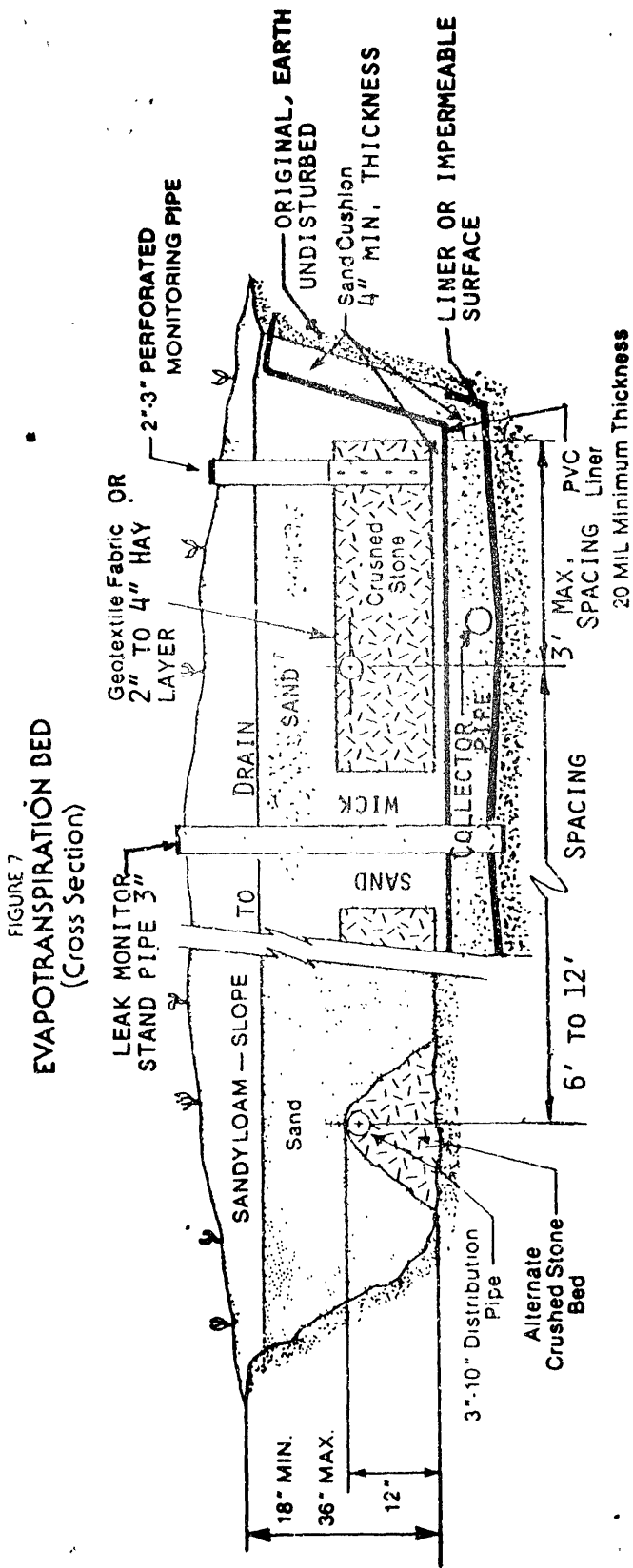
PERFORATED MONITORING PIPE,
WITH GRADE SLIGHTLY TOWARD
STANDPIPE



NOTE: Please refer to preamble for a discussion of changes.

Not intended to serve as an engineered design for construction purposes.

(o) Figure 7. The following figure illustrates a typical evapotranspiration bed cross-section and is not intended to serve as an engineered design for construction purposes.



- NOTES:**
1. Where a liner is used over rock or other material that may damage liner, the liner shall be laid on a 4" protective sand cushion, and covered by a similar cushion
 2. The crushed stone or gravel bed shall be made of 3/4" to 2" size hard stone
 3. Sand columns, formed by a permeable material, shall extend completely through the crushed stone or gravel bed. Total column area shall be 10 to 15% of the bed area
 4. The surface shall be mounded or sloped to drain storm water.
 5. The above drawing is for illustrative purposes, final construction design shall be site specific

6. REFER TO TABLE VIII FOR DEFINITION OF SAND AND SANDY LOAM.
7. LEAK MONITOR COLLECTION PIPE SHALL BE WRAPPED WITH A FILTER CLOTH MEETING THE MATERIAL REQUIREMENTS SET FORTH IN SECTION 301.13(C)(6)(B).

NOTE: Please refer to preamble for a discussion of changes.

Not intended to serve as an engineered design for construction purposes.

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

Issued in Austin, Texas, on April 24, 1989.

TRD-8903707

Robert A. Maclean, M.D.
Deputy Commissioner
Texas Department of Health

Proposed date of adoption: August 12, 1989

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

Chapter 325. Solid Waste Management

Subchapter Q. Memoranda of Agreement and Joint Rules with Other Agencies

• 25 TAC §325.731

The Texas Department of Health proposes new §325.731, which adopts by reference a memorandum of understanding (MOU) between the department, Texas Water Commission, and Texas Air Control Board. The MOU defines each agencies' interpretation of regulatory jurisdiction over management of sludge generated by municipal wastewater treatment plants.

The new section is proposed in order to comply with a provision of House Bill 2091, 69th Legislature, 1985, which requires that all MOU's related to solid waste management which are entered into by the department, must be adopted as a rule.

For several years the department and the Texas Water Commission have exercised joint jurisdiction for the management of sludge from municipal wastewater treatment plants. Areas of jurisdiction have been defined by oral agreement or by written letters, without a formal MOU. Essentially, the MOU will adopt by rule an existing verbal agreement between the department and the Texas Water Commission. The agreement being that the Texas Water Commission regulates activities of wastewater sludge management that occur on the same site as the wastewater treatment plant or on property owned or leased by the plant operator, where the activity is under the direct control and supervision of the plant operator; and that the Texas Department of Health regulates activities of wastewater sludge management that occur off-site of the plant. Both agencies consult with the Texas Air Control Board concerning the air quality aspects of the sludge management activities under their jurisdiction.

Stephen Seale, Chief Accountant III, Budget and Planning Division, Texas Department of Health, has determined that for the first five-year period the proposed section is in effect there will be no direct fiscal implications on state or local government or small businesses as a result of enforcing or administering the section.

Mr. Seale also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section will be the clarification of the jurisdiction of the three agencies involved in the MOU for municipal wastewater sludge management.

There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Copies of the MOU are available for inspection at the Austin headquarters of the Texas Water Commission, the Texas Air Control Board, and at the headquarters of the Texas Department of Health, Division of Solid Waste Management, 1100 West 49th Street, Austin, Texas, 78756-3199. Comments on the proposal may be submitted to Mr. Hector Mandieta, Director, Division of Solid Waste Management. Questions or comments may also be referred to Mr. Mandieta by phone at (512) 458-7271. Comments will be accepted for 30 days from the date of publication of the proposed section in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 4477-7, §3(a), 4(c), and §3(i), which provide the Texas Board of Health with the authority to adopt rules for management of municipal solid waste and which requires the Texas Department of Health to adopt by rule any memorandum of understanding; and Texas Civil Statutes, Article 4414b, §1.05, which provide the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the commissioner of health.

§325.731. Adoption by Reference.

(a) The Texas Department of Health adopts by reference a memorandum of understanding among the Texas Department of Health, the Texas Water Commission, and the Texas Air Control Board. The memorandum contains the agencies' interpretation of their regulatory jurisdiction over activities related to sludge generated by municipal wastewater treatment plants.

(b) Copies of the memorandum of understanding are on file with the Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and may be reviewed during normal business hours.

(c) The effective date of the memorandum of understanding is June 1, 1989.

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

Issued in Austin, Texas, on April 28, 1989.

TRD-8903755

Robert A. Maclean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Earliest possible date of adoption: June 5, 1989.

For further information, please call: (512) 458-7271

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 27. State Fire Marshal Subchapter D. Storage and Sale of Fireworks

• 28 TAC §27.413

The State Board of Insurance proposes an amendment to §27.413, concerning applications for license or permit for public display of fireworks. Notification of emergency adoption of this amendment appears elsewhere in this issue of the *Texas Register*. Amendment of §27.413(c)(8) is necessary to provide for coverage of fireworks displays through surplus lines insurance. This insurance coverage is necessary to provide for protection of the public as contemplated under the Insurance Code, Article 5.43-4, §15 and §16. The State Board of Insurance has determined that, because of market conditions, the liability insurance coverage required by the Insurance Code, Article 5.43-4, §15, is unavailable to applicants for, and holders of, public display licenses or permits. This amendment would provide authorization for the acceptance of surplus lines coverage for fireworks displays until August 21, 1989.

Ernest A. Emerson, state fire marshal, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Emerson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the availability of effective insurance for displays of fireworks to cover public liability and risks of injuries. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Ernest A. Emerson, State Fire Marshal, State Board of Insurance, Division Code 0910, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Insurance Code, Article 5.43-4, §16, which authorizes the State Board of Insurance to adopt rules necessary for the protection, safety, and preservation of life and property by licensing

and regulating public fireworks displays and other matters and activities concerning fireworks, and to accept surplus lines coverage for public liability insurance concerning fireworks.

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

Issued in Austin, Texas, on April 27, 1989.

TRD-8903785

Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: June 5, 1989

For further information, please call: (512) 463-6327

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Account

Chapter 3. Tax Administration

Subchapter V. Bingo Regulation and Tax

• 34 TAC §3.548

The Comptroller of Public Accounts proposes an amendment to §3.548, concerning general restrictions on the conduct of bingo. The amendment adds new subsections (l) and (m) requiring verification of winning cards and winning numbers, providing for inspection of bingo equipment and prohibiting tampering with bingo equipment.

This amendment is proposed to ensure that games are fairly conducted as mandated by the legislation in Texas Civil Statutes, Article 179d, §16(a).

Jim Shear, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no significant revenue impact on the state or local government or on small businesses as a result of enforcing or administering the section.

Mr. Shear 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 in allowing the comptroller to more effectively regulate bingo occasions. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

This amendment is proposed under Texas Civil Statutes, Article 179d, which provide the comptroller with authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act, §3.548. General Restrictions on the Conduct of Bingo.

(a)-(k) (No change.)

(l) Inspection of equipment, tampering prohibited. All bingo equipment, including blowers, flashboards, balls, and bingo cards, are subject to inspection at any time by any representative of the

comptroller. An authorized organization conducting bingo shall replace the bingo balls in use with a complete new set at least each six months or after each 50 occasions whichever occurs later and shall replace the balls at any time upon order of the comptroller or his representative. No person may tamper with or modify any bingo equipment in any manner which would affect the randomness of numbers chosen or which changes the numbers or symbols appearing on the face of a bingo card. A licensed authorized organization has a continuing responsibility to ensure that all bingo equipment used by it is in proper working condition.

(m) Verification.

(1) Verification of winning cards. The numbers appearing on the winning card must be verified at the time the winner is determined and prior to prize(s) being awarded in order to insure that the numbers on the card in fact have been drawn from the receptacle. This verification shall be done in the immediate presence of one or more players at a table or location other than the winner's. Each winning card shall be displayed on any television monitors in use. Each winning disposable paper card shall also be posted on the licensed premises where it may be viewed in detail by the players until at least 30 minutes after the completion of the last bingo game of that organization's occasion.

(2) Verification of numbers drawn. Any player may request a verification of the numbers drawn at the time a winner is determined and a verification of the balls remaining in the receptacle and not drawn. Verification shall take place in the immediate presence of the operator, one or more players other than the winner, and at his option the player requesting the verification.

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

Issued in Austin, Texas, on April 26, 1989.

TRD-8903784

Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption: June 5, 1989

For further information, please call: (512) 463-4004

Part IV. Employees Retirement System of Texas

Chapter 81. Insurance

• 34 TAC §81.7

The Employees Retirement System of Texas

proposes an amendment to §81.7, concerning enrollment and participation. The amendment concerns enrollment of an eligible dependent of an employee or retiree in the HMO in which the employee or retiree in the HMO in which the employee or retiree is enrolled. The eligible dependent may be enrolled at any time.

William S. Nail, general counsel, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Nail also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the Uniform Group Insurance Program (UGIP) rules of the Employees Retirement System of Texas (ERS) will not allow an employee or retiree to add an eligible dependent to HMO coverage after the first 31 days of initial eligibility, except during the annual limited enrollment period. The current rule may impose a financial hardship on an employee or retiree when certain events occur which cause the participant to assume financial responsibility for an eligible dependent not previously covered under the UGIP. Allowing employee's and retiree's eligible dependents to be enrolled in an HMO at any time will provide a benefit similar to that offered to the employees and retirees enrolled in the insured Plan administered by Blue Cross and Blue Shield of Texas, Inc. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to William S. Nail, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendment is proposed under the Texas Insurance Code, Article 3.50-2, §4, which provides the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and carry out the purposes and provisions of the Texas Employees Uniform Group Insurance Benefits Act.

§81.7. Enrollment and Participation.

(a)-(e) No change.

(f) Changes in coverages beyond the first 31 days of eligibility.

(1)-(2) No change.

(3) An employee or retiree enrolled in an approved HMO may enroll his or her eligible dependent in that HMO at any time. An application completed by the employee or the retiree and postmarked or received by the employing agency (Employees Retirement System of Texas for the retiree) on the first day of the month will become effective on the first day of the month. An application submitted after the first day of the month will be effective on the first day of the month following the date of application.

(3) An employee or retiree who wishes to add eligible dependents to his or

her HMO coverage may do so only during the annual enrollment period, except as provided in paragraph (8) of this subsection.]

(4) (B) No change.

(g)-(i) No change.

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

Issued in Austin, Texas, on May 1, 1989.

TRD-89C3836

Clayton T. Garrison
Executive Director
Employee Retirement
System of Texas

Earliest possible date of adoption: June 5, 1989

For further information, please call: (512) 476-6431, Ext. 213

TITLE 34. PUBLIC FINANCE

Part IX. Bond Review Board

Chapter 181. Bond Review Board

• 34 TAC §§181.3, 181.4, 181.5

The Texas Bond Review Board proposes amendments to §§181.3, 181.4, and 181.5, concerning approved issues. The amendments would change the monthly meeting day of the board from the third Tuesday of each month to the third Thursday of each month; amend the section affecting the timing of staff planning meetings; require the submission of a final report on lease-purchase agreements; require the reporting of underwriting spread for competitive financings; and require the reporting of the private placement fee for private placements. The Texas Bond Review Board amends these sections to accommodate applicants and board staff members and to provide additional information to the board concerning approved issues. The amended sections outline the timing of and the content required in applications for approval of state bonds and other documents to be submitted to the board.

Tom K. Pollard, executive director of the Bond Review Board, has determined that for each year of the first five years that the sections are in effect, there will be no fiscal implications as a result of enforcing or administering the sections.

Mr. Pollard also has determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be the increased knowledge of the extent and implications of state debt issuance. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments may be submitted to Tom K. Pollard, Executive Director, Texas Bond Review Board, P.O. Box 13292, Austin, Texas 78711-3292.

The amendments are adopted under the Acts

of the 70th Legislature, Regular Session, 1987, Chapter 1078, §3, Acts of the 70th Legislature, Regular Session, 1987 (Article 717k-7, Texas Civil Statutes, Article 717k-7), which gives the Texas Bond Review Board the authority to adopt rules governing application for review, the review process, and reporting requirements involved in the issuance of state bonds.

§181.3. Application for Board Approval of State Bond Issuance.

(a) (No change.)

(b) Applications must be filed with the bond finance office no later than the first Tuesday of the month in which the applicant requests board consideration. Applications filed after that date will be considered at the regular meeting only with the approval of the governor or three or more members of the board.

(c)(b) An application for approval of a lease-purchase agreement must include:

(1) a description of, and statement of need for, the facilities or equipment being considered for lease-purchase;

(2) the statutory authorization for the lease-purchase proposal;

(3) evidence of all necessary approvals from any state boards, state agencies, etc.; and

(4) a detailed explanation of the terms of the lease-purchase agreement including, but not limited to, amount of purchase, trade-in allowances, interest charges, service contracts, etc.

(d)(c) An application for all state bonds other than lease-purchase agreements must include:

(1) a substantially complete draft or summary of the proposed resolution, order, or ordinance providing for the issuance of state bonds;

(2) a brief description of the program under which the state bonds are proposed to be issued, which may include a reference to a legislative enactment or to existing rules if the program is established in accordance with an existing statute or existing rules;

(3) the applicant's plans for use of state bond proceeds, including a description of, statement of the need for, and cost of each specific project for which bond proceeds are proposed to be used;

(4) the applicant's plans for the administration and servicing of the state bonds to be issued, including, when applicable, a disbursement schedule of bond proceeds, the proposed flow of funds, the sources and methods of repayment, and an estimated debt service schedule;

(5) a description of the applicant's investment provisions for bond proceeds including any specific provisions for safety and security and a description of the

duties and obligations of the trustee and paying agent/registrars as applicable;

(6) a timetable for financing that contains dates of all major steps in the issuance process, including all necessary approvals;

(7) if the applicant has authority to issue both general obligation and revenue bonds and the proposed issuance is of one of these, a statement of the applicant's reasons for its choice of type of state bonds;

(8) a statement of the applicant's estimated costs of issuance, listed on an item by item basis, including, as applicable, the estimated costs for:

(A) bond counsel;

(B) financial advisor;

(C) paying agent/registrars;

(D) rating agencies;

(E) official statement printing;

(F) bond printing;

(G) trustee;

(H) credit enhancement;

(I) liquidity facility; and

(J) miscellaneous issuance costs;

(9) an estimate, if bond sale is negotiated, of underwriter's spread, broken down into the following components, and accompanied by a list of underwriters' spreads from recent comparable bond issues:

(A) management fee;

(B) underwriter's fees;

(C) selling concessions;

(D) underwriter's counsel;

and

(E) other costs;

(10) a list of the firms providing the services reported in subsections (8) and (9) of this section and a statement of prior representation of the issuer by each firm;

(11) a justification of the decision of whether or not to apply for municipal bond insurance or other credit

enhancement, including a comparison of expected bond ratings and borrowing costs for the issue with and without the particular enhancement(s) considered;

(12) a statement of any potential liability of the general revenue fund or any other state funds resulting from the issuance;

(13) a copy of any preliminary written review of the issuance that has been made by the attorney general;

(14) a statement addressing the participation of women and minorities. The purpose of this section is to promote economic opportunity by affording equal access to the procurement of contracts for professional services for the financing of bonds by state issuers. Therefore, the following information about each participant (including, but not limited to, bond counsel, underwriters, underwriter's counsel, and financial advisor) must be included:

(A) the degree of ownership and control of each participant firm by minorities and women;

(B) the number and percentage of professionally employed women and minorities in each participant's firm; and

(C) a brief description of the effort made by each participant to encourage and develop participation of women and minorities. This description can include internal firm recruitment efforts, any offers tendered for apportioning responsibilities by subcontract or joint venture, and the equal opportunity goals and policies of each participant's firm;

(15) the notification procedures used by or on behalf of the issuer to select the participants referenced in paragraph (14) of this subsection.

(e)[(d)] In addition to the information required by subsection (c) of this section, an application under this section may include any other relevant information the applicant wants to submit to the board.

(f)[(e)] At any time before approval of an application by the board, an applicant may withdraw or revise the application.

§181.4. Meetings.

(a) The regular meeting of the board shall be held the third Thursday [Tuesday] of each month. [Applications for consideration at the regular meeting must be filed with the bond finance office no later than two weeks prior to the date of the regular meeting. Applications filed after that date will be considered at the regular meeting only with the approval of the governor or three or more members of the board.]

(b) (No change.)

(c) A planning session will be held regarding applications pending before the board on or before the Friday [no later than one week] prior to a regular board meeting. Planning sessions regarding applications to be heard at additional meetings of the board will be held as far in advance of the additional board meeting as is practicable. At a planning session, board members, their designated representatives, or their staff representatives may discuss pending applications, but may not conduct board business. Applicants may be required to attend a planning session and may be asked to make a presentation and answer questions regarding their application. Applicants may be asked to submit written answers to questions regarding their application in lieu of, or in addition to, their attendance at a planning session.

(d)-(h) (No change.)

§181.5. Submission of Final Report.

(a) Within 60 days after the signing of a lease-purchase agreement or delivery of the state bonds and receipt of the state bond proceeds, the issuer or purchaser, as applicable, [issuers] shall submit one original and one copy of a final report to the bond finance office and a single copy of the final report to the Texas Comptroller of Public Accounts.

(b) A final report for lease-purchases must include a detailed explanation of the terms of the lease-purchase agreement including, but not limited to, amount of purchase, trade-in allowance, interest charges, service contracts, etc.

(c)[(b)] A final report for all state bonds other than lease-purchase agreements must include:

(1) all actual costs of issuance including, as applicable, the specific items listed in §181.3(c)(8) and (9) of this title (relating to Application for Board Approval of State Bond Issuance), as well as the underwriting spread for competitive financings and the private placement fee for private placements, all closing costs, and any other costs incurred during the issuance process; and

(2) a complete bond transcript including the preliminary official statement and the final official statement, private placement memorandum, if applicable, or any other offering documents as well as all other executed documents pertaining to the issuance of the state bonds. The issuer also must submit a copy of the winning bid form and a final debt service schedule (if applicable).

(d)[(c)] Submission of this final report is for the purpose of compiling data and disseminating information to all interested parties. The cost of reproduction of any and all portions of the final documents shall be borne by each requesting party.

(e)[(d)] The bond finance office shall prepare and distribute to the members of the bond review board a summarization of each final report within 30 days after the final report has been submitted by the issuer. This summarization shall include a comparison of the estimated costs of issuance for the items listed in §181.3(c)(8) and (9) of this title (relating to Application for Board Approval of State Board Issuance) contained in the application for approval with the actual costs of issuance listed in subsection (b)(1) of this section submitted in the final report. This summarization must also include such other information, which in the opinion of the bond finance office, represents a material addition to, or a substantial deviation from, the application for approval.

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

Issued in Austin, Texas, on April 25, 1989.

TRD-8003721 Tom K Poliard
Executive Director
Texas Bond Review Board

Earliest possible date of adoption: June 5, 1989

For further information, please call: (512) 463-1741

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 49. Child Protective Services

Subchapter E. Intake and Investigations Services

The Texas Department of Human Services (DHS) proposes amendments to §49. 514 and §49.515 and new §§49.601-49.604 concerning expunction hearings. Expunction hearings provide certain individuals found to have abused or neglected a child an opportunity to expunge the abuse or neglect finding from official records. The new sections explain the term "expunction hearing," and present information concerning emergency release and use of information, persons eligible, and notification of requests for and conduct of expunction hearings. Also in this issue of the *Texas Register*, DHS is proposing new sections in Chapter 79, Legal Services, and Chapter 85, General Licensing Procedures, to add expunction hearings to those chapters.

Burton F. Ralford, deputy commissioner for support operations, has determined that for the first five-year period the sections will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the sections.

Mr. Ralford also has determined that for each

year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a hearing procedure designed to ensure due process to individuals accused of child abuse. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-203, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

• 40 TAC §49.514, §49.515

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§49.514. *Notification about Results.*

(a) (No change.)

(b) [Except in adjudicated cases.] Within 15 days after completing an investigation, DHS must give [each person designated as an alleged perpetrator] written notice of the findings of the investigation[.] to each person designated as an alleged perpetrator, if:

(1) the case disposition is "reason to believe;" or

(2) the case disposition is "reason to believe" or "adjudicated" and information gathered during the investigation indicates the need to release the abuse or neglect findings about the alleged perpetrator to persons who control his access to children. In this situation, DHS must give the alleged perpetrator notice of the disposition, according to subsection (a) of this section, and notice of the planned release of information, according to §49.604 of this title (relating to Notice Requirements for the Appeal).

(c) (No change.)

§49.515. *Administrative Review of Investigation Findings.*

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

(f) If the person conducting the review alters or reverses the findings or specifies other action for the worker to take, the worker:

(1) changes the designation of the alleged perpetrator and case disposition on CANRIS to match any changes made by the reviewer;

(2)[(1)] notifies each person who was told of the original findings about the findings established by the administrative review; and

(3)[(2)] takes any other action specified by the reviewer.

This agency hereby certifies that the proposal

has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 28, 1989.

TRD-8903824

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: August 1, 1989

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

◆ ◆ ◆
Subchapter F. Expunction
Hearings

• 40 TAC §§49.601-49.604

The new sections are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs

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

Abuse or neglect findings—Includes the investigation disposition; designation of the alleged perpetrator; and types of abuse or neglect confirmed in the investigation.

Expunction hearing—An opportunity for individuals found to have abused or neglected a child to expunge the abuse or neglect finding from official records.

Release—The release of data outside DHS without the alleged perpetrator's consent except for release of data to the alleged perpetrator himself, to a court of law, by operation of law, or to the parents or individuals legally responsible for a victim.

Substantial risk—A real and significant likelihood that an event will occur.

§49.602. *Release of Child Protective Services (CPS) Abuse or Neglect Findings and Right to Appeal.*

(a) Abuse or neglect findings about persons designated by CPS as alleged perpetrators of abuse or neglect may be released by DHS to the person's employer, spouse, volunteer director, child-placing agency, or other persons who can help prevent the alleged perpetrator from harming children. When DHS decides to release CPS abuse or neglect findings to these persons, the alleged perpetrator has the right to an expunction appeal.

(b) the following conditions must exist before DHS releases CPS abuse or neglect findings:

(1) the CPS case disposition is reason to believe or adjudicated, and abuse or neglect findings have been shown to be justified by a preponderance of the evidence;

(2) CPS has information from a current or prior investigation which indi-

cates that the alleged perpetrator poses a substantial risk of abusive or neglectful harm to children. Factors DHS considers in assessing the risk to children include, but are not limited to, the following:

(A) the apparent age, physical condition, psychological functioning, level of maturity, and other characteristics of the children to whom the alleged perpetrator has access (to the degree this information is known);

(B) patterns apparent from current or prior investigations and any previous history of abuse or neglect;

(C) the nature of the abusive or neglectful harm or substantial risk in the current or prior investigation;

(D) presence or absence of protective persons, including whether the alleged perpetrator has unsupervised access to the children, and whether persons responsible for the children have abused or neglected them or others;

(E) apparent level of maturity and psychological functioning of the alleged perpetrator; successful participation in treatment; current or prior incidents of abuse or neglect or other harm to children; continued substance abuse, or mental or emotional illness;

(3) the alleged perpetrator has been provided with notice and an opportunity to appeal the findings before the findings are released, unless DHS has evidence that the alleged perpetrator poses an immediate danger to the health or safety of the children, in which case the information can be released on an emergency basis at the earliest time all other conditions for release are met; and

(4) the worker and supervisor, with the program director's concurrence, make the original decisions about whether the need exists to release information and whether the abuse or neglect findings have been shown to be justified by a preponderance of the evidence.

§49.603. *Appeal Process.* The parts for the appeal process are as follows:

(1) an administrative review of the investigation findings (ARIF). The ARIF is a necessary precondition to requesting the administrative expunction hearing unless the ARIF is waived by mutual agreement of both parties.

(A) An ARIF is a necessary precondition even though an ARIF was not provided at the end of a current or prior investigation for any reason. However, an ARIF held at the end of a prior or current

investigation meets this requirement.

(B) An ARIF provided as a precondition to a hearing is the same as that provided under §49.515 of this title (relating to Administrative Review of Investigation Findings) except that the reviewer also determines whether the criteria in §49.602(b) (1)-(2) of this title (relating to Release of Child Protective Services (CPS) Abuse or Neglect Findings and Right to Appeal) appear to be met in the case.

(C) The alleged perpetrator's exercise of this right to complain about the findings after the ARIF to the Attorney General's Office of Youth Care Investigation has no effect on the appeal process.

(2) an administrative hearing on expunction of the findings.

§49.604. Notice Requirements for the Appeal. DHS must give written notice to the alleged perpetrator when the regional director for families and children's services makes the final decision to release the findings, whether or not the findings were previously provided in writing. Staff sends the notice via certified mail, return receipt requested, unless DHS determines that a more immediate form of written notice is required. The notice must include the following:

(1) the abuse or neglect findings to be released;

(2) the alleged perpetrator's right to request a copy of the investigation documentation, from which the complainant's name is to be removed, and to review relevant videotapes;

(3) the cost to the alleged perpetrator for a copy of the information;

(4) notice that the request may be denied if release would jeopardize an ongoing criminal investigation or if the attorney representing DHS in a lawsuit has determined that the information should be withheld;

(5) DHS's decision to release the abuse or neglect findings and whether the findings will be released on an emergency basis before the appeal;

(6) the alleged perpetrator's right to appeal the finding, and notice that failure to request the appeal may result in the release of the findings without the alleged perpetrator's consent;

(7) notice of whether it is necessary in the individual case to hold an ARIF as a precondition to a hearing, and whether DHS is willing to waive the ARIF; and

(8) notice that it is the alleged perpetrator's responsibility to request the appeal in writing, and that the request must be:

(A) postmarked within 15 days after the alleged perpetrator receives the notice; and

(B) sent to the Associate Commissioner for Legal Services (170-W), Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769.

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

Issued in Austin, Texas, on April 28, 1989.

TRD-6903823

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: August 1, 1989

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

Chapter 79. Legal Services

Subchapter R. Expunction Hearings

• 40 TAC §§79.1701-79.1716

The Texas Department of Human Services (DHS) proposes new §§79.1701-79.1716, concerning expunction hearings. The sections are proposed under new Subchapter R of Chapter 79, Legal Services. Expunction hearings provide individuals found to have abused or neglected a child an opportunity to expunge the abuse or neglect finding from official records. Also in this issue of the *Texas Register*, DHS is proposing new sections in Chapter 49, Child Protective Services, and Chapter 85, General Licensing Procedures, to add expunction hearings to those chapters.

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

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a hearing procedure designed to ensure due process to individuals accused of child abuse. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-579, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§79.1701. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Administrative law judge—The attorney appointed by the associate commissioner for legal services to preside over the hearing.

Adverse action—Adverse registration, licensing or certification that is based in whole or in part on a finding of abuse or neglect (without regard to the release of abuse data). This definition of adverse action does not include the removal of foster children from alleged perpetrators who are foster parents verified by Child Protective Services (CPS) or CPS-approved prospective adoptive parents, nor does it include denial of CPS verification as foster parents or approval as adoptive parents.

Alleged perpetrator—A person alleged to have abused or neglected a child.

Commissioner—The commissioner of the Texas Department of Human Services.

Days—Calendar days, unless otherwise specified.

Department—The Texas Department of Human Services.

Expunction hearing—An opportunity for individuals found to have abused or neglected a child to expunge the abuse or neglect finding from official records.

Petitioner—Any person who has filed a written request for a hearing according to these procedures.

Release—Release of data outside the department without the alleged perpetrator's consent, with the exception of data released:

(A) to the alleged perpetrator himself;

(B) to a court of law;

(C) by operation of law; or

(D) to the parents or individuals legally responsible for a victim.

Respondent—The department.

§79.1702. Right to a Hearing.

(a) An expunction hearing must be granted to any alleged perpetrator about whom a finding of child abuse or neglect is to be released without that individual's consent.

(b) An expunction hearing must also be granted to any alleged perpetrator against whom an adverse action is to be taken by the department. In this and other instances in which the alleged perpetrator has the right to an expunction hearing as well as the right to appeal-related issues, the department, at its discretion, may combine the two appeals and hold a single hearing.

§79.1703. Notice. The commissioner or

his designee sends the alleged perpetrator notice of any pending release or adverse use. The notice is sent by certified mail, return receipt requested, unless the department determines that a more immediate form of notice is required. The notice must include:

(1) a statement of the child abuse or neglect findings and the adverse action to be taken by the department;

(2) a statement of the alleged perpetrator's right to request a hearing on the adverse action or release within 15 days of receiving the notice;

(3) a statement that the failure to request a hearing may result in disclosure of the abuse or neglect findings; and

(4) a statement as to whether the abuse or neglect findings will be released or used before the appeal.

§79.1704. Emergency Release/Use of Data. Although abuse or neglect data is not usually released pending the results of the expunction hearing, data may be adversely used against an alleged perpetrator if the department determines that he constitutes an immediate danger to the health or safety of children.

§79.1705. Request for a Hearing. The alleged perpetrator must file a written request for a hearing. The request must be post-marked within 15 days after his receipt of the official notice from the department and must be addressed to the Hearing Division.

§79.1706. Administrative Law Judge. An administrative law judge hears the case, makes appropriate findings of fact and conclusions of law, and makes the final decision in each case. An attorney who has directly or indirectly participated in, or given advice on issues that are the basis for, a particular hearing may not be the administrative law judge in that hearing.

§79.1707. Hearing Guidelines.

(a) Department representative--The associate commissioner for legal services or his designee appoints an attorney to represent the department. The attorney has authority over the manner and substance of the presentation of the department's case.

(b) Notice of hearing and statement of issues - Within 30 days after he receives the request, the administrative law judge selects a hearing date. On motion of the department representative or on the administrative law judge's own motion, the timely filing of the hearing request may be challenged. The administrative law judge decides whether the request was filed on time. At least 20 days before the date of the hearing, the administrative law judge must notify the respondent and petitioner, in writing, about the hearing date. The administra-

tive law judge may expedite the hearing if any party showing good cause requests it. In this event, all parties must be sent at least 10-day notice of the hearing date.

(1) The written notice includes:

(A) a statement of the time, place, and nature of the hearing; and

(B) a statement of the legal authority and jurisdiction under which the hearing will be held.

(2) At least 10 days before the hearing date, the department's representative must deliver to the petitioner and file with the administrative law judge:

(A) a reference to the particular sections of the statutes and rules involved; and

(B) a concise statement of the matters asserted by the department.

§79.1708. Venue. Hearings are held in the departmental region responsible for the abuse or neglect determination, unless the administrative law judge determines that good cause exists for moving the hearing.

§79.1709. Authority. The expunction hearing is conducted pursuant to, the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. The administrative law judge decides whether to uphold the abuse or neglect finding based on the evidence presented at the hearing. He has no authority to overrule state or federal statutes, policies, or regulations. The department has the burden of proof. Issues must be proved by a preponderance of evidence.

§79.1710. Representation for Petitioner. Any petitioner may appear and be represented by an attorney at law authorized to practice law before the highest court of any state. The petitioner may also appear on his own behalf.

§79.1711. Withdrawal of Hearing Request and Informal Disposition.

(a) The petitioner may, at any time before the conclusion of the hearing, submit written notification to the department that he is withdrawing the hearing request.

(b) Informal disposition may be made of any case by written stipulation, agreed settlement, consent order, or default.

§79.1712. Conduct of Hearings - General Requirements.

(a) The administrative law judge is in charge of proceedings. He has the authority to administer oaths, examine witnesses, issue subpoenas and commissions, and rule

on admissibility of evidence and amendments to pleadings. He may also establish reasonable time limits for conducting individual hearings, request additional information, and issue intermediate orders. He has the authority to issue any orders necessary to enforce his rulings. These include, but are not limited to, the following:

(1) exclusion of evidence or witnesses;

(2) exclusion of oral argument;

(3) summary orders or default judgment on any issues;

(4) postponement or dismissal of the hearing with or without prejudice.

(b) Subject to the administrative law judge's rulings and orders, opportunity must be given to all parties to respond to and present evidence and argument on all issues involved.

(c) The petitioner and the respondent have opportunities to call any witnesses desired, but within the limits the administrative law judge sets.

(d) If a party does not appear for the hearing, a default decision may be entered against him.

(e) The administrative law judge may grant a postponement or continuance of the hearing for just cause.

(f) A record must be made of the proceedings. The record in the case includes:

(1) all pleadings, motions, and intermediate rulings;

(2) evidence received or considered;

(3) a statement of matters officially noticed;

(4) questions and offers of proof, objections, and rulings on them;

(5) proposed findings and exceptions;

(6) any decision, opinion, or report by the administrative law judge; and

(7) all staff memoranda or data submitted to or considered by the administrative law judge in making his decision.

(g) A stenographic record of each hearing must be made. If requested by the administrative law judge, the proceedings must be transcribed and a transcript given to the administrative law judge. The costs associated with recording and transcribing the hearing may be assessed to one or more parties. If a party wants a transcript of the hearing, that party must pay all costs associated with providing the transcript. If a party fails to appear at a hearing and a default decision is entered against that party, the administrative law judge may assess court reporter costs against the defaulting party. The administrative law judge must desig-

nate the court reporter to record the proceedings.

(h) The parties to the hearing may conduct cross-examinations required for a full and true disclosure of the facts.

(i) Before or during the hearing, the administrative law judge may call or request any party to call a witness or witnesses the judge believes necessary to make the final decision.

(j) Upon notifying all parties, the administrative law judge may communicate with department employees who have not participated in the hearing, to use the special skills or knowledge of the agency and its staff in evaluating the evidence. The

administrative law judge may allow all parties to be present during this communication and, at his sole discretion, may allow parties to question the employee. The employee's communication is not part of the hearing and need not be recorded.

(k) Any motion relating to a pending proceeding, unless made during a hearing, should be in writing and specify the desired relief and the specific reasons and basis for this relief. If based upon matters that do not appear of record, the motion must be supported by affidavit. Motions must be filed with the administrative law judge.

(l) A party filing any protest, reply, answer, motion, or other pleading in any

hearing after the hearing request has been filed must mail or otherwise deliver a copy to every other party of record. If any party has appeared in the proceeding by attorney or other representative authorized to make appearances, the attorney or other representative must be served. The willful failure of any party to make this service is sufficient grounds for the administrative law judge to enter an order striking the pleading from the record.

(m) A certificate by the party, attorney, or representative who files a pleading stating that it has been served on the other parties will be prima facie evidence of service. The following form of certificate is sufficient:

I hereby certify that I have this day of _____, 19__ served copies of the foregoing pleading upon all other parties to this proceeding, by (here state the manner of service).

Signature

(n) In all procedural matters not specifically governed by these sections, the Texas Rules of Civil Procedure apply, unless the administrative law judge determines that good cause exists for waiving these rules.

(o) Records of the hearing are kept in department files for four years after a final decision is rendered or until any subsequent litigation arising from the hearing has been resolved.

(p) At all hearings, each party, witness, attorney, representative, or other person must show proper dignity, courtesy, and respect for the administrative law judge and others participating in or observing the hearing. The administrative law judge is authorized to act as he considers necessary and appropriate to maintain proper decorum and conduct. Actions may include, but are not limited to, recessing the hearing to be reconvened at another time or place or excluding from the hearing any party, witness, attorney, representative, or other person for a period and under the conditions that the administrative law judge considers fair and just.

§79.1713. Prehearing Procedure.

(a) Prehearing conference. On the motion of the petitioner or the respondent or on his own motion, the administrative law judge may direct the parties and their attorneys or representatives to appear before him at a specified time and place for a conference before the hearing, to formulate issues and to consider:

(1) the possibility of making admissions of certain averments of facts or

stipulations to avoid the unnecessary introduction of proof;

(2) the simplification of issues;

(3) the procedure at the hearing;

(4) the limitation, when possible, of the number of witnesses; and

(5) other matters that may help to simplify the proceedings and the disposition of the case, including settlement of issues that are in dispute.

(b) Discovery and production of documents and things for inspection, copying, or photographing. In all discovery matters not specifically governed by this subchapter, the Texas Rules of Civil Procedure are followed. Upon the timely motion of any party and notice to all other parties and subject to such limitations of the kind provided for discovery under the Texas Rules of Civil Procedure, the administrative law judge may order any party to produce and permit the inspection and copying or photographing by or on behalf of the moving party any of the following that are in his possession, custody, or control: designated documents, papers, books, accounts, letters, videotapes, photographs, objects, or tangible things, not privileged, that constitute or contain or are reasonably calculated to lead to the discovery of evidence that is material to any matter involved in the action. The administrative law judge may further order any party to permit entry upon designated land or other property in that party's possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated object or operation on the property that may be material to any matter involved

in the action.

(1) The order must specify the time, place, and manner of making the inspection, measurement, or survey and taking the copies and photographs and may prescribe terms and conditions that are just.

(2) The identity and location of any potential party or witness may be obtained from any communication or other paper in a party's possession, custody, or control; any party may be required to produce and permit reports, including factual observations and opinions of an expert called as a witness, to be inspected and copied. The rights granted in this subsection may not extend to other written statements of witnesses or other written communications passing between agents or representatives or the employees of any party to the suit or to other communications between any party and his agents, representatives, or other employees, if they are made after the occurrence or transaction upon which the appeal is based and made in connection with the prosecution, investigation, or defense of this claim or the circumstances out of which the claim arose.

(3) Any person, whether or not a party, is entitled to obtain, upon request, a copy of any statement he has previously made concerning the action or its subject matter. If his request is refused, he may move for an order according to this subsection. For the purpose of this subsection, a statement previously made is either:

(A) a written statement signed or otherwise adopted or approved by the person making it; or

(B) a stenographic, mechanical, electrical, videotape, or other recording or a transcription of the same statement, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

(c) Nonparty discovery. The administrative law judge may order a person, organizational entity, governmental agency, or corporation not a party to the hearing to produce according to this subsection. He may make this order only after a motion has been filed specifically stating the request and necessity for it. All parties and those who are not parties must have the opportunity to object in writing to the motion. At his own discretion, the administrative law judge may hold a hearing on the motion.

(d) Admission of facts and of genuineness of documents. Any time after the department has acknowledged in writing a petitioner's request for a hearing, a party may deliver or have delivered to any other party a written request for admission of facts and genuineness of documents. The provisions of the Rules of Civil Procedure, Rule 169 apply, except that filing and enforcing are controlled by the administrative law judge and that the time limit to respond is 25 (not 30) days.

(e) Interrogatories to parties. Any time after the department has acknowledged a petitioner's request for a hearing, any party may serve interrogatories upon any other party. The provisions of the Rules of Civil Procedure, Rule 168 apply except that filing and enforcing are controlled by the administrative law judge and the number of questions is limited to no more than 25 answers.

§79.1714. Evidence and Depositions.

(a) Rules of Evidence.

(1) Irrelevant, immaterial, or unduly repetitious evidence is excluded. The rules of evidence, as applied in nonjury civil cases in the district courts of the state, must be followed. When necessary to determine facts not reasonably susceptible of proof under those rules, evidence not admissible under those rules may be admitted. This is true except when precluded by statute, if it is of a type commonly relied upon by reasonably prudent individuals in the conduct of their affairs. The rules of privilege recognized by law are in effect. Objections to evidentiary offers may be made and must be noted in the record. Subject to these requirements, any part of the evidence may be received in written form if a hearing is to be expedited and if the parties' interest will not be substantially prejudiced. The prepared testimony of a witness upon direct examination, either in narrative or question and answer form, may be incorporated in the record as if read or received as an exhibit after the witness has been sworn and has identified that the prepared testimony is as true and accurate as

his oral testimony would be. The witness is subject to clarifying questions and to cross examination. The prepared testimony is subject to a motion to strike either in whole or in part.

(2) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. On request, parties can compare the copy with the original.

(3) Official notice may be taken of all facts judicially known. In addition, notice may be taken of generally recognized facts within the area of the department's specialized knowledge. Parties must be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data. Parties must be given an opportunity to contest the material so noticed. The special skills or knowledge of the department and its staff may be used in evaluating the evidence.

(b) Subpoenas. On its own motion or on the written request of any party, on a showing of good cause, and on deposit of sums that reasonably ensure payment of the amounts estimated to accrue under this subsection, the department may issue a subpoena addressed to the sheriff or any constable to require attendance of witnesses and production of books, records, papers, or other objects that may be necessary and proper for the purposes of the proceedings. These subpoenas may be issued by the commissioner or designee and the administrative law judge.

(c) Depositions.

(1) On its own motion or on any party's written request of and on deposit of sums that reasonably ensure payment of the amounts estimated to accrue under this subsection, the department may issue a commission, addressed to the several officers authorized by the statute to take depositions, to require that the deposition of a witness be taken. The commission authorizes the issuance of any subpoenas necessary to require that the witness appear and produce, at the time the deposition is taken, books, records, papers, or other objects that may be necessary and proper for the purposes of the proceeding. The commission may be issued by the commissioner or his designee and the administrative law judge. The deposition of a member of an agency board may not be taken after a hearing date has been set. The deposition is taken according to the requirements of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

(2) A deposition may be returned to the department either by mail, by a party interested in taking the deposition, or by any other person. If returned by mail, the department must endorse the deposition to show that it was received from the post office. The department employee receiving

the deposition must sign it. If it is not sent by mail, the person delivering it to the department must make an affidavit before a department representative that:

(A) he received it from the hands of the officer before whom it was taken;

(B) it has not been out of his possession since; and

(C) it has undergone no alteration.

(3) After the deposition is filed with the department, any department employee may open the deposition at the request of either party or his counsel. The employee must endorse the deposition by entering the date and the name of the person who asked that it be opened. The employee then signs the deposition. The deposition must remain on file with the department and may be inspected by any party.

(d) Filing. Requests for commissions or subpoenas are addressed to the administrative law judge.

(e) Reimbursement of witness or deponent.

(1) A witness or deponent who is not a party and who is subpoenaed or compelled to attend any hearing or proceeding to give a deposition or to produce books, records, papers, or other objects that are necessary for the proceeding is entitled to receive:

(A) reimbursement for travel expenses in an amount generally applicable to state employees for traveling to and from the place of the hearing or the place where the deposition is taken. This is true if the place is more than 25 miles from the person's residence;

(B) either a fee in an amount equal to the rate of per diem generally applicable to state employees, or \$10 a day, whichever is greater, for each day or part of a day the person must be present as a witness or deponent.

(2) Travel expenses and fees for nonemployee witnesses the department calls are paid by the program area responsible for the abuse/neglect determination. Travel expenses and fees for nonemployee witnesses called by the petitioner are the petitioner's responsibility and fees payable to these witnesses are not governed by this subsection.

(f) Failure to comply. If a person fails to comply with a subpoena or commission, the department, acting through the attorney general or the party requesting the subpoena or commission, may bring suit to

enforce the subpoena or commission in a district court in Travis County or in the county in which a hearing conducted by the department is held.

§79.1715. Deliberation. After all evidence has been heard, the administrative law judge adjourns the hearing. Within 60 days from the date of adjournment, the administrative law judge makes a final decision upon the appeal.

§79.1716. Decisions.

(a) The final decision is based solely upon the record of the individual case, is in writing, and includes the findings of fact and conclusions of law in separate statements.

(b) Findings of fact, if set forth in statutory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(c) Findings of fact must be based exclusively on the evidence and on matters officially noticed. If a party submits a proposed finding of fact, the decision must include a ruling on each proposed finding.

(d) The administrative law judge enters the orders that are necessary to implement his decision. He may also make any other recommendations that he considers appropriate.

(e) The decision is mailed by certified mail, return receipt requested, or personally delivered to the petitioner or his attorney and to the respondent.

(f) Either party may file a written motion for a rehearing. This motion must be addressed to the administrative law judge and must be filed within 15 days after the date that the final decision was rendered. Replies to a motion for a rehearing must be filed within 25 days after the date that the final decision was rendered. The administrative law judge either grants or denies the motion for a rehearing within 45 days after the date that the final decision was rendered.

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

Issued in Austin, Texas, on April 28, 1989.

TRD-8903825

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: August 1, 1989

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

Chapter 85. General Licensing Procedures

Subchapter PP. Expunction Hearings

• 40 TAC §§85.4050-85.4057

The Texas Department of Human Services (DHS) proposes new §§85.4050-85.4057, concerning expunction hearings. The sections constitute new Subchapter PP of Chapter 85, General Licensing Procedures. Expunction hearings provide individuals, found to have abused or neglected a child, an opportunity to expunge the abuse or neglect finding from official records. The new sections explain the term "expunction hearing," and present information concerning emergency release and use of information, persons eligible, and notification of requests for and conduct of expunction hearings. Also in this issue of the *Texas Register*, DHS is proposing new sections in Chapter 49, Child Protective Services, and Chapter 79, Legal Services, to add expunction hearings to those chapters.

Burton Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a hearing procedure designed to ensure due process to individuals accused of child abuse. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-813, Texas Department of Human Services 222-E, P.O. 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§85.4050. Expunction Hearings. Expunction hearings provide individuals, found to have abused or neglected a child, an opportunity to expunge the abuse or neglect finding from official records. An expunction hearing must be granted to any alleged perpetrator when the department determines that:

- (1) abuse or neglect occurred;
 - (2) the perpetrator is identified;
- and
- (3) release of this information is likely to adversely affect that alleged perpetrator's employment, license, or registration status either now or in the future.

§85.4051. Emergency Release and Use of Information.

(a) Usually, abuse or neglect information is not released pending the results of an expunction hearing. However, information may be released to the employer if the department determines that the presence of the alleged perpetrator constitutes an immediate threat or danger to the health, safety, or welfare of the children.

(b) If the alleged perpetrator is a licensee, registrant, or certificate holder, the information may be released for the purpose of justifying a request for appropriate judicial relief or for notifying parents of children in care, or both.

(c) An expunction hearing must be offered even if the information is released on an emergency basis.

§85.4052. Expunction Hearing for a Facility Employee. When the alleged perpetrator is the employee of a facility, including an unlicensed or unregistered facility that is subject to regulation, and including a facility making application, DHS sends the alleged perpetrator a notice including:

(1) a statement of the abuse or neglect findings;

(2) a statement that the findings are to be released to the employer;

(3) a statement of the alleged perpetrator's right to appeal the findings within 15 days of the receipt of the notice;

(4) a statement as to whether the abuse or neglect finding will be released prior to the appeal; and

(5) a statement that any request for a hearing must be sent to the associate commissioner for legal services, with a copy to the investigator or investigator's supervisor.

§85.4053. Request for an Expunction Hearing from a Facility Employee. If the alleged perpetrator wants to appeal, he must file a written request for a hearing. The request must be postmarked within 15 days after receiving the official notice of the findings from the department.

§85.4054. Conduct of Expunction Hearings.

(a) The administrative law judge conducts the expunction hearing of facility operators and employees in accordance with Chapter 79, Subchapter R of this title (relating to Expunction Hearings). When a licensee, registrant, or applicant and an employee are determined to be alleged perpetrators, and the findings are the basis, in whole or in part, for adverse action, the expunction process for each person is handled separately.

(b) The administrative law judge

conducts day care licensing or registration appeals and expunction hearings in accordance with Subchapter OO of this chapter (relating to Appeals of Licensing Staff Decisions) and Chapter 79, Subchapter R of this title (relating to Expunction Hearings). Exception: In the event of conflicting time frames, DHS uses those set forth in Subchapter OO.

(c) The administrative law judge conducts residential child care licensing appeals and expunction hearings in accordance with Subchapter OO of this chapter (relating to Appeals of Licensing Staff Decisions) and Chapter 79, Subchapter R of this title (relating to Expunction Hearings). Exception: In the event of conflicting time frames, DHS uses those set forth in Subchapter OO.

§85.4055. Request for an Expunction Hearing by an Operator of an Unlicensed or Unregistered Facility Subject to Regulation. If the alleged perpetrator is the operator of an unregulated facility which is subject to regulation, and the facility is not an applicant, DHS notifies the person of:

(1) the requirements to be licensed or registered;

(2) the abuse or neglect findings if the findings might be the basis, in whole or in part, for denying any application received from the alleged perpetrator;

(3) his right to request an expunction hearing and to whom to address the request; and

(4) the requirement that any request for an expunction hearing must be postmarked within 15 days after the person received the official notice of findings from the department.

§85.4056. Request for an Expunction Hearing by a Licensee, Registrant, or Applicant.

(a) If a license or registration is denied or revoked, based wholly or partly on the abuse or neglect finding, the licensee, registrant, or applicant has 30 days to request an appeal of the denial or revocation and an expunction hearing.

(b) DHS advises the licensee, registrant, or applicant that the appeal of the denial or revocation, if chosen, and the expunction hearing, if chosen, must be requested within 30 days following receipt of the notification whether he chooses to make either or both requests.

§85.4057. Expunction of Findings of Child Protective Services. Expunction appeals of abuse or neglect findings made by DHS child protective services staff are handled according to the provisions of Chapter 49, Subchapter F of this title (relating to Expunction Hearings).

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

Issued in Austin, Texas, on April 28, 1989.

TRD-0903822

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: August 1, 1989

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





texas register

Name: Michelle Hunter

Grade: 11

School: Vernon High, Vernon

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 within 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 16. ECONOMIC
REGULATION**
**Part II. Public Utility
Commission of Texas**
Chapter 23. Substantive Rules
Quality of Service
• 16 TAC §23.61

The Public Utility Commission of Texas has withdrawn the emergency effectiveness of amendment to §23.61, concerning the quality of service. The text of the emergency amendment appeared in the February 17, 1989, issue of the *Texas Register* (14 TexReg 893). The effective date of this withdrawal is May 17, 1989.

Issued in Austin, Texas, on April 26, 1989.

TRD-8903763 Phillip A. Hoider
Secretary
Public Utility Commission
of Texas

Effective date: May 17, 1989

For further information, please call: (512)
458-0100



**TITLE 25. HEALTH
SERVICES**
**Part I. Texas Department
of Health**
**Chapter 325. Solid Waste
Management**
**Subchapter Q. Memoranda of
Agreement and Joint Rules
with Other Agencies**

• 25 TAC §325.731

The Texas Department of Health has withdrawn the emergency effectiveness of new to §325.731, concerning the memoranda of agreement and joint rules with other agencies. The text of the emergency new appeared in the November 15, 1988, issue of the *Texas Register* (13 TexReg 5726). The effective date of this withdrawal is April 26, 1989.

Issued in Austin, Texas, on April 26, 1989.

TRD-8903758 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: April 26, 1989.

For further information, please call: (512)
458-7271



TITLE 28. INSURANCE
**Part I. State Board of
Insurance**
Chapter 27. State Fire Marshal
**Subchapter D. Storage and
Sale of Fireworks**
• 28 TAC §27.413

The State Board of Insurance has withdrawn the emergency effectiveness of amendment to §27.413, concerning the storage and sale of fireworks. The text of the emergency amendment appeared in the January 17, 1989, issue of the *Texas Register* (14 TexReg 309). The effective date of this withdrawal is April 27, 1989.

Issued in Austin, Texas, on April 27, 1989.

TRD-8903768 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: April 27, 1989

For further information, please call: (512)
463-6327





Name: Christina Reece

Grade: 10

School: Vernon High, Vernon

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 1.

ADMINISTRATION

Part I. Office of the Governor

Chapter 5. Budget and Planning

Subchapter D. Loan Program for Energy Retrofits

Texas LoanSTAR Program for State Agencies and Institutions

• 1 TAC §5.401

The Energy Management Center (EMC) of the Governor's Office of Budget and Planning adopts new §5.401, with changes to the proposed text as published in the February 28, 1989, issue of the *Texas Register* (14 TexReg 1027).

Section 5.401 defines terms and sets the conditions and requirements for participation in a revolving loan program entitled the Texas LoanSTAR (Save Taxes And Resources) program. Texas LoanSTAR provides funds for the demonstration of energy efficient retrofits in state agencies and institutions statewide.

No comments were received regarding adoption of the new section. However, the term "rate-based measures" was deleted from §5.401(b)(8)(J). Also, the term "rate-based savings" was deleted from §5.401(c)(2)(B). The references to rate-based measures and savings were deleted to comply with a recent U.S. Department of Energy ruling concerning their ineligibility as an energy conserving device.

The new section is adopted under the authority vested in the Governor's Office by the 70th Texas Legislature in Article 4413(56), §22 (Vernon Supp. 1988), and Title 4, Government Code, Texas Civil Annotated §447.001 et. seq., which directs the Energy Management Center of the Governor's Office of Budget and Planning to establish a revolving loan program for energy saving capital improvements in state agencies and institutions.

§5.401. *Texas LoanSTAR (Save Taxes And Resources) Program for State Agencies and Institutions.*

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

(1) Application cycle—The

period of time each year, as determined by the EMC, that the EMC shall accept and process applications from state agencies seeking loan funds for energy saving capital retrofits.

(2) Energy management center (EMC)—The division of the Governor's Office of Budget and Planning charged with the responsibility of developing and implementing state and federal energy conservation programs.

(3) Estimated simple payback—The total energy conservation retrofit costs (including audit, metering, installation, equipment, and engineering design) divided by the annual estimated utility cost savings.

(4) Interest fee—The prepaid interest charge at a rate to be determined by the Governor's Office, sufficient to cover the costs of administering the program.

(5) Loan agreement—The written agreement between a state agency and the Governor's Office that details all general terms and special requirements under which the loan is issued, including the intended use of the loan proceeds.

(6) Project cost—All costs determined by the Governor's Office to be directly related to the identification, design, implementation, and monitoring of an energy conservation measure.

(7) Promissory note—A document issued by the Governor's Office and agreed to by the state agency that describes the principal amount, repayment terms, and interest charges under which the revolving loan shall be made.

(8) Retrofit Demonstration Program—The overall state energy conservation retrofit program. It is comprised of five elements: energy audits, efficiency retrofits, a revolving loan financing mechanism, program monitoring and evaluation, and information transfer.

(9) Retrofit measure—A commercially available energy efficient device, technique, or technology, designed to reduce energy consumption, peak demand, and/or utility costs at an existing state-owned facility.

(10) Retrofit project—The identification, design, acquisition, installation, monitoring, and evaluation of one or more energy efficient measures in a state facility, designed to reduce energy consumption,

peak demand, and/or utility costs.

(11) State agency—Any state department, commission, board, office, institution, facility, or other agency, including a university system or an institution of higher education as defined in the Texas Education Code, §61.003, as amended.

(12) State building—A state-owned structure which consumes energy.

(13) State facility—Any major energy using group of buildings in geographic proximity, owned and occupied by one or more state agencies.

(b) Eligibility. Projects proposed by loan candidates must fulfill the following program parameters and eligibility requirements.

(1) No more than 10% of all state-owned buildings may receive retrofits through this program.

(2) No more than 25% of the state facilities receiving funds through this program shall be located in any one standard metropolitan area (SMA) of the state.

(3) No single agency shall receive more than 10% of the total available loan funds.

(4) Experimental or research-related technologies are not eligible for funding.

(5) Eligible measures shall have a demonstrated track record of cost-effectiveness.

(6) Eligible measures shall be commercially available.

(7) Each retrofit measure must be unique in its application, location, building characteristics and/or target audience.

(8) Eligible retrofit projects shall fall under one of the following categories:

(A) lighting projects;

(B) heating, ventilation and air conditioning equipment;

(C) electrical distribution equipment;

(D) building shell improvements;

(E) energy management systems;

(F) boiler efficiency improvements;

(G) energy recovery systems, including on-site generation of electricity;

(H) alternate/renewable energy systems;

(I) load management devices; and

(J) other cost-effective retrofit, demand approved by EMC.

(9) Unless this requirement is specifically waived, all eligible measures must be recommended in an engineering audit by a licensed professional engineer in a format acceptable to the EMC.

(c) Application/Selection.

(1) An applying agency shall submit a copy of its engineering audit report with a completed loan application to the EMC during an application cycle at such times as determined by the EMC.

(2) Loan applications will be evaluated by the EMC on the basis of the following criteria:

(A) estimated simple payback period;

(B) ability to repay the loan through energy, demand savings;

(C) engineering assessment of the viability of the technology;

(D) likelihood of effective project monitoring; and

(E) ability to meet all state and federal program eligibility requirements.

(3) Loans will be approved by the Governor's Office based on EMC staff recommendations and engineering evaluations of estimated paybacks and reliability.

(4) A state agency receiving a loan from the Governor's Office will receive a loan agreement that identifies the buildings to be modified, approved measures, rate of interest, loan amount, and loan terms and conditions.

(5) Agencies denied funding shall receive written notification that states the reasons for denial and possible actions for qualifying the rejected projects.

(d) Project Funding and Repayment.

(1) The term of the loan will be determined by the EMC based upon anticipated energy savings and time needed to install the retrofit measure(s).

(2) A prepaid interest fee, sufficient to cover the cost of administering and operating the program, will be charged at a rate to be determined by EMC.

(3) All interest fees will be computed on a simple interest basis.

(4) Loan proceeds may be used to pay for the entire cost of the retrofit project, including cost of the energy audit, engineering design, construction, equipment acquisition and installation, maintenance, and monitoring.

(5) The principle loan amount, as negotiated on the loan instrument, will be retained in full by the Governor's Office. Loan funds shall be disbursed upon receipt of supporting documentation as required by the Governor's Office.

(6) The recipient agency may use general revenue funds appropriated for utilities to make loan payments as stipulated in Texas Civil Statutes, Article 4413(56), §22 (Vernon Supp. 1988).

(7) Loan repayment schedules shall be determined on the basis of expected payback and project installation time.

(8) Frequency of payments shall be no greater than quarterly.

(9) No loans will be forgiven.

(e) Loan Recipient Responsibilities (Project Monitoring and Demonstration).

(1) Loan recipients shall provide the EMC with the access and information necessary to monitor the performance of the retrofits, as stated in the loan agreement.

(2) Loan recipients shall be responsible for submitting all reports requested by EMC as outlined in the loan agreement.

(3) Compliance with applicable state and federal procurement guidelines and procedures is the responsibility of the loan recipient.

(f) Title to Equipment.

(1) Title to all equipment acquired under this program will vest in the agency, in accordance with applicable state statutes.

(2) Disposition and inventory of any equipment shall be done in accordance with state statutes and regulations.

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

Issued in Austin, Texas, on April 19, 1989.

TRD-8903582

Ron Lindsey
Director
Governor's Office of
Budget and Planning

Effective date: May 10, 1989

Proposal publication date: February 28, 1989

For further information, please call: (512) 463-1786

◆ ◆ ◆
TITLE 7. BANKING AND
SECURITIES

Part IV. Texas Savings
and Loan Department

Chapter 65. Loans and
Investments

• 7 TAC §65.2

The Texas Savings and Loan Department adopts an amendment to §65.2, without changes to the proposed text as published in the January 31, 1989, issue of the *Texas Register* (14 TexReg 611).

The amendment will expand an association's authority to renew loans made under previous rules and is necessary to bring it in line with recent changes in the loan-to-value ratios.

The amendment will bring the association's authority to renew loans made under previous rules in line with recent changes in the loan-to-value ratios.

No comments were received regarding adoption of the amendment.

The amendment is adopted pursuant to Texas Civil Statutes, Article 342-114, which provides the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state, and from time to time, amend the same; and Texas Civil Statutes, Article 852a, §5.01 which authorize the Savings and Loan Section of the Finance Commission to adopt rules relating to the powers of Texas chartered associations to make loans and investments.

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

Issued in Austin, Texas, on April 27, 1989.

TRD-8903775

Nancy O. Ricketts
Hearing Officer
Texas Savings and Loan
Department

Effective date: May 18, 1989

Proposal publication date: January 31, 1989

For further information, please call: (512) 479-1250

◆ ◆ ◆
• 7 TAC §65.12

The Texas Savings and Loan Department adopts an amendment to §65.12, without changes to the proposed text as published in the January 31, 1989, issue of the *Texas Register* (14 TexReg 612).

The amendment will limit an association's ability to repeatedly renew unsecured loans without a minimum reduction in the outstanding principal balance, or the prior written approval of the commissioner.

The amendment will limit an association's ability to renew unsecured loans, particularly 12 to 24-month loans which do not require monthly installments.

No comments were received regarding adoption of the amendment.

The amendment is adopted pursuant to Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state, and from time to time, amend the same; and Texas Civil Statutes, Article 852a, §5.01, which authorize the Savings and Loan Section of the Finance Commission to adopt rules relating to the powers of Texas chartered associations to make loans and investments.

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

Issued in Austin, Texas, on April 27, 1989.

TRD-8903776 Nancy O. Ricketts
Hearing Officer
Texas Savings and Loan
Department

Effective date: May 18, 1989

Proposal publication date: January 31, 1989

For further information, please call: (512) 479-1250

Chapter 73. Subsidiary Corporators

• 7 TAC §73.1

The Texas Savings and Loan Department adopts an amendment to §73.1, without changes to the proposed text as published in the January 31, 1989, issue of the *Texas Register* (14 TexReg 612).

The amendment will make the section more consistent with reality by enabling the commissioner to approve establishment of a subsidiary corporation where the corporation is not necessarily intended to be profitable but is established for cost savings or other economic benefit to the association.

The amendment enables the commissioner to approve establishment of a corporation for purposes of cost savings or economic benefit to the association, even though no profits are necessarily expected.

No comments were received regarding adoption of the amendment.

The amendment is adopted pursuant to Texas Civil Statutes, Article 342-114, which provides the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state, and from time and time, amend the same; and Texas Civil Statutes, Article 852a, §5.01(17) which authorizes

the Savings and Loan Section of the Texas Finance Commission to adopt rules relating to the terms and conditions governing the investment by an association in subsidiary corporations.

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

Issued in Austin, Texas, on April 27, 1989.

TRD-8903777 Nancy O. Ricketts
Hearing Officer
Texas Savings and Loan
Department

Effective date: May 18, 1989

Proposal publication date: January 31, 1989

For further information, please call: (512) 479-1250

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter L. Insurance Requirements

• 16 TAC §5.186

The Railroad Commission of Texas adopts an amendment to §5.186, without changes to the proposed text as published in the March 21, 1989, issue of the *Texas Register* (14 TexReg 1449).

The amendment is adopted to add an additional exemption to the list of cargo insurance exceptions.

The amendment would allow an agricultural permit holder transporting timber in its natural state to not obtain or file cargo insurance with the commission.

No comments were received regarding adoption of the amendment.

The amendment is adopted pursuant to the Texas Motor Carrier Act, Texas Civil Statutes, Article 911b, §13, which authorizes the commission to set the amount of insurance covering loss of or damage to cargo for each class of service.

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

Issued in Austin, Texas, on April 24, 1989.

TRD-8903710 Kent Hance
Chairman
Railroad Commission of
Texas

Effective date: May 16, 1989

Proposal publication date: March 21, 1989

For further information, please call: (512) 463-7152

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Quality of Service

• 16 TAC §23.61

The Public Utility Commission of Texas adopts an amendment to §23.61, with changes to the proposed text as published in the February 28, 1989, issue of the *Texas Register* (14 TexReg 1028).

The amendment enables the commission to complete its study of the desirability of the continuation of reseller credits without unnecessary economic disruption.

The amendment provides that a local exchange carrier may not grant reseller credits unless the reselling interexchange carrier obtains its MTS, MTS-type, WATS, or WATS-type service from an interexchange carrier that paid originating carrier common line charges and interexchange carrier access charges on the resold traffic. An interexchange carrier that obtains the subject services from an affiliated company is not eligible to receive reseller credits. Dominant carriers are also not eligible for reseller credits. However, an interexchange carrier that does not otherwise qualify to receive reseller credits may receive such credits in an amount per month that does not exceed the largest amount of monthly credits obtained by that carrier in 1988.

The amendment was generally opposed by commentators who did not receive reseller credits in 1988. The amendment was also opposed by some interexchange carriers because it does not allow the amount of reseller credits to grow beyond 1988 levels. The amendment was generally supported by local exchange carriers.

Comments were filed by the Texas Association of Long Distance Telephone Companies (supporting certain provisions of the amendment but requesting substantial modifications) and the Texas Statewide Telephone Cooperative, Inc. (supporting the amendment). In addition, comments were received from: ClayDesta Communications, Inc.; Valu-Line of Longview, Inc.; Valu-Line of Brazosport; Corpus Christi Communications; Hughes Long Distance, Inc.; Tel America, Incorporated; American Pioneer Telephone of Texas, Inc., d/b/a Advantage Network, Alamo City Long Distance, Inc., and Hughes Long Distance, Inc.; Valu-Line of Amarillo; AT&T Communications of the Southwest, Inc.; MCI Telecommunications Corporation; US Sprint Communications Company; Metromedia Long Distance, Inc.; Central Telephone Company of Texas; Kerrville Telephone Company, Lufkin-Conroe Telephone Exchange, Inc., and Sugarland, Sweeny-Old Ocean and Peoples Telephone Companies; and Southwestern Bell Telephone Company.

The commission adopted a clarification suggested by Southwestern Bell Telephone Company to consistently refer to MTS and MTS-type services as well as WATS and WATS-type services. The commission rejected other comments because the amendment as proposed satisfactorily balanced competing interests for the period necessary to complete the study of the desirability of the

continuation of reseller credits.

The amendment is adopted under Texas Civil Statutes, Article 1446c, §16(a), which provide the Public Utility Commission of Texas with the authority to make rules reasonably required in the exercise of its powers and jurisdiction.

§23.61. Telephone Utilities.

(a)-(l) (No change.)

(m) Reseller credits. No local exchange company shall grant or otherwise allow reseller credits to an interexchange carrier, including a specialized communication common carrier or a reseller of communications, unless the reselling interexchange carrier obtains its MTS, MTS-type, WATS or WATS-type service from an interexchange carrier that paid originating carrier common line charges and interexchange carrier access charges on the traffic that is to be resold. To be eligible for reseller credits, an interexchange carrier that is a reseller of communications may not obtain its MTS, MTS-type, WATS or WATS-type services from an affiliated company.

(1) In addition to any other restriction on reseller credits contained in this subsection, no local exchange company shall grant or otherwise allow reseller credits to a dominant carrier as that term is defined in Texas Civil Statutes, Article 1446c.

(2) An interexchange carrier that does not otherwise qualify to receive reseller credits under this subsection may nonetheless receive reseller credits in any one month in an amount no greater than the largest amount of such monthly credits obtained by that interexchange carrier during calendar year 1988.

(3) As used in this section, reseller credits shall include:

(A) the provision of originating switched access at the PBX trunk rate to resell MTS, MTS-type, WATS, or WATS-type services;

(B) the WATS prorate credit that permits resellers to receive credits against the payment of originating access charges to the extent those access charges were incurred to resell MTS, MTS-type, WATS, or WATS-type services; and

(C) the suppression of carrier common line and interexchange carrier access charges when a reseller uses trunk side Feature Group B and Feature Group D connections to resell only MTS, MTS-type, WATS, or WATS-type services.

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

Issued in Austin, Texas, on April 26, 1989.

TRD-8903762

Phillip A. Holder
Secretary
Public Utility Commission
of Texas

Effective date: May 17, 1989

Proposal publication date: February 28, 1989

For further information, please call: (512) 458-0100

TITLE 22. EXAMINING BOARDS

Part IX. State Board of Medical Examiners

Chapter 186. Supervision of Physician Assistant Students

• 22 TAC §186.3

The Texas State Board of Medical Examiners adopts an amendment to §186.3, without changes to the proposed text as published in the February 10, 1989, issue of the *Texas Register* (14 TexReg 740).

The amendment is necessary to clarify the association of the supervising physician and the institution with the approval program. In addition, the notification procedure needed updating.

The amendment as adopted, should eliminate any previous concern over those two areas of the rule.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of 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 April 24, 1989.

TRD-8903727

G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Effective date: May 16, 1989

Proposal publication date: February 10, 1989

For further information, please call: (512) 452-1078

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part II. Texas Rehabilitation Commission

Chapter 115. Memoranda of Understanding with Other State Agencies

• 40 TAC §115.5

The Texas Rehabilitation Commission adopts new §115.5, without changes to the proposed text as published in the April 7, 1988, issue of the *Texas Register* (14 TexReg 1739).

The Texas Rehabilitation Commission adopts new §115.5, concerning the elimination of unnecessary or duplicative program reviews of community mental health and mental retardation centers as per Senate Bill 257, 70th Legislature, 1987, which requires the adoption by rule of this memorandum of understanding between the Texas Commission on Alcohol and Drug Abuse, Texas Department of Health, Texas Department of Human Services, Texas Department of Mental Health and Mental Retardation, Texas Department on Aging, Texas Education Agency, Texas Rehabilitation Commission, and the Texas State Board of Pharmacy.

The new section as adopted will function to eliminate unnecessary or duplicative program reviews of community mental health and mental retardation centers.

No comments were received regarding adoption of the new section.

The new section is adopted under Title 7, the Human Resources Code, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carryout the purposes 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 April 26, 1989.

TRD-8903770

Charles W. Schlessner
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date: May 18, 1989

Proposal publication date: April 7, 1989

For further information, please call: (512) 445-8124

Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Texas Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Texas Board of Architectural Examiners

Thursday, April 27, 1989, 2 p.m. The Texas Board of Architectural Examiners met in emergency session via telephone conference call, in Suite 107, 8213 Shoal Creek Boulevard, Austin. According to the agenda summary, the board considered proposed legislation affecting Texas Civil Statutes, Article 249a. The emergency status was necessary to provide board's immediate opinion in response to questions raised concerning proposed legislation amending the regulation of the practice of architecture, Texas Civil Statutes, Article 249a.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

Filed: April 26, 1989, 9:53 a.m.

TRD-8903739

Texas Commission for the Blind

Monday, May 15, 1989, 10 a.m. The Texas Commission for the Blind will meet at the Criss Cole Rehabilitation Center, 4800 North Lamar Boulevard, Austin. According to the agenda, the commission will approve minutes of the February 13, 1989, meeting; hear committee reports and executive director's quarterly report on agency activities; and discuss and act on amending the agency's internal operating budget. The commission will also meet in executive session to discuss personnel and pending legal matters.

Contact: Pat D. Westbrook, P.O. Box 12866, Austin, Texas 78711, (512) 459-2600.

Filed: April 27, 1989, 10:10 a.m.

TRD-8903772

Tuesday, May 16, 1989, 4 p.m. The Austin District Office of the Texas Commission for the Blind will meet at Criss Cole Center Auditorium, 4800 North Lamar Boulevard, Austin. According to the agenda, the district office will give local consumers an opportu-

nity of speaking to agency staff about services to blind and visually disabled Texans and commenting on the agency's state plan. Consumers will also have the opportunity of participating in a question and answer period about local agency services.

Contact: Cynthia Berion, P.O. Box 12866, Austin, Texas 78711, (512) 459-2611.

Filed: April 25, 1989, 10:34 a.m.

TRD-8903713

Texas Cancer Council

Wednesday, May 3, 1989, 9 a.m. The Texas Cancer Council Board for the Texas Cancer Council met at the William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the board approved minutes; reviewed financial statement, advisory committee reports and recommendations, reviewed requests for contract modifications, RFP updates, discussed role of council (setting future priorities), role of advisory committee (recommendations for future priorities), and met in executive session.

Contact: Nadine Bentley, 105 West Riverside Drive, Austin, Texas, (512) 463-3190.

Filed: April 25, 1989, 1:21 p.m.

TRD-8903715

Texas Department of Commerce

Tuesday, May 9, 1989. The Board of Directors of Texas Department of Commerce will meet in Suite 1100, 816 Congress Avenue, Austin. Times and agendas follow.

10 a.m. The board will discuss administration and personnel matters. The board will also meet in executive session.

Contact: Mary Lane, 816 Congress Avenue, Austin, Texas (512) 320-9660.

Filed: April 28, 1989, 10:13 a.m.

TRD-8903793

1:15 p.m. The board will approve minutes of April 11, 1989, meetings; update on commerce budget; update on major legislative issues affecting commerce; consideration of meeting dates and locations for June, July, and August, 1989 meetings; update on Office of Community Initiatives; update on Office of Advanced Technology; consideration of a temporary waiver by executive director of a rule requiring an opinion of counsel to TCEC in connection with a TEXCAP loan made to the City of Midland.

Contact: Mary Lane, 816 Congress Avenue, Austin, Texas (512) 320-9660.

Filed: April 28, 1989, 10:13 a.m.

TRD-8903794

Texas Department of Corrections

Monday, May 8, 1989, 9 a.m. The Board for the Texas Department of Corrections will meet in Suite 600, 8100 Cameron Road, Austin. According to the agenda, the department will meet in executive session (Ruiz and other litigation, internal affairs investigations, and personnel matters); convene as Windham School Board to consider employment contracts and depository contracts; convene in open session of Board of Corrections to consider consent items, site selection, finance, committee reports, and director's items.

Contact: James A. Lynaugh, P.O. Box 99, Huntsville, Texas 77342-0099, (409) 294-2101.

Filed: April 26, 1989, 8:40 a.m.

TRD-8903735

Daughters of the Republic of Texas, Inc.

Monday and Tuesday, May 8 and 9, 1989, 7 p.m. and 8 a.m., respectively. The Board of Management of the Daughters of the Republic of Texas, Inc. will meet in the Mockingbird Room, Hilton Conference

Center, Bryan-College Station. According to the agenda summary, the board will hear reports and recommendations for action by committees operating state-owned properties: French Legation Committee, Alamo Committee, D.R.T. and Research Library Committee. The board will also meet in closed-executive session to discuss matters affecting state-owned property management which appropriately come under the closed meeting guidelines, legal matters pursuant to Texas Civil Statutes, Article 6252-17(2)(e), and personnel matters pursuant to Texas Civil Statutes, Article 6252-17(2)(g).

Contact: Billie C. Averitte, 901 North Cedar, Palestine, Texas 75801, (214) 723-2170.

Filed: April 30, 1989, 9:11 a.m.

TRD-8903833

Tuesday and Wednesday, May 9 and 10, 1989, 7 p.m. and 8 a.m., respectively. The Daughters of the Republic of Texas, Inc. will hold the 98th convention will meet in the Bluebonnet Room, Hilton Conference Center, Bryan-College Station. According to the agenda summary, the Daughters of the Republic of Texas will determine quorum, hear reports of Credentials Committee and report of convention rules; consider appointment of Resolution Committee; hear address by honorable Ralph Wallace, State Representative District 145; and hear reports of committees operating state-owned properties. The Daughters of the Republic of Texas will also meet in executive session.

Contact: Billie C. Averitte, 901 North Cedar, Palestine, Texas 75801, (214) 723-2170.

Filed: April 30, 1989, 9:12 a.m.

TRD-8903834

Texas State Board of Dental Examiners

Thursday-Saturday, May 4-6, 1989, 8 a.m. The Texas State Board of Dental Examiners met and will meet at the San Antonio Convention Center, 200 East Market, San Antonio. According to the agenda summary, the board will consider the following revised agenda items: request for variance for the San Antonio State School; consideration of amendment to Rule 115.10; and discussion of partial denture portion of dental exam with Dr. Kenneth Rudd.

Contact: Crockett Camp, 8317 Cross Park Drive, Suite 400, Austin, Texas, (512) 834-6021.

Filed: April 26, 1989, 2:13 p.m.

TRD-8903761

Texas Education Agency

Friday, May 5, 1989, 8:30 a.m. The Commissioner's Advisory Committee for Research and Evaluation of the Texas Education Agency will meet in Room 8-101, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will review and approve minutes of January 20, 1989, meeting; legislative update; update regarding research activities of the Division of Program Evaluation; update regarding new and ongoing research activities of the agency; status of educational research grant program; review and revise announcement or research opportunities; revise and approve the request for agency endorsement of research activity form; develop standards for submission of materials to an agency clearing-house for research and evaluation materials; presentation of research on dropouts and retention policies in Houston ISD and Austin ISD; and set agenda and time of the next meeting.

Contact: Janet Spurgin, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9524.

Filed: April 25, 1989, 4:21 p.m.

TRD-8903731

Wednesday and Thursday, May 10 and 11, 1989, 1 p.m. and 8:30 a.m., respectively. The Continuing Advisory Committee for Special Education of the Texas Education Agency will meet in the Hyatt Regency Hotel, 208 Barton Springs, Austin. According to the agenda summary, the committee will approve minutes; alternative teacher certification; special education class size limitations; legislative update; Texas academic skills program test, organization of subcommittees and subcommittee work; proposed revision in teacher certification, special education programs division activities; special education goals for the year 2000; problems and unmet needs; and update on least restrictive environment.

Contact: Joye A. Scheffler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9414.

Filed: April 25, 1989, 4:21 p.m.

TRD-8903732

Texas Employment Commission

Wednesday, May 3, 1989, 8:30 a.m. The Texas Employment Commission met in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes; internal procedures of commission appeals; consider and act on higher level appeals in unemployment compensation cases on Commission Docket 18; and set date of next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: April 25, 1989, 2:40 p.m.

TRD-8903722

Friday, May 5, 1989, 8:30 a.m. The Advisory Council of the Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the council will introduce new members; elect officers; approve prior meeting notes; review by-laws; agency overview-program update; legislative update; and date of and agenda items for next council meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: April 27, 1989, 2:42 p.m.

TRD-8903778

Texas Department of Health

Tuesday, May 9, 1989, 10 a.m. The Subcommittee of the Home Health Advisory Council of the Texas Department of Health will meet in Room T-507, 1100 West 49th Street, Austin. According to the agenda summary, the subcommittee will consider Federal Omnibus Reconciliation Act (OBRA) requirements concerning home health agencies; discuss working draft of rules concerning Home Health Agency Licensure Act as it relates to OBRA; and hear announcements and comments.

Contact: Becky Boschinor, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7240.

Filed: April 27, 1989, 3:34 p.m.

TRD-8903782

Wednesday, May 17, 1989, 10 a.m. The Advisory Committee on Mental Retardation Facilities for the Texas Department of Health, will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider final licensure standards; termination of certification procedures; MR training; legislation; and Omnibus Budget Reconciliation Act requirements.

Contact: Richard Butler, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: April 29, 1989, 10:40 a.m.

TRD-8903800

Texas Department of Human Services

Thursday, May 4, 1989, 7 a.m. The Texas Board of Human Services of the Texas Department of Human Services met in the

Public Hearing Room, First Floor, East Tower, 701 West 51st Street, Austin. According to the agenda summary, the board considered briefing on board agenda; fiscal year 1989 budget adjustments; report on legislative issues; report on federal legislation; availability of summer benefit funds in HEAP; Medicaid coverage of immunizations for pneumonias and influenza; vendor drug dispensing fee methodology; case management for persons with AIDS; ICF/SNF standards to reflect Medicare and Medicaid requirements for long-term care facilities; ICF/SNF nurse aid training; ICF-MR rates for large community-based facilities; primary home care rate; rate for special services to the handicapped in the 24-hour shared attendant care; establishment of the CIHCP advisory committee; appointments to advisory committees; and amendments to policies and procedures.

Contact: Charles Stevenson.

Filed: April 26, 1989, 11:13 a.m.

TRD-8903740

Tuesday, May 9, 1989, 1:30 p.m. The Adolescent Pregnancy and Parenthood Advisory Committee of the Texas Department of Human Services will meet in Conference Room 1-W, First Floor, West Tower, John H. Winters Human Services Center, 701 West 51st Street, Austin. According to the agenda, the committee will approve minutes; video presentation "Guess Who's Pregnant"; school-age pregnancy resource directory update project; high-risk teens project-welfare reform; APPAC workplan development; wrap-up; establish next meeting date.

Contact: Charles Stevenson

Filed: May 1, 1989, 1:19 p.m.

TRD-8903841

Industrial Accident Board

Monday, May 1, 1989, 9:30 a.m. The Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board will approve minutes of the previous meeting; reproduce charges for copies of the board's rules; and review and discuss board activities. The board will also meet in executive session to review board files pursuant to workers' compensation statute.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7960.

Filed: April 26, 1989, 3:53 p.m.

TRD-8903767

State Board of Insurance

The State Board of Insurance will meet at

1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Tuesday, May 9, 1989, 10 a.m. The board will meet in Room 414, to consider final action on repeal of 28 TAC §§3.1-3.9 and 3.3030; new 28 TAC §§3.1-3.5, 28 TAC §§25.713 and 27.801-27.809; and amendment to 28 TAC §19.703. Extension of emergency effectiveness of 28 TAC §§29.601-29.607. Board orders on several different matters. Personnel matters. Pending and contemplated litigation. Solvency matters. Annual assessment for National Association of Insurance Commissioners. Early warning information system procedures manual. Charter for joint State Board of Insurance and Industrial Accident Board Oversight Management Information Committee. Appointments to Health Maintenance Organization Solvency Surveillance Committee. Proposed action on rules under the Insurance Code, Article 21.46.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: May 1, 1989, 3:55 p.m.

TRD-8903858

Wednesday, May 10, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 442, to consider Docket 10344-Whether disciplinary action should be taken against Reynaldo Perez, Jr., San Marcos, who holds a group I, legal reserve life insurance agent's license issued by the board.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 2, 1989, 9:39 a.m.

TRD-8903867

Friday, May 12, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10343-Whether disciplinary action should be taken against Hector Rivera Hernandez, Jr., San Antonio, who holds a group I, legal reserve life insurance agent's license and a variable contract agent's license.

Contact: Earl Corbitt, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 2, 1989, 9:39 a.m.

TRD-8903866

Friday, May 12, 1989 1:30 p.m. The Commissioner's Hearing Section will meet in Room 442, to consider Docket 10345-Application for amendment to the Articles of Incorporation of Bay Harbor Life Insurance Company, LaPorte, changing the name of the company, increasing the authorized stock, and adding a new article pertaining to director liability.

Contact: O.A. Cassity, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 2, 1989, 9:39 a.m.

TRD-8903865

Monday, May 15, 1989, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10342-Application of Mary A. Hernandez, Houston, for a collector for a local recording agent's license.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 2, 1989, 9:40 a.m.

TRD-8903864

Monday, May 15, 1989, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 442, to consider Docket 10346-Application for amendment to the articles of incorporation of Alliance National Insurance Company, Houston, decreasing the authorized capital.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 2, 1989, 9:40 a.m.

TRD-8903863

Texas Commission on Law Enforcement Officer Standards and Education Law Enforcement Management Institute

Friday, May 19, 1989, 9 a.m. The Texas Commission on Law Enforcement Officer Standards and Education Law Enforcement Management Institute will meet in Suite 100, 1606 Headway Circle, Austin. According to the agenda, the commission will recognize visitors; approve minutes of February 16-17, 1989, meeting; consider selection procedure and curriculum matters; and hear staff reports.

Contact: Jack L. Ryle, 1606 Headway Circle, Suite 100, Austin, Texas 78754, (512) 834-9222.

Filed: May 1, 1989, 1:17 p.m.

TRD-8903840

Texas Medical Disclosure Panel

Saturday, May 13, 1989, 9:30 a.m. The Texas Medical Disclosure Panel will meet in the Texas Ballroom-Section D, Hyatt Regency Hotel, Fort Worth. According to the agenda summary, the panel will elect officers; discuss therapeutic radiology procedures; discuss letters concerning: blood and blood products, obstetrics and gynecology, psychiatric medications, form composition; adopt final rules concerning psychiatric procedures; and consider other business require-

ing no panel action.

Contact: Becky Beechinor, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

Filed: April 27, 1989, 3:35 p.m.

TRD-8903781

Texas National Guard Armory Board

Saturday, May 6, 1989, 10 a.m. The Texas National Guard Armory Board will meet in the Conference Room, Building 64, Camp Mabry. According to the agenda summary, the board will approve minutes of the previous meeting; consider administrative matters, construction/renovation/maintenance update, property/leases, and establish date of next meeting.

Contact: Sandra Hille, P.O. Box 5218, Austin, Texas 78763, (512) 451-6394/6143.

Filed: April 27, 1989, 3:30 p.m.

TRD-8903783

Pan American University

Tuesday, May 2, 1989, 10 a.m. The Board of Regents Policy Review Committee of Pan American University met in the Law Library, Administration Building, Pan American University, Edinburg. According to the agenda, the committee approved the Contract Review Committee minutes of March 10, 1989, and discussed, considered, and acted on discipline, dismissal, and grievance policy.

Contact: Miguel A. Nevarez, 1201 West University Drive, Edinburg, Texas 78539, (512) 381-2100.

Filed: April 27, 1989, 2:11 p.m.

TRD-8903774

Board of Pardons and Paroles

Thursday, May 4, 1989, 9 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board acted on: minutes of April 13, 1989; budget; ISP funds; employment selection procedures; agency expenditure vouchers; special conditions; facsimile signatures on pre-revocation warrants; special reviews; tentative parole policy considerations; and public input/comments; and executive director's report on legislative update.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-7249.

Filed: April 26, 1989, 4:23 p.m.

TRD-8903768

Monday-Friday, May 8-12, 1989, 1:30 p.m. daily, except 11 a.m. on Friday. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Karin Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: April 28, 1989, 10:30 a.m.

TRD-8903797

Tuesday, May 9, 1989, 1:30 p.m. The Board of Pardons and Paroles will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentences; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: April 28, 1989, 10:31 a.m.

TRD-8903798

State Board of Plumbing Examiners

Monday, May 8, 1989, 9 a.m. The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. According to the agenda summary, the board will roll call; recognize visitors: Harold Pyeatt, account executive, Texas Leadership Systems-discussion of training sessions; minutes of last meeting; review financial report; discuss examination data; report on evaluation and revision of examinations; discuss hardship cases; review status of amendment on one-year waiting period rule; status report on backflow tester licensure program; report on opinion of examination survey; report on legislation; report on budget; discuss fees; report on purchase of building; and any other business that may come before the board.

Contact: Lynn Brown, 929 East 41st Street, Austin, Texas 78765, (512) 458-2145.

Filed: April 26, 1989, 10:19 a.m.

TRD-8903746

Texas State Board of Public Accountancy

The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Dates, times, and agendas follow.

Thursday, May 4, 1989, 9:30 a.m. The board considered hearing on complaint 87-01-15L.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 25, 1989, 10:35 a.m.

TRD-8903711

Monday, May 8, 1989, 9 a.m. The Technical Standards Review Committee will meet in emergency session to hear April status report; recommendations regarding specific complaints-licenses complaints 89-01-11L; 88-12-09L; 89-03-04L; 89-03-05L; discussion items; anonymous submission regarding financial statements by CPA; complaint 88-09-06L; letter from a CPA regarding audit; audits on water districts and review of backlog of complaints and discussion on a new system to monitor status of peer review cases. The emergency status is necessary because only time full committee can meet.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: May 1, 1989, 2:01 p.m.

TRD-8903842

Monday, May 8, 1989, 1:30 p.m. The board will consider informal conferences on complaints 89-01-08L and 88-09-15L.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 25, 1989, 10:35 a.m.

TRD-8903712

Wednesday, May 10, 1989, 9 a.m. The Constructive Enforcement Committee will discuss constructive enforcement program and training of new constructive enforcement advisory members.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: May 1, 1989, 2:01 p.m.

TRD-8903844

Thursday, May 18, 1989, 9:30 a.m. The board will hear complaints 81-10-08L and 82-11-22L.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: May 1, 1989, 2:01 p.m.

TRD-8903843

Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek

Boulevard, Austin. Dates, times, and agendas follow.

Wednesday, April 26, 1989, 9 a.m. The commission submitted an emergency revised agenda to consider Docket 8702-Application of Gulf States Utilities Company for authority to change rates-office of public utility counsel's appeal of examiners' order 3. The emergency status was necessary because prompt commission action is necessary to preserve commission jurisdiction over the subject matter of the appeal.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 25, 1989, 2:57 p.m.

TRD-8903723

Friday, May 5, 1989, 10 a.m. The Hearings Division will consider Docket 8636-Joint application of Texas-New Mexico Power Company and Houston Lighting and Power Company for approval of agreements.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 25, 1989, 4:57 p.m.

TRD-8903724

Wednesday, May 17, 1989, 9 a.m. The Hearings Division will consider Docket 8289-Petition of the City of Panorama Village, for termination of mandatory extended area service between the Cities of Panorama Village and New Waverly.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 27, 1989, 4:24 p.m.

TRD-8903787

Friday, June 16, 1989, 10 a.m. The Hearings Division will consider Docket 8716-Application of Southwest Texas Electric Cooperative, Inc. for tariff change to reduce line extension charges.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 28, 1989, 1:53 p.m.

TRD-8903819

Tuesday, June 20, 1989, 10 a.m. The Hearings Division will consider Docket 8640-Complaint of Compaq Computer Corporation against Southwestern Bell Telephone Company.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 27, 1989, 2:41 p.m.

TRD-8903780

Texas Racing Commission

Saturday, May 6, 1989, 1:30 p.m. The Greyhound Section of the Texas Racing Commission will meet at the Harlingen Aero Center, east side of Harlingen International Airport, Harlingen. According to the agenda, the section will view potential sites for the Cameron County greyhound race-track. The commission will then proceed by car to Ed Carey Drive and 1/8 mile west of Highway 83/77 southwest, site for Valley Greyhound Park. The commission will then proceed to the northeast corner of U.S. 83 and White Ranch Road, site for Lone Star Greyhound Park, Inc. "El Valle". The commission will then return by car to Harlingen Aero Center.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78701, (512) 476-7223.

Filed: April 28, 1989, 4:45 p.m.

TRD-8903827

Railroad Commission of Texas

Monday, May 1, 1989, 9 a.m. The Oil and Division met for an emergency agenda revision in Conference Room 12-126, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the division considered whether to use state funds to plug a leaking well. MPS Production Company Echols-Johnson Unit, Well 1, Pierce Junction Field, Harris County. The emergency status was necessary as the well is leaking crude oil to the surface through a concrete parking lot, adjacent to an office building within the city limits of Houston, causing an imminent threat to the public's health and safety.

Contact: Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6830.

Filed: April 29, 1989, 11:45 a.m.

TRD-8903816

Monday, May 8, 1989, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the Administrative Services Division director's report on division administration, budget, procedure, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7257.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903812

The commission will consider and act on the Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7251.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903803

The commission will consider and act on the executive director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Cril Payne, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7274.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903814

The commission will consider and act on the Flight Division director's report on division administration, budget, procedures and personnel matters.

Contact: Ken Fossler, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6787.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903808

The commission will consider and act on the Office of Information Services/Office of Research and Statistical Analysis Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12970, Austin, Texas 78753, (512) 463-6710.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903809

The commission will consider and act on the Investigation Division director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6828.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903810

The commission will consider and act on the Legal Division report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation.

Contact: Cue Boykin, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6921.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903811

The commission will consider and act on the division director's report on division administration, budget, procedures, and personnel matters; consider adoption amendments to §§9.64, 9.129, 9.268, and 9.283, and repeals of §§9.96, 9.143, and 9.146, and new §§9.96, 9.143, and 9.146 and all regarding the safety rules and regulations of the liquefied petroleum gas division of the commission.

Contact: Meredith Kawaguchi, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7009.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903802

The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

Contact: Andy Taylor, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6924.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903805

The commission will consider category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Margie L. Osborn, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6755.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903801

The commission will consider the report of the 1988 Gas Rules Blue Ribbon Advisory Committee.

Contact: Andy Taylor, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6924.

Filed: April 28, 1989, 10:17 a.m.

TRD-8903807

The commission will consider and act on the Personnel Division director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline, and/or dismissal of personnel. The commission will consider guidelines for registered professional engineers.

Contact: Mark Bogan, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6981.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903813

The commission will consider various matters within the regulatory jurisdiction of the

commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

Contact: Jerry Hill, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6900.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903804

The commission will consider the release of reclamation bond for the Texas A&M Gasification project in Milam County.

Contact: J. Rendel (Jerry) Hill, P.O. Box 12967, Austin, Texas 78711, (512) 463-7122.

Filed: April 28, 1989, 10:19 a.m.

TRD-08903818

The commission will consider various matters within the jurisdiction of the of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various action, including but not limited to scheduling an item in its entirety for particular action at a future time or date.

Contact: Raymond Bennett, P.O. Drawer 12967, Austin, Texas 78701, (512) 463-7122.

Filed: April 28, 1989, 3:39 p.m.

TRD-8903806

Thursday, May 18, 1989, 10 a.m. The Oil and Gas Division will meet at the Midland Hilton, 117 West Wall, Midland. According to the agenda summary, the commission will hold a statewide hearing on oil and gas.

Contact: Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

Filed: April 28, 1989, 11:45 a.m.

TRD-8903815

Texas Rehabilitation Commission

Thursday, May 11, 1989, 9:30 a.m. The Executive Committee of the Texas Planning Council for Developmental Disabilities will meet in Room 302, 118 East Riverside Drive, Austin. According to the agenda, the committee will approve summary report of January 26, 1989, meeting; review fiscal year 1990-1991 operating budgets and stipends application kit; consider UAP application status and location of September council meeting; discuss grantee match considerations; consider respite care reimbursement update, travel expense reimbursement for state agency council members and em-

ployment conference update; and hear executive director's report.

Contact: Roger A. Webb, 118 East Riverside Drive, Suite 163, Austin, Texas 78704, (512) 445-8867.

Filed: April 25, 1989, 3:37 p.m.

TRD-8903728

Texas Rice Producers Board

Wednesday, May 17, 1989, 10 a.m. The Texas Rice Producers Board of the Texas Department of Agriculture will meet in the Harris County Extension Center, 2 Abercrombie Drive, Houston. According to the agenda, the board will approve minutes of the previous meeting; hear financial report; review procedures for upcoming board election; review 1989-1990 income/expense budget; and new business.

Contact: Curtis Leonhardt, 6699 Rookin, Houston, Texas (713) 270-6699.

Filed: April 28, 1989, 10:23 a.m.

TRD-8903796

Texas Rural Communities

Monday, May 8, 1989, 9 a.m. The Board of Directors of the Texas Rural Communities will meet at 314 Highland Mall Boulevard, Austin. According to the agenda summary, the board will hear report from the Search Committee and consider personnel matters. The board will also meet in executive session to consider personnel matters.

Contact: Leslie Janca, 314 Highland Mall Boulevard, Suite 103, Austin, Texas (512) 458-1016.

Filed: April 28, 1989, 9:26 a.m.

TRD-8903792

Texas Small Business Industrial Development Corporation

Tuesday, May 9, 1989, 1 p.m. The Board of Directors of Texas Small Business Industrial Development Corporation will meet in the First City Centre, 816 Congress Avenue, Austin. According to the agenda summary, the board will approve minutes of March 14, 1989, meeting; approve resolution authorizing TEXCAP to purchase obligation issued by YMCA of the greater Houston area; consider approval of one or more loans up to the total amount of \$675,000,000 to the TEXCAP Financing Corporation, or any other corporation, trust, or other entity; and written status report on the Texas Public Facilities Capital Access Program (TEXCAP).

Contact: Barbara Carpenter, 816 Congress

Avenue, Austin, Texas, (512) 320-9695.

Filed: April 28, 1989, 10:14 a.m.

TRD-8903795

Texas Soybean Producers Board

Thursday, May 11, 1989, 11 a.m. The Texas Soybean Producers Board of the Texas Department of Agriculture will meet in the Oleander Room, Ramada Executive Inn, 3232 West Mockingbird Lane, Dallas. According to the agenda, the board will hold oath of office for new board members; minutes; national checkoff report; financial report; SW region office report; and allocation of funds.

Contact: Trent Roberts, P.O. Box 2182, Dallas, Texas 75221, 1-800-247-8691.

Filed: May 1, 1989, 3:21 p.m.

TRD-8903852

Texas State University System

Thursday, May 4, 1989, 10 a.m. The Selection Advisory Committee of the Texas State University System met in emergency session in the Austin College Building, Sam Houston State University, Huntsville. According to the agenda, the committee discussed any and all matters relating to the employment of a president for Sam Houston State University. Executive session could be held for the listed subject. The emergency status was necessary because this committee is not a governmental body as defined in the Open Meetings Act and is not governed thereby. However, in the public interest, the meeting is being posted.

Contact: Lamer Urbanovsky, (512) 463-1808.

Filed: May 2, 1989, 8:54 a.m.

TRD-8903862

University Interscholastic League

Wednesday, May 3, 1989, 1 p.m. The Staff Executive Committee of the University Interscholastic League met in emergency session in the Austin Meeting Room, Doubletree Hotel, IH 35 and Highway 290, Austin. According to the agenda summary, the committee provided for an orientation for new committee members; heard allegations of UIL rule violations and request for official interpretation of rules. The emergency status was necessary because the protest of regional number sense and typewriting contest were just received and needed to be decided before the state meet, May 5 and 6, 1989.

Contact: Bonnie Northcutt, (512) 471-5883.

Filed: May 1, 1989, 4:10 p.m.

TRD-8903859

Texas Veterans Commission

Thursday, May 4, 1989, 10 a.m. The Texas Veterans Commission met on the Sixth Floor, E.O. Thompson Building, 10th and Colorado Streets, Austin. According to the agenda summary, the commission considered reports on activities of the commission and made decisions relative to general administrative matters pertaining to Texas' veterans' programs.

Contact: Doug Brown, P.O. Box 12277, Austin, Texas 78711.

Filed: April 25, 1989, 10:36 a.m.

TRD-8903708

Texas Water Commission

the Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, unless otherwise noted. Dates, times, and agendas follow.

Monday, May 8, 1989, 10 a.m. The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: April 25, 1989, 1:32 p.m.

TRD-8903717

Monday, May 8, 1989, 2 p.m. The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: April 25, 1989, 1:32 p.m.

TRD-8903716

Thursday, May 11, 1989, 10 a.m. The commission will consider various matters

within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: April 25, 1989, 1:32 p.m.

TRD-8903720

Thursday, May 11, 1989, 10 a.m. The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: April 25, 1989, 1:32 p.m.

TRD-8903719

Monday, May 15, 1989, 2 p.m. The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: April 26, 1989, 1:34 p.m.

TRD-8903747

Monday, June 5, 1989, 2 p.m. The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: April 26, 1989, 1:34 p.m.

TRD-8903748

Monday, June 12, 1989, 10 a.m. The commission will consider The Shores Recrea-

tion Club, Inc., 1600 Champion Drive, Rockwall, Texas 75087 seeking a permit to impound water in two existing reservoirs (Reservoir 1 and 2), created by dams on Squabble Creek, tributary of the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, and to divert and use not to exceed a total of 250 acre-feet of water per annum from the reservoirs and/or from the City of Dallas' Lake Ray Hubbard on the East Fork Trinity River. The reservoirs on Squabble Creek are to be used for recreational purposes (water hazards on a golf course, approximately two miles northwest of Rockwall, Rock County), and the water diverted is to be used to irrigate 200 acres of the golf course.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 463-8625.

Filed: April 28, 1989, 1:41 p.m.

TRD-8903820

Monday, June 12, 1989, 2 p.m. The commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: April 25, 1989, 1:32 p.m.

TRD-8903718

Tuesday, June 13, 1989, 10 a.m. The Office of Hearings Examiner will meet in the Meadows Auditorium, Devine Community Center, 200 East Hondo Street, Devine. According to the agenda summary, the office will consider City of Devine, 303 South Teel Street, Devine, Texas 78016 filed an amended application with the commission for an amendment to Permit 10160-01 in order to change from a permit authorizing disposal by irrigation to a discharge permit and to increase the volume of treated domestic wastewater effluent. The plant site is approximately 4,000 feet south of the intersection of U.S. Highway 81 and State Highway 173, south of the City of Devine in Medina County.

Contact: Clay Harris, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: April 26, 1989, 1:33 p.m.

TRD-8903752

Monday, June 26, 1989, 10 a.m. The commission will consider Patsy Anderton, 1320 14th Street, seeking a permit to divert 375 acre-feet of water per annum from the Trinity River, Trinity River Basin, for subsequent use to irrigate 150 acres of land within a 163.158 acre tract of land in the William B. Hill Survey, abstract 511, Ellis County.

Contact: Lann Bookout, P.O. Box 13087, Austin, Texas 78711, (512) 463-8620.

Filed: April 28, 1989, 1:41 p.m.

TRD-8903821

Monday, July 10, 1989, 10 a.m. The commission will consider notice of application by Lewis O. Woodward, Jr., app. 14-10867 to amend certificate of adjudication 14-1086 by increasing the amount of water authorized for diversion and use from the Colorado River from 13 to 26 acre-feet per annum and to increase the maximum amount of land authorized for irrigation per annum within the described 50.49 acre tract from 9 to 40 acres, in Burnels County, approximately two miles southwest of Ballinger. (Colorado River Basin)

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 26, 1989, 11:20 a.m.

TRD-8903741

Monday, July 10, 1989, 10 a.m. The commission will consider notice of application by Pilgrim's Pride Corporation, app. 4371A, to amend Permit 4044, to increase the annual irrigation acreage from 1365.9 acres to 2091.787 acres from the Red River, Red River Basin, in Fannin County, approximately 22 miles northeast from Bonham; to increase the annual appropriation from 455.30 acre-feet to 4183.58 acre-feet of water from the Red River; to add a diversion area on the right, or south, bank of the Red River within the applicant's property boundaries between the following two points: upstream point: north 14 degrees 30 feet west, 12,450 feet from the southeast corner of the J.R. O'Neal survey, abstract 857, Fannin County, downstream point: at the northeast corner of the aforesaid J.R. O'Neal survey and to increase the diversion rate from 12.2 cfs (5463.6 gpm) to 22.3 cfs (10,000 gpm).

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 26, 1989, 11:20 a.m.

TRD-8903742

Monday, July 31, 1989, 10 a.m. The commission will consider notice of application by Five Wells Ranch Company, application 5227, for an 11.121 permit to close the ports in the principal spillway of the existing soil conservation service, Elm Creek watershed floodwater retarding dam 26, increasing the capacity from 191.7 to 295.2 acre-feet of water in the reservoir created by the dam at elevation 507.8 feet above mean sea level. The reservoir will have a surface area of 65 acres and will be used for in-place recreational, domestic and livestock purposes on South Elm Creek, tributary Big Elm Creek, tributary of the Little River, tributary of the Brazos River, Brazos River Basin, approximately 12 miles south-

east of Belton, Bell County.

Contact: Lann Bookout, P.O. Box 13087, Austin, Texas 78711, (512) 463-8260.

Filed: May 1, 1989, 2:11 p.m.

TRD-8903849

Monday, July 31, 1989, 10 a.m. The commission will consider notice of application by Charles and Rita Breedlove, application 5229, for an 11.121 permit to directly divert nine acre-feet of water per annum from an unnamed tributary of Village Creek, tributary of the Sabine River, Sabine River Basin. The water will be used to irrigate five acres of land out of a 30.845 acre tract in Smith County, approximately 10 miles northwest of Lindale. The water will be diverted from a point on the left, or north, bank of the unnamed tributary of Village Creek, North 61 degrees east, 580 feet from the southwest corner of the R.G. Stewart survey, at a maximum rate of 0.23 cfs (100 gpm).

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 1, 1989 2:12 p.m.

TRD-8903848

Monday, July 31, 1989, 10 a.m. The commission will consider notice of application by Carl W. Summers, Jr., (Summertree Ranch) Applicant 5228, for an 11.143 permit to use 25 acre-feet of water per annum from an exempt reservoir created by a dam on Kickapoo Branch, tributary of the Neches River, Neches River Basin. The water will be used to irrigate 18 acres of land within a 796.79 acre tract of land, approximately four miles southeast of Frankston, Anderson County. The reservoir has a capacity of 75 acre-feet and a surface area of 12.5 acres. Water will be diverted from the perimeter of the aforesaid reservoir at a maximum diversion rate of 0.33 cfs (150 gpm).

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 1, 1989 2:12 p.m.

TRD-8903847

Monday, July 31, 1989, 10 a.m. The commission will consider notice of application by Johnny and Betty Kosub, application 5224, for an 11.121 permit to divert 60 acre-feet of water per annum directly from Cibolo Creek, tributary of the San Antonio River, San Antonio River Basin, in Wilson County, located three miles northwest of La Vernia. The water will be used for irrigation of 60 acres out of 253 acres of land. Water will be diverted at a maximum combined rate of 1.8 cfs (800 gpm) from the right, or west bank of Cibolo Creek anywhere between two points on the applicants' property as follows: upstream point 1-south 21 degrees east, 3050 feet from north corner of the aforesaid survey; and downstream point

2- south 7 degrees east 5430 feet from aforesaid survey corner.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 1, 1989 2:12 p.m.

TRD-8903846

Monday, July 31, 1989, 10 a.m. The commission will consider notice of application by Arthur B. Burnett, applicant 3936A, to amend permit 3661 to authorize an extension of the term of permit for another 10 years or in perpetuity. The permit currently authorizes the direct diversion and use of not to exceed 110 acre-feet of water per annum from Terret Draw, tributary of the San Saba River, tributary of the Colorado River, Colorado River Basin to irrigate 55 acres of land out of a 63.501 acre tract, approximately 29 miles east of Eldorado, Schleicher County.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 1, 1989 2:12 p.m.

TRD-8903845

Regional Meetings

Meetings Filed April 25, 1989

The Bexar-Medina-Atascosa Counties Water Control Improvement District No. 1, Board of Directors, met at the District Office, Highway 81, Natalia, on May 1, 1989, at 10 a.m. Information may be obtained from C.A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Guadalupe-Blanco River Authority, Board of Directors, met in emergency session at the Authority's Offices, 933 East Court Street, Sequin, on April 26, 1989, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The West Central Texas Council of Governments, Area Agency on Aging-Public Hearing on Area Plan, met at the Duffy Auditorium, Richardson Library, Hardin-Simmons University Campus, Abilene, on May 4, 1989, at 10 a.m. Information may be obtained from Dr. Lewis E. Lemmond, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-8903709

Meetings Filed April 26, 1989

The Brown County Appraisal District, Board of Directors, met at 403 Fisk Avenue, Brownwood, on May 1, 1989, at 7 p.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Fisher County Appraisal District, Board of Directors, will meet at tax office, Roby, on May 9, 1989, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79546, (915) 776-2733.

The Heart of Texas Region MHMR, Board of Trustees, met at 110 South 12th Street, Waco, on May 2, 1989, at 11:45 a.m. Information may be obtained from Helen Jasso, 110 South 12th Street, Waco, Texas 76701, (817) 752-3451.

The High Plains Underground Water Conservation District, 1, Board of Directors, met in Conference Room, 2930 Avenue Q, Lubbock, on May 1, 1989, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock Texas 79405, (806) 762-0181.

The Lavaca County Central Appraisal District, Board of Directors, will meet at 113 North Main, Hallettsville, on May 8, 1989, at 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Lubbock Regional MHMR Center, Board of Trustees, met in the Boardroom, 3801 Avenue J, Lubbock, on April 27, 1989, at 10 a.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202.

The Northeast Texas Municipal Water District, Board of Directors, met at Highway 250 South, Hughes Springs, on May 1, 1989, at 10 a.m. Information may be obtained from J.W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (214) 639-7538.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, on May 2, 1989, at 8 p.m. Information may be obtained from L.R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

TRD-8903734

Meetings Filed April 27, 1989

Austin-Travis County MHMR Center, Evaluation Committee, met in Suite 500, 611 South Congress Avenue, Austin, on May 1, 1989, at 8:30 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 440-4031.

The Barton Springs/Edwards Aquifer Conservation District, Board of Directors, will meet at 1124-A Regal Row, Austin, on May 1, 1989, at 7 p.m. Information may be obtained from Bill Couch, 1124-A Regal Row, Austin, Texas 78748, (512) 282-8441.

The Dawson County Central Appraisal District, Board of Directors, met at 920 North Dallas Avenue, Lamesa, on May 2, 1989, at 7 a.m. Information may be ob-

tained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The North Plains Water Conservation District, Board of Directors, will meet at 603 East First Street, Dumas, on May 8, 1989, at 10 a.m. Information may be obtained from Richard S. Bowers, P.O. Box 795, Dumas, Texas 79029, (806) 935-6401.

The San Patricio County Appraisal District, Board of Directors, will meet at 1146 East Market, Sinton, on May 11, 1989, at 9:30 a.m. Information may be obtained from Kathyn Vennillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

The Texas Panhandle Mental Health Authority, Board of Trustees, met at the Kilgore Atrium, 1200 Wallace Boulevard, Amarillo, on May 4, 1989, at 10:30 a.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

TRD-8903769

Meetings Filed April 28, 1989

The Tax Appraisal District of Bell County, Board of Directors, will meet at the Tax Appraisal District Building, 411 East Central, Belton, on May 17, 1989, at 7 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841.

The Callahan County Appraisal District, Board of Directors, will meet at the District Office, First Floor, Callahan County Courthouse, Baird, on May 8, 1989, at 7:30 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165.

The Dallas Area Rapid Transit, Planning and Development Committee, met at 601 Pacific Avenue, Dallas, on May 2, 1989, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Education Service Center, Region XX, Board of Directors, will meet at 1314 Hines Avenue, San Antonio, on May 10, 1989, at 2 p.m. Information may be obtained from Dr. Judy M. Castleberry, (512) 299-2400.

The Edwards Underground Water District, Board of Directors and Building Committee, met at 1615 North St. Mary's, San Antonio, on May 2, 1989, at 10 a.m. and 3 p.m., respectively. The Administration Committee met at the same location on May 4, 1989, at 4 p.m. The Board of Directors will meet again at the same location on May 9, 1989, at 6 p.m. Information may be obtained from Gordon M. Clarke, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

The Hickory Underground Water Conservation District 1, Board and Advisors, met at the District Office, 2005 Old Nine

Road, Brady, on May 4, 1989, at 7 p.m. Information may be obtained from Vickie Roddic, Box 1214, Brady, Texas 76825, (915) 597-2785.

The Lower Colorado River Authority, Board of Directors, met at 3700 Lake Austin Boulevard, Austin, on May 3, 1989, at 2 p.m. The Ad Hoc Committee, Board of Directors, met at the same location on May 4, 1989, at 1:30 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Sabine River Compact Administration, will meet at the Marriott Hotel, 555 Canal Street, New Orleans, Louisiana, on June 16, 1989, at 9:30 a.m. Information may be obtained from Max J. Forbes, Jr.

TRD-8903790

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Meetings Filed May 1, 1989

The Denton Central Appraisal District, Appraisal Review Board, will meet at 3911 Morse, Denton, on May 23 and 30, 1989, at

9 a.m. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

The East Texas Council of Governments, Executive Committee, met at ETCOG offices, Kilgore, on May 4, 1989, at 2 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas (214) 984-8641.

The Grayson Appraisal District, Board of Directors, will meet at 205 North Travis, Sherman, on May 10, 1989, at noon. Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Hansford County Appraisal District, will meet at 709 West Seventh Street, Spearman, on May 10, 1989, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at the Permian Basin Regional Planning

Commission, Midland, on May 10, 1989, at 1:30 p.m. Information may be obtained from Terri Moore, P.O. Box 6391, Midland, Texas 79711.

The Upshur County Appraisal District, Board of Directors, will meet at Warren and Trinity Streets, Gilmer, on May 8, 1989, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

TRD-8903835

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Meeting Filed May 2, 1989

The Edwards Underground Water District, Board of Directors, will meet 1615 North St. Mary's, San Antonio, on May 9, 1989, at 6 p.m. Information may be obtained from Gordon M. Clarke, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

TRD-8903861

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.

State Banking Board

Notice of Hearing (Reschedule)

The date of the hearing for the charter application of the Bank of the West, El Paso, previously scheduled for April 19, 1989, has been rescheduled. The hearing is hereby rescheduled to begin on May 17, 1989, at 9 a.m., at the Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705.

The rescheduling of the hearing in this matter shall not alter the deadline for the filing of a petition in intervention by any party under State Banking Board rules. Any such petition shall be considered timely filed if received by April 10, 1989.

Issued in Austin, Texas on April 25, 1989.

TRD-8903745 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: April 26, 1989

For further information, please call (512) 479-1200



Notice of Postponement of Hearing

The May 4, 1989, hearing on an application to withdraw excess earnings from trust deposits filed by Service Corporation International, Houston, has been postponed and will be rescheduled to August 24, 1989, at 9 a.m.

Additional information may be obtained from Ann Graham, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas on April 28, 1989.

TRD-8903817 Ann Graham
General Counsel
State Banking Department

Filed: April 28, 1989

For further information, please call (512) 479-1200



Texas Department of Commerce

Weekly Report on the 1989 Allocation of the State Ceiling on Certain Private Activity Bonds

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1988 is \$839,250,000.

State legislation, Texas Civil Statutes, Article 5190.9(a), (the Act), established the allocation process for the State

of Texas. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

Pursuant to the Act, the aggregate amount for qualified mortgage bond subceiling is \$279,750,000, with \$186,500,000 available to the local housing authorities and \$93,250,000 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$209,812,500 and the amount for all other bonds requiring an allocation is \$349,687,500.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, April 17, 1989-April 21, 1989.

Weekly report on the 1989 allocation of the state ceiling on certain private activity bonds as pursuant to Texas Civil Statutes, Article 5190.9(a).

Total amount of state ceiling remaining unreserved for the \$279,750,000 subceiling for qualified mortgage bonds under the Act as of April 21, 1989, 1989: \$93,251,166.

Total amount of state ceiling remaining unreserved for the \$209,812,500 subceiling for state-voted issues under the Act as of April 21, 1989: \$164,812,500

Total amount of state ceiling remaining unreserved for the \$349,687,500 subceiling for all other bonds under the Act as of April 21, 1989: \$2,500.

Total amount of the \$839,250,000 state ceiling remaining unreserved as of April 21, 1989: \$258,066,166.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from April 17, 1989-April 21, 1989: The Veterans Land Board, eligible borrowers, Texas veterans land fund, \$45 million.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from April 17, 1988-April 21, 1989: none.

Issued in Austin, Texas, on April 11, 1989.

TRD-8903765 J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: April 26, 1989

For further information, please call (512) 472-5059



**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, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer⁽³⁾/Agri- cultural/Commercial⁽⁴⁾ thru \$250,000</u>	<u>Commercial⁽⁴⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	05/01/89-05/07/89	18.00%	18.00%
Monthly Rate Art. 1.04(c) ⁽¹⁾	05/01/89-05/31/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	04/01/89-06/30/89	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	04/01/89-06/30/89	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	04/01/89-06/30/89	16.81%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	04/01/89-06/30/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	04/01/89-06/30/89	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	04/01/89-06/30/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	05/01/89-05/31/89	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
- (3) Credit for personal, family or household use.
- (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on April 24, 1989.
TRD-8903744 Al Endsley
Consumer Credit Commissioner

Filed: April 26, 1989
For further information, please call: (512) 479-1280



**Texas Education Agency
Request for Applications**

The Texas Education Agency is requesting applications from local education agencies, regional education service centers, and institutions of higher education to develop programs to enhance management training for administrators.

Applicants should submit programs which have been designed to enhance the management skills of administrators as identified through a needs-assessment. Selected pro-

grams must complement the State Board of Education Management Core Curriculum and/or job specific skills. Moreover, these programs may be designed locally, purchased through vendors, or collaboratively developed with other educational institutions or related organizations. Further guidelines are contained in the Request for Application (RFA).

A total amount of \$50,000 has been approved for distribution through a competitive process. Awards will range up to approximately \$5,000.

The last day on which an application will be accepted for review is May 24, 1989.

A notice of intent to apply should be received in the Document Control Center of the Texas Education Agency by 5 p.m. on May 8, 1989. Applications will be judged on the basis of the quality of the program component, management component, appropriateness of financial resources dedicated to the program, and the evaluation plan.

Copies of the RFA (#701-89-042) may be obtained by contacting the Document Control Center, Room 6-108, William B. Travis Building, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For further information, contact Alvis Bentley, in the Division of Management Assistance and Personnel Development, at (512) 463-9506.

Issued in Austin, Texas on April 20, 1989.

TRD-8903791 W. N. Kirby
Commissioner of Education

Filed: April 28, 1989

For further information, please call (512) 463-9212

Request for Public Comments

The State Board of Education is scheduled to consider the Chapter 2 state application during the May 12-13, 1989, meeting. The Texas Education Agency is required to provide public notice and disseminate pertinent information regarding the Chapter 2 Advisory Committee recommendations on the use of Chapter 2 federal funds prior to the board meeting.

For 1989-1990, Texas will receive \$33,756,463 from the Elementary and Secondary Education Act (ESEA), Chapter 2. Of the total amount received, the law requires 80% (\$27,005,171) to be funded to public schools on a formula basis and 20% (\$6,751,292) to be used to fund special projects, technical assistance, and administration. The proposed formula to be used to allocate the 80% portion of funds to local school districts (as constrained by ESEA, Chapter 2 law, §1512) is: Step 1-Determine public and private school enrollment by Local Education Agency (LEA) and for the state. Step 2-Determine high cost students (those on free lunch) by LEA and for the state. Compare the number and percentage for each category of high cost students by LEA to the statewide average number and percentage of each category. Only those LEAs having numbers or percentages in excess of the average statewide number or percentage shall be eligible to include high cost students in the computations. Step 3-Calculate the per capita amount for the state by dividing the sum of Step 1 plus Step 2 into 80% of the state grant award for Chapter 2. Step 4-Multiply the per capita amount computed in Step 3 times the sum of Step 1 plus Step 2 for each LEA.

Based upon the most recent data available, the per capita

amount for fiscal year 1990 (school year 1989-1990) is \$6.09. The criteria to be used for defining high cost students is prescribed by the legislation, Public Law 100-297. The special projects recommended by the Chapter 2 Committee on March 1, 1989, are: involving principals in the school accreditation process (\$170,000); enhancing the quality and retention of minority teachers and teachers in critical shortage areas (\$460,000); education service center funding for targeted campuses and purposes-basic skills and effective schools training-at risk model for increasing graduation rates-parental involvement model (\$2,400,000); comprehensive system for statewide staff development and technical assistance in gifted education (\$295,000); Texas learning technology group physical science and technology project (\$300,000); Texas education agency staff training and professional development for effective schools programs (\$208,000); effective schools programs research and evaluation (\$280,500); public education information management system (\$125,742); family involvement in education for at-risk children and parents (\$500,000); innovative instructional program for academically talented teachers of tomorrow and EXCET skills training for teachers of today (\$50,000); pilot for developing the campus administrator/teacher concept and training of collegial and empowering teams (\$50,000); implementing the effective schools programs through the performance-based accreditation process: the role of the cooperative superintendency program fellows in the research and evaluation unit of the division of accreditation (\$271,969).

The Chapter 2 Advisory Committee's recommendations and any public comments received will be submitted to the State Board of Education at the May 12-13, 1989, meeting. Any comments should be addressed to Rosalind Eathome, ESEA Chapter 2 State Coordinator, 1701 North Congress, Austin, Texas 78701, and must be received by May 5, 1989. Any questions regarding this matter should be directed to Ms. Eathome at (512) 463-9269.

Issued in Austin, Texas on April 24, 1989.

TRD-8903730 W. N. Kirby
Commissioner of Education

Filed: April 25, 1989

For further information, please call (512) 463-9212

Employees Retirement System of Texas Requests for Proposals

Pursuant to Texas Civil Statutes, Article 6252-11c, the Employees Retirement System of Texas (ERS) serves notice of invitation for bids on a continuation of consulting services heretofore performed by Management Science America, Inc. (MSA).

Description. The consultant will assist the ERS staff in implementing the MSA general ledger/budgetary control software system. Specific tasks which the consultant will perform include: assist in the conversion of the manual general and subsidiary ledgers to an automated accounting system using the MSA general ledger/budgetary control software package; assist in the project management of the automation of the accounting system on the basis of train the trainer methodology; assist in the development and testing of information expert reports using MSA's information expert reporting and retrieval language; make recommendations to management for establishing and maintaining the available funds file of the budgetary control system. Assist in defining in the MSA budgetary control software the available funds file and encumbrance documents file; assist with the testing, paralleling and produc-

tion phases; assist in developing and reviewing procedures for user manuals; and assist in training users and technical personnel.

All proposals are to be organized in a manner specified by ERS.

No reimbursement will be made by the ERS of any costs incurred for the preparation of a proposal.

Contact person. Additional information may be obtained by contacting Darrell J. Leslie, Director of Accounting, Employees Retirement System of Texas, 18th and Brazos Streets, P.O. Box 13207, Austin, Texas 78711-3207, (512) 476-6431, extension 224.

Closing date. The original and three copies of the proposal should be sent to: Jane Miller, Purchasing and Supply Officer, Employees Retirement System of Texas, 18th and Brazos Streets, Room 301, P.O. Box 13207, Austin, Texas 78711-3207.

All proposals must be actually received as proven with a date and time stamp in the ERS Purchasing Office, Room 301, Employees Retirement System of Texas office building, 18th and Brazos Streets, Austin, Texas 78701 no later than 4 p. m. on May 22, 1989. Hand delivered proposals also must be delivered to the ERS Purchasing and Supply office by 4 p.m. on May 22, 1989. Proposals received after that time will not be considered. Proposals will be opened on May 22, 1989, beginning at 4 p.m.

Consultant information. To eliminate the costs incurred in developing the consultant's knowledge of ERS fiscal operations, knowledge of the ERS chart of accounts and fund structure for the automated system, and knowledge of the software products and other ERS automated systems used, ERS intends to award this contract to Management Science America, Inc. as a continuation of services unless a better offer is received.

Selection criteria. An evaluation committee consisting of ERS personnel will evaluate the merits of all proposals received using criteria in the following four general areas: work approach—type of work plan, composition of team, use of ERS staff, time frames; bidder's staff qualifications—educational background, specialized skills, prior experience working with ERS accounting systems and the related ERS automated systems that interact with the MSA general ledger/budgetary control software, specific experience of the organization and the staff assigned to the services team in implementing the MSA government expert series software for public sector clients, especially Texas state agencies; company capability to perform—experience in performing similar services, especially for Texas state agencies or public pension systems, financial stability, customer references; and professional fees.

The execution of a contract pursuant to this invitation for consulting services is dependent upon the approval of the board of trustees of ERS (trustees) and upon the negotiation of a mutually acceptable contract with the selected bidder. The trustees reserve the right to reject any or all proposals and can solicit or cancel this request if deemed to be in the best interest of ERS.

Issued in Austin, Texas on April 27, 1989.

TRD-8903779 Clayton T. Garrison
Executive Director
Employees Retirement System of Texas

Filed: April 27, 1989

For further information, please call (512) 476-6431, Ext 213

Governor's Office of Budget and Planning

Consultant Contract Award

This award of consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Publication Date. A consultant proposal request for collecting and evaluating data to measure energy savings that derive from programs of the State Energy Conservation Program was published in the December 23, 1988, edition of the *Texas Register* (13 TexReg 6365).

Description of Services. The consultant will provide the following services: (1) update the current evaluation methodology and make recommendations for changes; (2) develop a methodology for collecting and reporting the results of any new program conducted by the Energy Management Center; (3) develop and provide forms for use by contractors or program managers in collecting energy savings data; (4) collect data, analyze information, and report energy savings for fiscal year 1989 programs on Department of Energy prescribed CE-462 forms; and (5) prepare and submit a report documenting a methodology for determining energy savings.

Name and Address of Contractor. The Energy Management Center in the Governor's Office of Budget and Planning entered into contract for the services described above with: Texas Energy Engineering Services, Inc., B-125 Capitol View Complex, 1301 Capital of Texas Highway, Austin, Texas 78746.

Value and Dates of the Contract. The total dollar value of the contract is \$20,300. The contract period is March 30, 1989-June 30, 1989.

Due Dates for Documents. The final energy savings report is due April 30, 1989. The written methodologies for evaluation of new programs and the final report containing written recommendations for improving the 1989 energy savings report and problems encountered in preparation of the 1988 energy savings report are due May 31, 1989.

Issued in Austin, Texas on April 24, 1989.

TRD-8903737 Ron Lindsey
Director
Governor's Office of Budget and Planning

Filed: April 26, 1989

For further information, please call (512) 463-1931

Request for Proposals

Notice of Invitation. The Energy Management Center (EMC) in the Governor's Office of Budget and Planning invites proposals from units of local government for the Local Government Competitive Grants Program. This program is funded with oil overcharge refunds in accordance with the Oil Overcharge Restitutionary Act, Texas Civil Statutes, Article 4413(56) (Vernon Supplement 1988). Oil overcharge restitutionary funds will be distributed on a competitive basis for energy saving projects that benefit local governments in Texas. Oil overcharge funds returned to the states are monetary settlements for alleged violations of mandatory price controls on crude oil and petroleum products that were in effect from 1973 to 1981.

The EMC will make every effort to select projects from all areas of the state. Eligible proposers include cities, counties, and other political subdivisions. School districts which are served under other programs of the oil over-

charge disbursement plan are not eligible. Privately owned or for-profit entities are not eligible for funding, and may not benefit directly from this program.

Projects may include demonstrations of cogeneration, thermal storage, waste-to-energy, or renewable energy technologies; implementation of water and waste-water efficiency programs; establishing and maintaining an energy management program; retrofitting street and outdoor lighting; fleet management; or other projects that save local governments energy and money. Project savings must be used to increase or improve services to citizens of local political subdivisions. Projects that do not receive funding under this program may be eligible for consideration under other EMC programs for local governments, including building audits, technical assistance programs, and a proposed loan fund for energy efficient capital improvements.

Contact Person. For copies of the proposal application package or more information about this program, contact **Ernie Moore, Energy Management Center, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, (512) 463-1931.**

Proposal Format and Due Date. Proposals must be submitted on the application form provided by EMC. Seven copies of each proposal should be mailed to: **Sherril Rains, Energy Management Center, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711.**

For proposals sent by overnight mail or hand delivered, the street address is **201 East 14th Street, Sam Houston State Office Building, Suite 620, Austin, Texas 78701.** Proposals must be received by **3 p.m. on August 4, 1989.** Any proposal arriving after 3 p.m. will not be accepted.

Selection Criteria. Proposals must adhere to the proposal application format provided by the EMC. All proposals will be evaluated according to the following criteria: 1. Potential energy savings or benefits to the local govern-

ment and its citizens; 2. Appropriateness of the project for the community's needs and resources; 3. Technical feasibility and practicality; 4. Level of commitment to the project of the local government leaders; 5. Reasonableness of the proposed work plan; and 6. Assurance that the projects will supplement, not supplant existing programs.

Final selection of projects will be based on the recommendations of a proposal review panel. If two or more proposals are ranked so closely that a decision cannot be made, the review panel may request finalists to provide additional information or to meet with EMC staff in Austin before final selection is made. No respondent will be reimbursed for costs incurred in the preparation, submission, or clarification of a proposal.

Issued in Austin, Texas on April 24, 1989.

TRD-8903736 Ron Lindsey
Director
Governor's Office of Budget and Planning

Filed: April 26, 1989

For further information, please call (512) 463-1931

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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:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Calvert	Texas-New Mexico Power Company	L04280	Bremond	0	04/06/89
Houston	Flange-Tech, Inc.	L04281	Houston	0	03/27/89
Throughout Texas	Allen Keller Company, Inc.	L04264	Fredericksburg	0	04/04/89

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Abilene	Humana Hospital - Abilene	L02434	Abilene	22	03/29/89
Beaumont	Syncor International Corporation	L02987	Beaumont	19	03/31/89
Beaumont	Baptist Hospital of Southeast Texas	L00358	Beaumont	53	03/30/89
Brownfield	Brownfield Regional Medical Center	L02541	Brownfield	8	03/30/89
Cheek	Goodyear Tire and Rubber Company	L04006	Beaumont	2	04/05/89
College Station	Biophor Corporation	L04233	College Station	2	03/27/89
Dallas	Dallas Memorial Hospital	L02408	Dallas	11	03/31/89
Dallas	North Dallas Diagnostic Center	L03125	Dallas	22	03/30/89
El Paso	Surgikos, Inc.	L04178	El Paso	1	03/28/89
Freeport	Brazos Pipe & Steel Fabricators, Inc.	L02186	Freeport	15	04/05/89
Freeport	BASF Corporation	L01021	Freeport	36	04/06/89
Harlingen	Valley Diagnostic Medical and Surgical Clinic, P.A.	L02933	Harlingen	12	03/29/89
Houston	TAPCO International, Inc.	L02475	Houston	7	03/29/89
Houston	Tanox Biosystems Inc.	L04094	Houston	2	03/27/89
Houston	Antek Instruments, Inc.	L01298	Houston	13	03/28/89
Irving	Frito-Lay, Inc.	L00930	Irving	16	03/29/89
Lufkin	Memorial Medical Center Kurth Radiation Center	L01346	Lufkin	38	03/27/89
Pasadena	HIMONT, U.S.A., Inc.	L01854	Pasadena	18	03/23/89
Pasadena	Rexene Products Company	L02153	Pasadena	9	04/07/89
Richmond	Cooper Industries, Inc.	L00312	Richmond	29	04/05/89
Texas City	Sterling Chemicals, Inc.	L03952	Texas City	2	03/27/89
Throughout Texas	Jerry W. Owen	L01851	Pasadena	40	04/06/89
Throughout Texas	Sigma Industries, Inc.	L03753	Corpus Christi	2	03/21/89
Throughout Texas	D-Arrow Inspection, Inc.	L03816	Houston	18	03/31/89
Throughout Texas	AnAid, Inc.	L03171	Dickinson	11	03/31/89

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	Kooney X-Ray, Inc.	L01074	Barker	43	03/31/89
Throughout Texas	G & G X-Ray, Inc.	L03326	Corpus Christi	16	03/31/89
Throughout Texas	Hudson Products Corporation	L02370	Houston	23	03/31/89

Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	5	03/24/89
Throughout Texas	Midland Inspection Incorporated	L03724	Midland	14	03/22/89
Throughout Texas	Nordion International, Inc.	L00721	Kanata, Canada	28	03/22/89
Throughout Texas	Sigma Industries, Inc.	L03753	Corpus Christi	2	03/21/89
Throughout Texas	Precision Inspection, Inc.	L00203	Houston	30	03/30/89
Throughout Texas	Schlumberger Well Services	L01833	Houston	69	03/28/89
Throughout Texas	Mason-Johnston & Associates, Inc.	L00286	Dallas	17	04/03/89
Throughout Texas	AIEC Associates, Inc.	L02645	Dallas	9	04/03/89
Throughout Texas	Comprobe Incorporated	L01667	Fort Worth	20	03/30/89
Throughout Texas	Quantum Chemical Company	L04037	Deer Park	2	03/27/89
Throughout Texas	Core Laboratories, Inc.	L02975	Houston	17	03/27/89
Throughout Texas	In-House Inspection Company	L03381	Houston	9	04/06/89
Throughout Texas	Dyess Testing Laboratory, Inc.	L01123	Amarillo	34	04/06/89
Throughout Texas	Anadrill, Inc.	L04053	Sugar Land	2	04/06/89
Throughout Texas	PynaGen, Inc.	L04267	Odesa	1	04/06/89
Throughout Texas	Tuboscope, Inc.	L00287	Houston	76	04/04/89
Throughout Texas	Landscaping & Maintenance Services, Inc.	L03025	Dallas	5	04/04/89
Throughout Texas	Sperry-Sun Drilling Services, Inc.	L02603	Houston	27	04/06/89
Throughout Texas	Southwest Research Institute	L00775	San Antonio	33	04/07/89
Throughout Texas	Texas Department of Health	L01155	Austin	36	03/29/89
Throughout Texas	Reinhart and Associates, Inc.	L03189	Austin	6	04/06/89
Throughout Texas	Computer Logging, Inc.	L03187	Pleasanton	7	04/04/89
Tyler	The University of Texas Health Center at Tyler	L04117	Tyler	1	03/30/89
Waco	Providence Health Center	L01638	Waco	24	03/29/89

RENEWALS OF EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Decatur	POCO Graphite, Inc.	L03431	Decatur	4	03/22/89
Galveston	The University of Texas Medical Branch	L01299	Galveston	28	03/29/89
San Angelo	Angelo Community Hospital	L02487	San Angelo	19	03/31/89
Texarkana	Wadley Regional Medical Center	L02486	Texarkana	12	03/31/89
Throughout Texas	Syncor International Corporation	L01999	El Paso	64	03/27/89
Throughout Texas	Cotton's Inspection Service, Inc.	L02869	Odessa	10	03/23/89
Throughout Texas	Coastal Testing Laboratories, Inc.	L01945	Houston	20	03/22/89
Throughout Texas	Swartz Enterprises, Inc.	L03647	San Angelo	4	04/04/89

TERMINATIONS OF LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
El Paso	A.V.C. Development Corporation	102566	El Paso	5	03/22/89
Houston	S & B Engineers, Inc.	102793	Houston	5	04/07/89

NEW LICENSES DENIED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Stafford	Burzynski Research Institute	0	Stafford	0	06/15/88

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. Locker, 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, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on April 27, 1989.

TRD-8903799 Robert A. MacLean
Deputy Commissioner
Texas Department of Health

Filed: April 28, 1989

For further information, please call (512) 835-7000.

Texas Department of Human Services Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) announces this notice of consultant contract award. The invitation for consultant proposals was published in the February 14, 1989, issue of the *Texas Register* (14 TexReg 1009).

Description of Services: The firm will review the department to evaluate functions and administrative structures at both the state and regional levels to identify impediments to efficient and effective management and to recommend improvements that would maximize the quality of service delivery and efficient operation of the department. The scope the consultant firm's study generally

addresses: administrative structure including state/regional roles and responsibilities; staffing levels and patterns for all programs and support areas; program operations such as policy development and interpretation; actual service delivery practices in two program areas (Income Assistance Services Program and the Child Protective Services component of the Protective Services for Families and Children Program); and computer operations in both state office and the field.

Name of Consultant: The contract was awarded to Touche Ross and Company, 919 Congress Avenue, Suite 700, Austin, Texas 78701-2421.

Amount and Term of the Contract: The amount of the contract is \$450,900. The contract period is May 1, 1989 through October 31, 1989.

Due Dates for Reports: The interim report on the study of administrative structure is due May 29, 1989. The interim report on the audit of Child Protective Services is due July 31, 1989. The interim report on the audit of Income Assistance Services is due October 1, 1989. The complete and final report for the entire study is due October 31, 1989.

Issued in Austin, Texas, on April 27, 1989.

TRD-8903788 Charles Stevenson
Acting Commissioner
Texas Department of Human Services

Filed: April 27, 1989.

For further information, please call: (512) 450-3785

Correction of Error

The Texas Department of Human Services submitted proposed amendments which contained errors as published in the April 25, 1989, issue of the *Texas Register* (14 TexReg 2014).

In §29.603: Subparagraph (2)(B) was old language being deleted and should, therefore, appear within brackets.

In §29.606: Paragraph (c)(3) should be followed by old subsection (q) reading: "[q] Additional payments. The department or its designee makes additional lump-sum payments to hospitals within Texas that have at least 20 Title XIX stays based on paid claims data from the latest available state fiscal year and that serve a large percentage of Title XIX-eligible children less than four years old at the time of their admission who have long lengths of stay."

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for admission to do business in Texas of The Home Insurance Company of Wisconsin, a foreign casualty insurance company. The home office is in Brookfield, Wisconsin.
2. Application for incorporation in Texas of TexCare HMO, Inc., a domestic health maintenance organization. The home office is in Richardson.

Issued in Austin, Texas, on April 25, 1989.

TRD-8903773 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: April 27, 1989

For further information, please call (512) 463-6327.

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**Texas Legislative Council
Consultant Contract Award**

This award of consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The consultant proposal request was published in the *Texas Register* on February 17, 1989, (14 TexReg 919).

The consultant will provide the council with professional advice and assistance by assisting in the drafting of workers' compensation legislation; testifying before legislative committees concerning the consultant's studies performed for the Joint Select Committee on Workers' Compensation Insurance; and performing related services requested by the council.

The consultant is: John H. Lewis, Box 330550, Miami, Florida 33233.

The consultant will be compensated in the amount of \$20,000. This contract begins on March 27, 1989, and terminates on August 31, 1989.

Issued in Austin, Texas on April 28, 1989.

TRD-8903826 Sharon Carter
Administrative Assistant
Texas Legislative Council

Filed: April 28, 1989

For further information, please call (512) 463-1151

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**Middle Rio Grande Development
Council
Request for Proposal**

The Middle Rio Grande Development Council is requesting proposals for the provision of consulting services relative to a proposed reorganization and enhancement of the agency's management information and internal and external reporting systems. This request is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

All proposals must be received no later than June 5, 1989, 5 p.m., central daylight time, at the Middle Rio Grande Development Council office, 403 East Nopal Street, P.O. Box 1199, Carrizo Springs, Texas 78834. For more information regarding this request for proposal please contact: Ramon S. Johnston, Deputy Director at (512) 876-3533.

The procedure which shall be used to award the contract shall be as follows. Contractor selection will be made on the basis of cost, experience, and demonstrated understanding of the kinds of systems problems experienced by multi-jurisdictional agencies funded from multiple funding sources.

The Middle Rio Grande Development Council reserves the right to accept and/or reject any and all proposals and negotiate all or any portions of the consulting services.

Issued in Austin, Texas on April 20, 1989.

TRD-8903683 Ramon S. Johnston
Deputy Director
Middle Rio Grande Development Council

Filed: April 24, 1989

For further information, please call (512) 876-3533

**Board of Nurse Examiners
Correction of Error**

The Board of Nurse Examiners submitted a proposed section which contained errors as published in the April 25, 1989, issue of the *Texas Register* (14 TexReg 1969).

In §219.17, paragraphs (a)(6) and (7) should read:

"(6) students' achievement;

"(7) graduates' nursing competence; and"

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**State Purchasing and General Services
Commission
Request for Proposals**

Notice is hereby given to all interested parties that pursuant to Texas Civil Statutes, Article 601b, the State Purchasing and General Services Commission is soliciting proposals for the potential purchase of an existing building in Austin, containing a minimum of 20,000 gross square feet of warehouse space, with associated land and parking spaces. The request for proposals containing all requirements necessary for an appropriate response may be obtained on or after 9 a.m., May 1, 1989, from: State Purchasing and General Services Commission, Space Management Section, 1711 San Jacinto, Central Services Building, Room 204, Austin, Texas 78701.

All proposals must be submitted in a sealed envelope and must be received by the commission no later than 3 p.m. on May 26, 1989. The commission will evaluate the proposals received in accordance with the criteria outlined in the request for proposals and may negotiate with any or all offerors in an effort to purchase space as an alternative to construction of new space to meet the state's needs.

Issued in Austin, Texas on April 25, 1989.

TRD-8903733 John R. Neal
General Counsel
State Purchasing and General Services
Commission

Filed: April 25, 1989

For further information, please call (512) 463-3446

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**Railroad Commission of Texas
Extension of Rulemaking Comment
Period**

The Railroad Commission of Texas has proposed an amendment to 16 TAC §11.221, concerning self-bonding as regulated by the Coal Mining Regulations, §806.309.

The proposed rulemaking was announced in the issue of March 28, 1989 of the *Texas Register* (14 TexReg 1577). The comment period on the proposed rulemaking is being extended until 5 p.m. on Tuesday May 30, 1989.

Comments on the proposal may be submitted to: Charles E. Evans, Hearings Examiner, Legal Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6843.

Issued in Austin, Texas on April 26, 1989

TRD-8903766 Ron Reeves
Assistant Director
Railroad Commission of Texas

Filed: April 26, 1989

For further information, please call (512) 463-7152

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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 the City of Canyon, Permit 10073, on April 24, 1989, assessing \$3,500 in administrative penalties and \$6,700 in deferred penalties.

Information concerning any aspect of this order may be obtained by contacting Wendall Corrigan, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on April 25, 1989.

TRD-8903749 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: April 26, 1989

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

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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 Dixico, Inc., SWR 30695, on April 24, 1989, assessing \$6,400 in administrative penalties and \$3,200 deferred.

Information concerning any aspect of this order may be obtained by contacting Andrew N. Barnett, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on April 25, 1989.

TRD-8903750 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: April 26, 1989

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

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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 Phoenix Oil, Inc., SWR Number 32479, on April 24, 1989, assessing \$10,000 in administrative penalties \$9,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Stephen C. Dickman, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on April 25, 1989.

TRD-8903751

Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: April 26, 1989

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

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Meeting Notice

A meeting of the Citizen's Advisory Steering Committee of the Galveston Bay National Estuary Program is scheduled for Tuesday, May 9, 1989, 10 a.m., University of Houston-Clear Lake, Bayou Building, Room 1-306, 2700 Bay Area Boulevard, Houston.

The committee will be considering the following topics: five-year/FY 1990 Plan review; CASC bylaws; public participation FY 1990 Plan; role/chairman of Citizen's Advisory Committee; recommended library location; proposed action plan project; and public comments.

Issued in Austin, Texas on April 24, 1989.

TRD-8903725 B. J. Wynna, III
Policy Committee
Galveston Bay National Estuary Program

Filed: April 25, 1989

For further information, please call (512) 475-2161

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A meeting of the Scientific/Technical Advisory Committee of the Galveston Bay National Estuary Program is scheduled for Thursday, May 4, 1989, 10 a.m., University of Houston-Clear Lake, Room 1-316, 2700 Bay Area Boulevard, Houston.

The committee will be considering: addition of new committee members; subcommittee Reports on Activities; funding patterns and projects for FY 1990; Management/Policy Committee reports; review of Priority Problems List; and action Plan Demonstration Projects.

Issued in Austin, Texas on April 24, 1989.

TRD-8903726 B. J. Wynna, III
Policy Committee
Galveston Bay National Estuary Program

Filed: April 25, 1989

For further information, please call (512) 475-2161

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Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of April 17-21, 1989.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice con-

cerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7905.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

City of Amarillo; wastewater treatment facility; on the Texas Tech University Research Farm, approximately one mile northeast of the intersection of United States Highway 60 and FM 683, and four miles west-southwest of the intersection of United States Highway 60 and FM Road 2373 in Carson County; 10392-05; amendment.

City of Wichita Falls; River Road Sewage Treatment Plant; immediately south of River Road and approximately 1,000 feet northeast of the intersection of River Road and Rosewood Street in the City of Wichita Falls, Wichita County; 10509-01; amendment.

City of Blum; wastewater treatment facility; on the east side of FM Road 933, approximately 1,200 feet southeast of the intersection of FM Road 933 and the Nolan River in Hill County; 10820-01; amendment.

Nasa-Ellington Field, Houston; wastewater treatment facility; adjacent to the intersection of State Highway 3 and FM Road 1959, which is approximately one mile north of IH 45 in the City of Houston in Harris County; 03018; new.

Issued in Austin, Texas, on April 20, 1989

TRD-8903682 Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: April 24, 1989

For further information, please call (512) 463-7908

Texas Water Development Board Request for Proposals

The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (TAC), §355.13(a), the submission of regional planning proposals from political subdivisions leading to the award of a contract to prepare a plan to protect the water quality of Eagle Mountain Lake and Lake Worth located in Tarrant and Parker Counties. The planning area includes a portion of the unincorporated area of Tarrant County, a portion of the City of Fort Worth, and the Cities of Azle and Pelican Bay. In order for a political subdivision to be eligible to receive a grant, the applicant must have the authority to plan, develop, and operate wastewater facilities.

Description of Planning Objectives. The purpose of this project is to prepare a plan that documents existing and potential water quality problems; establishes centralized service needs; identifies feasible alternatives to both meet centralized wastewater collection and treatment needs; presents estimates of costs associated with providing wastewater collection and treatment system(s); and

evaluates various institutional arrangements to provide wastewater services in the watershed areas of Eagle Mountain Lake and Lake Worth. Regional planning shall be for areas with centralized wastewater service and unserved areas located immediately around Eagle Mountain Lake and Lake Worth.

Discrete phases to implement centralized wastewater facilities to meet projected needs will be identified. Generalized approaches will be presented to control non-point sources. Cost estimates shall be made for each respective implementation phase for centralized service to determine capital costs, operation and maintenance costs, and user costs. Cost estimates for wastewater facility services shall be prepared and presented separately for wastewater collection, and wastewater treatment and disposal. Generalized costs to control non-point sources will be presented.

The planning period for the proposed work shall extend from 1990 through the year 2020 and shall include project implementation schedules by service area and by type of service facility and control program for the respective phases.

Description of Funding Consideration. The board has determined that there is an urgent need for regional wastewater planning for the Eagle Mountain Lake and Lake Worth watersheds. Fifty percent state funding from the board's Research and Planning Fund has been authorized for amounts of up to \$25, 000 for the Eagle Mountain Lake and Lake Worth areas. In the event that no acceptable proposal is submitted, the board retains the right to make no award of contract funds as specified by provisions of 31 Texas Administrative Code (TAC), §355.13(a)(3).

The selected proposer will have 90 days from board approval to enter into the contract and to demonstrate to the executive administrator that it has its matching share committed and available.

Deadlines and Contact Person for Additional Information. Ten copies of the full regional planning proposal must be filed with the board prior to 5 p.m., May 17, 1989. Regional planning proposals must be directed to M. Reginald Arnold II, Executive Administrator, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.

Requests for information, regional planning objectives, and applicable planning rules in accordance with 31 TAC §§355.10-355.19, may be directed to John Miloy at the preceding address or (512) 463-8422.

Statement of Contract Terms and Required Completion Date. Procedures for awarding contracts shall comply with Texas Civil Statutes, Article 6252-11c, and Article 664-4, where applicable, and with 31 TAC, §§355.10-355.19. Contractual agreements and associated funding will terminate on August 31, 1989. **Completion date:** August 31, 1989.

Issued in Austin, Texas on May 1, 1989.

TRD-8903837 Suzanne Schwartz
General Counsel
Texas Water Development Board

Filed: May 1, 1989

For further information, please call (512) 463-7850