

Texas Register

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The *Texas Register* (ISSN 0362-4781) is published twice each week 100 times a year except March 7, 1989, June 2, 1989, July 7, 1989, November 28, 1989, and December 29, 1989. Issues will be published by the Office of the Secretary of State.

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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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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.

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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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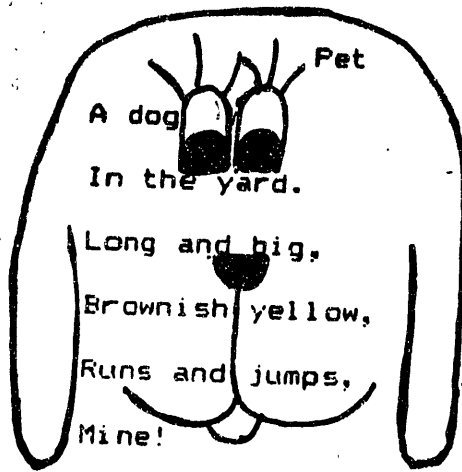
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Name: Jodi Dowell

Grade: 4

School: McKinney Elementary, McKinney

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RAFTING

Swiftly,

Smoothly,

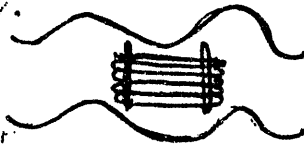
Quietly,

The River

Flows.

Small bend -

Peaceful!



Name: Staci Bouldin

Grade: 4

School: McKinney Elementary, McKinney

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 July 11, 1989

To be a member of the State Board of Insurance for a term to expire January 31, 1991: Jo Ann Howard, 2603 Berenson Lane, Austin, Texas 78746. Mrs. Howard will be filling the unexpired term of David H. Thornberry of Austin, who resigned.

Issued in Austin, Texas on July 13, 1989.

TRD-8906180

William P. Clements, Jr.
Governor of Texas



My Family

Loving,

Not stubborn, selfish, or jealous.

Caring.

It's exciting to be loved!



Name: Jennifer Elder

Grade: 4

School: McKinney Elementary, McKinney

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.

Opinions

JM-1066 (RQ-1659). Request from Robert Bernstein, Commissioner of Health, Texas Department of Health, Austin, concerning construction of Radiologic Technologist Certification Act, Texas Civil Statutes, Article 4512m.

Summary of Opinion. Under Texas Civil Statutes, Article 4512m, §2.08, a licensing board may identify radiologic procedures that are more dangerous or hazardous and that only a certified medical radiologic technologist may perform. A licensing board also has authority, however, to identify procedures that only a certified medical radiologic technologist or a registered nurse may perform.

Rules promulgated under Article 4512m, §2.08(b), do not apply to persons performing radiologic procedures in hospitals described in §2.07(d).

A registration requirement adopted by the Board of Nurse Examiners pursuant to Article 4512m, §2.08(e), would only apply to nurses performing radiologic procedures pursuant to §2.07(c), not to nurses performing radiologic procedures pursuant to §2.07(d).

No state agency has authority to determine whether a hospital described in §2.07(d) is in compliance with the requirements of that section.

TRD-8906182

JM-1067 (RQ-1711). Request from Bryan M. Perot, Executive Officer, Polygraph Examiners Board, Austin, concerning whether payment of a polygraph licensing fee may be refunded when the licensee dies.

Summary of Opinion. The Board of Polygraph Examiners has no authority to refund a portion of an annual license fee to the estate of a licensee who dies during the term of his license.

TRD-8906184

JM-1068 (RQ-1732). Request from Bill Reimer, Comal County Attorney, New Braunfels, concerning validity of a contract between an appraisal district and a retirement plan.

Summary of Opinion. The Comal Appraisal District is not authorized to enter into a contract with a private association under which the district would, for the benefit of its employees, adopt and contribute district funds to a private retirement plan offered by the association.

TRD-8906183

Requests for Opinions

(RQ-1743). Request from Bob McFarland, Chariman, Senate Criminal Justice, Austin, concerning whether a particular constitutues a public school for purposes of the Alcoholic Beverage Code, §109.33.

(RQ-1744). (Closed July 10, 1989-Due to Pending Litigation) Request from Cyndi Taylor Krier, State Senator, Austin, concerning effective date of certain provisions of Senate Bill 452, 71st Legislature.

(RQ-1745). Request from Wanda Kubecka, Criminal District Attorney, Edna, concerning validity of salary increase for a justice of the peace.

(RQ-1746). Request from Charles W. Chapman, Criminal District Attorney, San Marcos, concerning competitive bidding for a county vehicle maintenance building.

(RQ-1747). Request from Bob McFarland, Chairman, Criminal Justice Senate, Austin, concerning constitutionality of Texas Civil Statutes, Article 5196, which requires a corporation to provide a discharged employee with an explanation for the termination.

(RQ-1748). Request from Tim R. Taylor, Titus County Attorney, Mt. Pleasant, concerning use of sworn affidavits to verify signatures on a petition seeking a local option election.

(RQ-1749). Request from Pat D. Westbrook, Executive Director, Texas Commission for the Blind, Austin, concerning enforcement of the dog guide laws under the Human Resources Code, Chapter 121.

(RQ-1750). Request from Anna L. Cavazos Ramirez, Webb County Attorney, Laredo, concerning authorization for cattleguards, and related questions.

(RQ-1751). Request from Tom O'Connell, Criminal District Attorney, McKinney, concerning authority of a commissioners court to control the use of an elected official's name and title.

(RQ-1752). Request from Charles D. Penick, Criminal District Attorney, Bastrop, concerning authority of a commissioners court to promulgate regulations regarding smoking in the county jail, and related questions.

(RQ-1753). Request from David M. Williams, San Saba County Attorney, San Saba, concerning authority of a commissioners court to construct a proprietary prison for housing inmates from other states.

(RQ-1754). Request from Mark R. Kelly, Criminal District Attorney, Port Lavaca, concerning weight limit for commercial shrimpers.

TRD-8906244

(RQ-1755). Request from Joe E. Milner, Director, Texas Department of Public Safety, Austin, concerning construction of House Bill 2481, 71st Legislature, R. S., ch. _____, at _____ which adds §3(a)(23) to Open Records Act, Texas Civil Statutes, Article 6252-17a.

(RQ-1756). Request from Eleazar Garcia, Jr., County Auditor, Raymondville, concerning whether a particular district judge is a member of a county juvenile board.

(RQ-1757). Request from Charles W. Chapman, Hays Criminal District Attorney, San Marcos, concerning constitutionality of that portion of §43.23(f), which creates a presumption that a person who possesses six or more obscene devices does so with intent to promote them.

(RQ-1758). Request from Fred Toler, Executive Director, Texas Commission on Law Enforcement Officer Standards and Education, Austin, concerning responsibility of the Commission on Law Enforcement Officer Standards and Education for inspecting certain kinds of door.

(RQ-1759). Request from Helen L. Campbell, Commissioner, Firemen's Pension Commissioner, Austin, concerning

underpayment of member's contribution to the Corpus Christi Firemen's Relief and Retirement Fund.

(RQ-1760). Request from Pasco Parker, Collin, County Auditor, McKinney, concerning whether a county auditor may prescribe a weekly revenue reporting format which requires certification by an elected official.

(RQ-1761). Request from Dan Meehan, Fannin District and County Attorney, Bonham, concerning availability of salary supplement to County Auditor for administration of State and Federal Grant Programs.

(RQ-1762). Request from W. N. Kirby, Commissioner of Education, Texas Education Agency, Austin, concerning confidentiality of reports submitted by a school district regarding suspension or cancellation of teaching certificates.

(RQ-1763). Request from John R. Hale, Commissioner, Credit Union Department, Austin, concerning whether attendance of a quorum of members of the Texas Credit Union Commission at a board meeting of the Texas Share Guaranty Credit Union is a meeting under Texas Civil Statutes, Article 6252-17.

(RQ-1764). Request from James A. Lynaugh, Director, Texas Department of Corrections, Huntsville, concerning effect of an executive order after the expiration of the term of the governor who issued it.

(RQ-1765). Request from James L. Pledger, Commissioner, Texas Saving and Loan Department, Austin, concerning whether Texas Civil Statutes Article 342.705, restricts the authority of the Savings and Loan Commissioner to issue subpoenas for bank records.

TRD-8906245



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.

Part VII. State Property Tax Board

Chapter 153. Truth in Taxation Requirements

• 34 TAC §153.2

The State Property Tax Board adopts on an emergency basis an amendment to §153.2. The Tax Code, §26.04, requires the board to prescribe the form and content of the notice of a taxing unit's effective and rollback tax rates. The amendment authorizes taxing units that impose an additional sales tax and school districts to modify the notice. The modifications reflect additional steps in rate calculation required by law.

The amendment is adopted on an emergency basis because changes in legislation will require some taxing units to use additional steps in calculating their rollback and effective tax rates and these steps should be included in the notice. Otherwise, a taxing unit that levies an additional sales tax or a school district that calculates its effective and rollback tax rates on or after September 1, 1989, could not publish an accurate notice that would comply with the existing board rule.

The amendment is adopted on an emergency basis under the Tax Code, §26.04, which provides the State Property Tax Board with the authority to prescribe the form and wording for notice of a taxing unit's effective and rollback tax rate.

§153.2. Notice of Effective and Rollback Tax Rates.

(a) A taxing unit shall employ the form and wording of Model Form 26.04 in publishing the notice of effective tax rate and other information required to be published by the Tax Code, §26.04(e). A county may modify the model form by inserting additional columns of effective and rollback rate calculations for each type of tax the county levies. A form so modified must also state the total effective and rollback tax rates for the county. A city or county that imposes the additional sales tax or county sales tax may modify the form by adding lines to show the adjustments required by the Tax Code, §26.04. A school district may modify the form by adding lines to show the calculations re-

quired by the Tax Code, §26.08, as amended by Senate Bill 1019, 71st Legislature, 1989, effective September 1, 1989.

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

(d) Model Form 26.04 is adopted by reference. Copies may be obtained from the State Property Tax Board, 4301 Westlake High Drive, Building B, Suite 100, Austin, Texas 78746-6565 [9501 North IH 35, P.O. Box 15900, Austin, Texas 78761-5900].

This agency hereby certifies that the section 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 July 13, 1989.

TRD-8906195

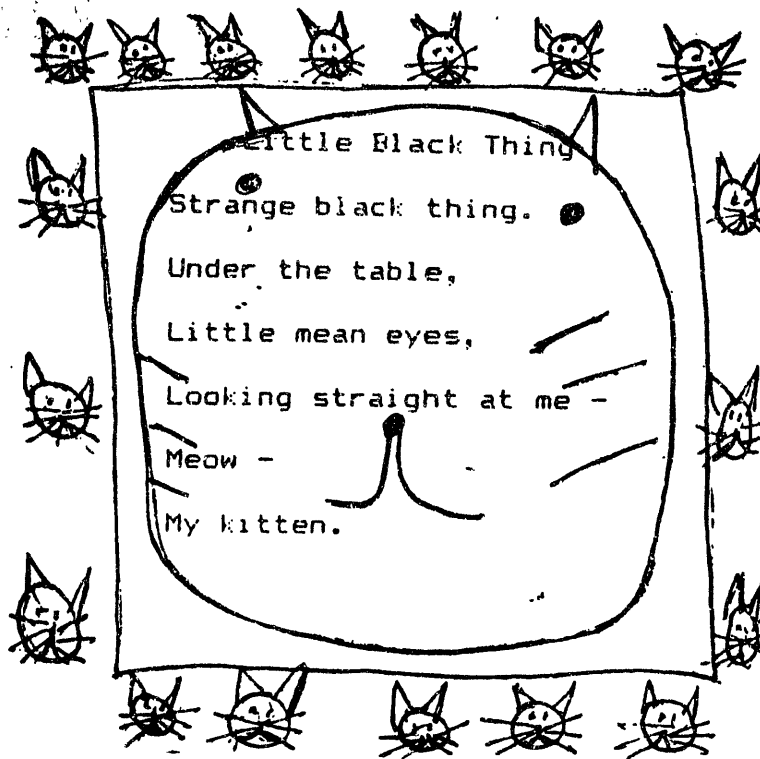
Ron Patterson
Executive Director
State Property Tax Board

Effective date: July 14, 1989

Expiration date: November 11, 1989

For further information, please call: (512) 329-7901





Name: Mekala Miller

Grade: 4

School: McKinney Elementary, McKinney

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 22. EXAMINING BOARDS

Part XXV. Structural Pest Control Board

Chapter 593. Licenses

- 22 TAC §§593.1, 593.3, 593.5,
593.7

The Structural Pest Control Board proposes amendments to §§593.1, 593.3, 593.5, and 593.7, concerning the Texas Structural Pest Control Board amending §593.1(a) and (b) and adding a new subsection (c), amending §593.5(2) and adding a new paragraph (14), and amending §593.7(1), (2), (3), and (4), concerning the licensing and regulation of the structural pest control industry. The Structural Pest Control Board is amending and adding these subsections in order to implement the amendments to the Structural Pest Control Act, Article 135b-6, by the passage of House Bill 3167 in the 1989 regular session, and to comply with the contingency rider to the general appropriation bill of the 1989 regular session.

David A. Ivie, executive director, has determined that there will be fiscal implications for state government and small businesses as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated additional cost of \$220,000 for fiscal year 1990. There will also be an estimated increase in revenue of \$230,000 for fiscal years 1990-1994. The cost of compliance with the section for small business will be \$51 per year for fiscal years 1990-1994, and the cost of liability insurance will increase approximately 25%, but the sections were changed because of the increase in minimum requirements by law. The cost of compliance for small businesses compared with the cost of compliance for the largest businesses affected by the section, based on cost per employee, will be \$33 for each business license, \$5.00 for each certified applicator, \$3.00 for each technician, and \$5.00 for each exam.

Mr. Ivie also has determined that for each of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be increased protection for the public and better enforcement of the Structural Pest Control Board laws. The anticipated economic cost to individuals who are required to comply with the section as proposed will be for business license \$33 for fiscal years 1990-1994; for certified applicator \$5.00 for fiscal years 1990-1994; for technician \$3.00 for fiscal years 1990-1994; and for applicator exam \$5.00 for fiscal years 1990-1994.

Comments on the proposal may be submitted to David A. Ivie, 9101 Burnet Road, Suite 201, Austin, Texas 78758.

The amendments are proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to establish standards for testing, licensing, and regulating persons engaged in the structural pest control business.

§593.1. Persons Required to Secure License.

(a) Business license. Any person engaged in the structural pest control business must secure a business license from the board for each business location, including branch offices, in accordance with the Act and the regulations. Each business license holder shall designate [have] a responsible certified applicator who is not also serving as a certified applicator for any other [another] business licensee. No person shall advertise in any manner to render services or solicit business within the meaning of the Act without first obtaining a business license and having an applicator certified in each license category in which business is conducted.

(b) Certified applicator. The person [primarily] responsible to provide training and direct supervision for pest inspections, identifications, and control measures of a licensed business must be a certified applicator.

(c) (No change.)

§593.3. Insurance Requirements.

(a) Each business license applicant must submit with the application an insurance policy or certificate of coverage in the amount of not less than \$100,000 [25,000] for bodily injury and property damage coverage with a minimum total annual aggregate of \$300,000 [100,000] for all occurrences insuring him against liability for damage to persons or property occurring as a result of operations performed in the course of the business of structural pest control to premises or any other property under his care, custody, or control. No new business license will be issued until insurance requirements are met. [Businesses with 1987 licenses shall obtain coverage to meet the minimum amounts when existing insurance policies are renewed in 1988.] Policies shall contain a cancellation provision

whereby notification of cancellation is received by the board not less than 30 days prior to cancellation.

(b) If payment of claims results in reducing the total annual aggregate of coverage below \$300,000 [50,000] the insurance carrier shall notify the board and the licensee within 30 days. The licensee shall obtain additional coverage to meet the minimum requirements.

(c) The board will consider as sufficient only those policies issued by a Texas admitted carrier as defined by the rules of the State Board of Insurance.

§593.5. Examinations.

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

(c) The testing procedure will be as follows.

(1) (No change.)

(2) A fee of \$30 [\$25] shall be charged for each examination administered by the board [category in which an applicant is examined.]

(3)-(13) (No change.)

(14) Each applicant must take and pass the general standards exam administered by the board to be eligible to be licensed in any of the categories under paragraph (13) of this subsection.

§593.7. Fees. Applicants and licensees will be charged the following fees for board services:

(1) \$108[\$75] for an original or renewal of a business license;

(2) \$30[\$25] for an original or renewal of a certified applicators license;

(3) \$18[\$15] for an original, renewal, or duplicate technician license;

(4)-(8) (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 July 13, 1989.

TRD-8906185

David A. Ivie
Executive Director
Structural Pest Control
Board

Earliest possible date of adoption: August 21,

For further information, please call: (512) 835-4066

TITLE 25. HEALTH SERVICES

Part VIII. Interagency Council on Early Childhood Intervention

Chapter 621. Early Childhood Intervention Program

Funding of the Early Childhood Intervention Program

• 25 TAC §621.23

The Interagency Council on Early Childhood Intervention proposes an amendment to §621.23, concerning general requirements. The amendment establishes a system of payments for early intervention services, including a schedule of sliding fees. The proposed amendment clarifies the functions which are required services that must be carried out at public expense and for which no fees may be charged to parents. These functions include child find activities and activities related to conducting evaluations and assessments. The amendment is proposed to ensure compliance with federal requirements under Public Law 99-457.

Mary Elder, administrator, Early Childhood Intervention Program, has determined that for the first five-year period that the section will be in effect there will be fiscal implications as a result of enforcing or administering the section as proposed. The state (Interagency Council on Early Childhood Intervention) may incur costs up to \$100,000 each year (fiscal years 1989-1993) for approximately 14 programs which currently charge for assessments and evaluations. There will be no fiscal implications to local government or small businesses.

Ms. Elder 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 as proposed will be to ensure compliance with federal regulations and ensure continued state participation under Public Law 99-457. 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 Mary Elder, Administrator, Early Childhood Intervention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The amendment is proposed under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays.

§621.23. General Requirements.

(a)-(k) (No Change.)

(l) Fees for intervention services.

(1) Fees may be charged for intervention services based on the parent's or guardian's ability to pay. If a fee is charged, a separate charge must be made for each type of service provided. The following early intervention services must be carried out at public expense and no fees may be charged to parents:

(A) activities implementing child find requirements under Public Law 99-457, including locating, identifying, and evaluating children;

(B) evaluation activities, including functions to determine a child's initial and continuing eligibility; and

(C) ongoing assessment activities used throughout the period of a child's eligibility to identify the child's unique needs, the family's strengths and needs related to the development of the child, and the nature and extent of services needed to meet identified needs.

(2) Guidelines for determining parent's ability to pay shall be developed by the program provider and included in the application.

(m)-(n) (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 July 13, 1989.

TRD-8906175

David Rollins
Chairperson
Interagency Council on
Early Childhood
Intervention

Proposed date of adoption: August 29, 1989.

For further information, please call: (512) 458-7673

• 25 TAC §621.24

The Interagency Council on Early Childhood Intervention proposes an amendment to §621.24, concerning applicant requirements. The amendment will require program providers to apply for funding under Public Law 100-297 as a condition of ECI funding. This amendment is proposed to increase revenue sources available, to expand services, and to ensure eligibility for children who qualify under this program.

Mary Elder, administrator, Early Childhood Intervention Program, has determined that for the first five years that the section will be in effect there will be fiscal implications as a result of enforcing or administering the section as proposed. The state (Interagency Council on Early Childhood Intervention) may incur costs up to \$250,000 annually for approximately 14 programs which currently charge for assessments and evaluations.

There will be no fiscal implications to local government or small businesses.

Ms. Elder 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 as proposed will be increased services available due to increased revenue. The amount of revenue which will increase is approximately \$1 million annually and will be dispersed by the council to private, non-profit, ECI-funded providers. 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 Mary Elder, Administrator, Early Childhood Intervention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The amendment is proposed under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays.

§621.24. Applicant Requirements.

(a)-(c) (No Change.)

(d) Applicant share of maintenance of effort.

(1)-(6) (No change.)

(7) Program providers shall make application for funds under Public Law 100-297, Chapter 1 as a condition of receipt of ECI funding by submitting the necessary child count data by December 1, of each year.

(e)-(f) (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 July 13, 1989.

TRD-8906176

David Rollins
Chairperson
Interagency Council on
Early Childhood
Intervention

Proposed date of adoption: August 29, 1989.

For further information, please call: (512) 458-7673

TITLE 28. INSURANCE

Part II. Industrial Accident Board

Chapter 42. Medical Benefits

Subchapter B. Medical Cost Evaluation

• 28 TAC §42.110

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

The Industrial Accident Board proposes the repeal of §42.110, concerning the official health facility fee guidelines. This action is taken because the section was declared void ab initio on June 22, 1989 (Methodist Hospitals of Dallas, et al. v. Industrial Accident Board, et al.; Cause Number 465, 511; 331st Judicial District (Travis County)).

Inez "Tippy" Foster, acting executive director, 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 as a result of enforcing or administering the sections, since the board simultaneously proposes adoption of a similar section, having the same section number and title; that proposal is published elsewhere in this issue.

Ms. Foster also has determined that the public benefit anticipated as a result of enforcing the section will be compliance with the pronouncement of the district court. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on this proposal may be submitted to Inez "Tippy" Foster, Acting Executive Director, Industrial Accident Board, 200 East Riverside, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

The repeal is proposed under Texas Civil Statutes, Articles 8307, §4(a), which authorize the board to adopt rules necessary to administer the Workers Compensation Act, and 8306, §7b, which specifically authorize the board to adopt rules to implement guidelines for medical fees, charges, and treatment.

§41.110. Official Health Facility III Guidelines.

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 July 17, 1989

TRD-8906258

Inez "Tippy" Foster
Acting Executive Director
Industrial Accident Board

Earliest possible date of adoption: August 21, 1989

For further information, please call: (512) 448-7960.

The Industrial Accident Board proposes new §42.110, concerning the official health facility fee guidelines. The section establishes guidelines for fair and reasonable charges for goods and services provided by hospitals and other health facilities under the Texas workers compensation laws. This section will replace §42.110, adoption of which was published in the February 14, 1989, issue of the *Texas Register* (14 TexReg 845), and which was declared void ab initio by Judge Pete Lowry on June 22, 1989 (Methodist Hospitals of Dallas, et al. v. Industrial Accident Board, et al.; Cause Number 465,511; 331st Judicial District (Travis County)).

Inez "Tippy" Foster, acting executive director, has determined that for the first five-year

period the proposed section is in effect there will be fiscal implications as a result of enforcing or administering the section.

The state, and local governments, in their capacity as employers, should experience a reduction in the cost of providing workers' compensation insurance for their employees, resulting from application of the guidelines to health facility fees and charges. This reduction is estimated to range between 0-15% of total billed charges for each year of the first five years that the section will be in effect.

Local governments which operate public health facilities should experience impact on revenue resulting from the combined effects of the following factors: (1) a maximum allowable rate of increase (MARI) in total charges for compensable health care, established annually by the board (7.0% for the first year the proposed section will be in effect); (2) carrier application of a facility's unique payment ratio, ranging from .85 to 1.00, to the facility's billed charges to determine a fair and reasonable payment for compensable health care; (3) administrative costs incurred in preparing and filing the required ratio report and monitoring compliance with the MARI; (4) prompt payment; and (5) fewer disputes.

All other health facilities, i.e., voluntary (church, non-profit, and non-church) and investor-owned (association, corporation, individual, and partnership), in their capacity as employers, should experience a reduction in the cost of providing workers' compensation insurance for their employees analogous to that described previously for public employers; similarly, they should experience impact on revenue analogous to that described previously for public health facilities.

Small rural hospitals (100 beds or less) should experience impact on revenue resulting from the combined effects of the factors noted previously, with the addition of the opportunity to elect as a guideline for payment either (1) the facility's unique payment ratio, ranging from .85 to 1.00 of billed charges for compensable health care; or (2) the fair and reasonable standard.

It is not possible to compare the cost of compliance with the guidelines for small health facilities to the cost of compliance for the largest facilities affected, since cost of compliance depends on factors unique to each facility.

Workers' compensation insurance carriers should experience savings resulting from: (1) application of the guidelines to health facility fees and charges, estimated to range between 0-15% of total billed charges for each year of the first five years that the section will be in effect; (2) reduced administrative costs; and (3) fewer disputes.

Ms. Foster 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 proposed section will be provision of a uniform standard for fair and reasonable fees and charges for health facility goods and services that should result in: (1) improved delivery and quality of health facility goods and services to claimants; and (2) reduced premiums for employers. There is no anticipated cost to individuals, since no individuals are required to comply with the section as proposed.

Comments on the proposal may be submitted to Inez "Tippy" Foster, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8307, §4(a), which authorize the board to adopt rules necessary to administer the workers' compensation laws, and Article 8306, §7b, which authorize the board to establish and maintain guidelines for fair and reasonable charges for compensable health care.

§42.110. Official Health Facility Fee Guidelines.

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

(1) Adjusted billed charges—A health facility's billed charges for goods and services rendered to one workers' compensation claimant, minus undocumented, unrelated, and inappropriate charges.

(2) Adjusted net revenues (ANR)—Total patient revenues plus other operating revenues, minus deductions for uncompensated care, Medicare contractual allowances, Medicaid contractual allowances, and other governmental contractual allowances.

(3) Audited financial statements—A presentation of financial data, including accompanying notes, derived from accounting records and intended to communicate a health facility's economic resources or obligations at a point in time, or the changes therein for a period of time, in accordance with generally accepted accounting principles.

(4) Generally accepted accounting principles—Accounting principles or standards generally accepted in the United States, including, but not limited to, *Accounting Principles Board Opinions*, as published by the American Institute of Certified Public Accountants, and *Statements of Financial Accounting Standards*, and interpretations thereof, as published by the Financial Accounting Standards Board.

(5) Generally accepted auditing standards—The 10 generally accepted auditing standards adopted by the American Institute of Certified Public Accountants, together with interpretations thereof, as set forth in *Statements on Auditing Standards*, as published by the American Institute of Certified Public Accountants.

(6) Maximum allowable rate of increase (MARI)—The maximum allowable rate at which a health facility may, within a period established by the board, increase its total charges for services and goods rendered to workers, compensation claimants.

(7) Medicaid contractual allowances—Gross patient charges at established rates minus the amounts received or to be received from the Medicaid Program under the contract between the participating health facility and the United States Department of Health and Human Services.

(8) Medicare contractual allowances—Gross patient charges at established rates minus the amounts received or to be received from the Medicare Program under the contract between the participating health facility and the United States Department of Health and Human Services.

(9) Other allowances—Gross patient charges at established rates minus amounts received or to be received:

(A) under contractual agreements with non-governmental third party payors; or

(B) under courtesy discounts.

(10) Other governmental contractual allowances—Unreimbursed charges for contractual allowances from such governmental entities as CHAMPUS, the Veterans Administration, and the Texas Rehabilitation Commission.

(11) Other operating revenues—Revenues received from patients for non-patient care services to patients, and sales and activities to persons other than patients minus grants, gifts, and investment income including, but not limited to, revenues from educational programs, rental of hospital space, sales to employees, physicians, or non-patients, fees charged for transcripts or reproduction of medical records; cafeteria sales; recovery of charges for personal telephone calls; proceeds from sale of metal scrap and x-ray film; and proceeds from gift shops, parking, and other services operated by the health facility, as reported on line 26, less lines 7 and 8, of Worksheet G-3 of Form HCFA-2552-85 (12/85).

(12) Total deductions from revenue—The sum of uncompensated care, Medicare contractual allowances, Medicaid contractual allowances, and other governmental contractual allowances.

(13) Total operating expenses (TOE)—The sum of health facility operating expenses, as recorded on an accrual basis, including, but not limited to, salaries and wages, employee benefits, professional fees, supplies, depreciation, amortization, interest, and administrative and facility overhead expenses, as reported on line 4 of Worksheet G-3 of Form HCFA-2552-85 (12/85).

(14) Total patient revenues—Revenues recorded on an accrual basis at established rates for routine and ancillary services, both inpatient and outpatient, as reported on line 1 of Worksheet G-3 of Form HCFA-2552-85 (12/85).

(15) Uncompensated care—Deductions from total patient revenue for charity care and bad debt as recorded in a health facility's audited financial statement.

(b) Official health facility fee guidelines and methodology.

(1) Official guideline. Except as otherwise provided, the Official Health Facility Fee Guideline for Services Rendered Under the Texas Workers' Compensation Act shall be: adjusted billed charges times a health facility's ratio. The ratio shall not be less than .85, and shall not be greater than 1.00.

(2) Interim guideline for period from October 1, 1989, until publication of the facility's ratio. The interim guideline for goods and services rendered to workers' compensation claimants from October 1, 1989, until publication of a facility's ratio shall be: adjusted billed charges times a ratio of .90.

(c) Official hospital fee guideline, October 1, 1988-February 6, 1989. The guideline for goods and services rendered by hospitals to workers' compensation claimants (inpatient admissions only) from October 1988-February 6, 1989, shall be: adjusted billed charges times a ratio of .90.

(d) Maximum allowable rate of increase (MARI). A health facility may, within a period established by the board, increase its total charges for goods and services rendered to workers' compensation claimants by a rate not to exceed the MARI. The rate of increase shall be based on the charges shown on the facility's charge master on the last day of the preceding period.

(1) MARI, October 1, 1989-September 30, 1990. For the period from October 1, 1989-September 30, 1990, the MARI shall be a ratio of 1.07.

(2) Penalty for increasing charges over the MARI. If the board finds that a health facility increased charges over the MARI, as proscribed in paragraph (1) of this subsection, the board may:

(A) order the health facility to adjust its charges to comply with the MARI;

(B) approve a ratio of .85;

(C) refer the health facility to the appropriate regulatory agency for investigation; and

(D) refer the health facility to the attorney general for investigation of fraud.

(3) Methodology for determining the health facility ratio. A health facility's ratio shall be determined by dividing total operating expenses (TOE) by adjusted net revenues (ANR), but shall not be less

than .85 or more than 1.00. TOE and ANR shall be calculated on the ratio worksheet, Form MCE-5.

(e) Special Provisions for certain health facilities.

(1) Small rural hospitals. A health facility defined as a small rural hospital in §42.15 of this title (relating to Definitions) may elect to use the guideline of fair and reasonable for services and goods rendered to workers, compensation claimants as an alternative to the official guideline. An eligible facility may make this election annually in the health facility ratio report.

(2) New health facilities. A health facility initiating services subsequent to the effective date of this guideline shall be subject to a ratio of .90 during its first full fiscal year of operation.

(f) General provisions regarding required reports. The following provisions apply to all health facilities filing reports required by this section.

(1) All data and audited financial statements, excluding the Medicare or Medicaid cost reports, submitted to the board shall be prepared in accordance with generally accepted accounting principles and generally accepted auditing standards. The health facility's chief executive officer shall certify that all data and audited financial statements comply with this subsection.

(2) All reports shall be submitted in a form and manner prescribed by the board.

(3) The board may require a health facility to file any information necessary to determine compliance with this section, including annual reports.

(4) When more than one health facility is operated by the reporting organization, separate reports shall be filed for each facility.

(5) If the board finds that a health facility has not complied with the reporting requirements established in this section, the board may:

(A) compel production of necessary documents;

(B) set the facility's ratio at no less than .85; and

(C) refer the facility to the attorney general for investigation of fraud.

(6) A facility may apply to the board for waiver of reporting requirements.

(g) Health facility ratio report. Each health facility rendering services to workers' compensation claimants shall file with the board a health facility ratio report, using a package of forms prescribed by the board. The charge for the package shall be estab-

lished by the board. The health facility ratio report shall include the following:

- (1) health facility certification form, Form MCE-1;
- (2) MARI certification form, Form MCE-2;
- (3) health facility general information form, Form MCE-3;
- (4) If applicable, the "rural hospital and new health facility special provision form, Form MCE-4;
- (5) ratio worksheet, Form MCE-5; and
- (6) supporting documentation, including:

(A) the facility's most recent audited financial statement; and, if applicable

(B) the facility's most recently filed medicare cost report, Form HCFA-2552, all worksheets; or, if inapplicable

(C) the facility's most recently filed Medicaid cost report.

(h) Health facility ratio report filing schedule. The following reporting requirements apply to all health facilities rendering goods and services to workers' compensation claimants.

(1) First required health facility ratio report-1989.

(A) All health facilities shall file a first health facility ratio report, based on the facility's most current full fiscal year of operation, no later than January 31, 1990.

(B) The board shall publish interim lists of approved ratios on or about November 1, December 1, January 1, February 1, and a final, cumulative list on or about April 1.

(C) The board shall approve a ratio of .85 for each facility that failed to file timely.

(2) Regular required health facility ratio report.

(A) Each health facility shall file a regular health facility ratio report no later than the last day of the fourth month following the close of its fiscal year. The following schedule shall apply.

Fiscal Year Closing Date	Date Report Due
June 30	October 31
September 30	January 31
December 31	April 30
March 31	July 31

The first regular required health facility ratio report filing date in 1990 shall be July 31, 1990.

(3) Fiscal year periods. The board establishes the following four fiscal year periods:

- (A) January 1 to December 31;
- (B) April 1 to March 31;
- (C) July 1 to June 30; and
- (D) October 1 to September 30.

(4) Election of fiscal year period. A health facility with a fiscal year other than those established by the board shall elect to use the fiscal year period that most closely approximates its actual fiscal year, and shall report this election on the general health facility information form.

(i) Health facility ratio.

(1) Determination of the ratio.

(A) Except as otherwise provided, the board will review a health facility's ratio report, and publish the approved ratio no later than the first day of the third month following the facility's filing deadline.

(B) The board may request the facility to revise submitted documentation, or file additional information. When such a request is made, the board shall publish the approved ratio no later than the 61st day following the date the facility complies with the board's request.

(2) Publication of ratios; charges. The board shall certify and regularly publish lists of approved health facility ratios. Charges for the lists shall be established by the board.

(3) Effective date of ratio. A health facility's ratio shall be effective on the date published by the board, and shall apply to charges for goods and services rendered on and after that date.

(4) Appeal of a board-approved ratio. A facility or carrier may challenge a board-approved ratio by filing a written appeal with the board no later than 15 calendar days after the ratio is published. A ratio becomes final if no appeal is filed as provided.

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 July 17, 1989.

TRD-806257

Inez "Tippy" Foster
Acting Executive Director
Industrial Accident Board

Earliest possible date of adoption: August 21, 1989

For further information, please call:
(512) 448-7960

Chapter 43. Insurance Coverage

• 28 TAC §43.20

The Industrial Accident board proposes new §43.20, concerning required information to insureds. The new section establishes the requirement that workers' compensation insurance carriers annually provide their insureds with written information regarding their rights and responsibilities under the workers' compensation laws.

Inez "Tippy" Foster, acting executive director, 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 as a result of enforcing or administering the section. There will be fiscal implications for all businesses affected by the section, estimated to be no more than \$1.00 per insured, covering the costs of preparing, handling and mailing the required information.

Ms. Foster 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 dissemination of information to insured employers regarding their rights and duties under the workers'

compensation laws, resulting in enhanced understanding and compliance. 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 Inez Foster, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8307, §4(a), which authorize the board to adopt rules necessary to administer the workers' compensation laws.

§43.20. Required Information to Insureds.

(a) Except as otherwise provided, no later than August 1 of each year, a workers' compensation insurance carrier shall provide each insured with written information regarding the insured's rights and responsibilities under the workers' compensation laws. The document shall include, but not be limited to, information required by the board. A copy of the document shall be filed with the board no later than August 1.

(b) In 1989, the date for providing the information required in this section shall be December 1.

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 July 17, 1989.

TRD-8906196 Inez "Tippy" Foster
Acting Executive Director
Industrial Accident Board

Earliest possible date of adoption: August 21, 1989

For further information, please call: (512) 448-7960

Chapter 45. Employer's Report of Injury or Disease

• 28 TAC §45.10

The Industrial Accident Board proposes an amendment to §45.10, concerning employer's report of injury and disease. This amendment is proposed for the purpose of reorganization. It incorporates into a single section the conditions and procedures for filing the Employer's First Report of Injury ("E-1"), and sets out the statutory penalty for noncompliance. Repeal of the succeeding section is simultaneously proposed, and is published in this issue.

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

Ms. Foster 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 greater clarity

for employers regarding their obligations under the workers' compensation laws, resulting in improved compliance. There will be no fiscal implications for local government or small businesses as a result of enforcing or administering the section.

Comments on the proposal may be submitted to Inez "Tippy" Foster, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 8307, §46 which provide the Texas Industrial Accident Board with the authority to adopt rules necessary to administer the Workers' Compensation Act.

§45.10. Employer's Report of Injury and Disease.

(a) Since the efficient operation of workers' compensation depends so greatly upon the insurance carrier and Industrial Accident Board receiving prompt notice of possible [injury or occupation disease] claims [by employees], the employer shall report injuries and occupational diseases by completing board form E-1, "Employer's First Report of Injury," and sending the original to the Industrial Accident Board and a copy to the employer's insurance carrier no later than eight days after:

(1) the employer has notice or knowledge of an injury to an employee resulting in absence from work for more than one day; or

(2) the employer receives notice from an employee of the manifestation of an occupational disease.

(b) The E-1 must be completed and filed regardless of the employer's position on the veracity of the injury or occupational disease; it shall not be deemed an admission of liability for the claim. If the employer denies the injury or occupational disease, this position may be stated on the report

(c) Noncompliance with this requirement may result in imposition of a civil penalty not to exceed \$500 [promptly give written notice to the Industrial Accident Board and to its insurance carrier of any employee's claim of injury resulting in absence from work in excess of one day, or of any notice by the employee of the manifestation of an occupational disease. This initial report must be made by the employer even in absence of verification by the employer of the claimed injury or occupational disease. However, the filing by an employer of a report of injury shall not be deemed an admission of liability for the claim.]

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 July 17, 1989.

TRD-8906196

Inez "Tippy" Foster
Acting Executive Director
Industrial Accident Board

Earliest possible date of adoption: August 21, 1989

For further information, please call: (512) 448-7960

• 28 TAC §45.13

The Industrial Accident Board proposes new §45.13, concerning wage statements. The new section defines the employer's duty to file a wage statement for an injured employee when requested by the board or the insurance company, and describes the statutory penalty for noncompliance.

Inez "Tippy" Foster, acting executive director, 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.

Ms. Foster 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 greater clarity for employers regarding their obligations under the workers' compensation laws, resulting in improved compliance. 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 Inez "Tippy" Foster, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 8307, §4(a), which provide the Texas Industrial Accident Board with the authority to adopt rules necessary to administer the workers' compensation act.

§45.13. Wage Statement.

(a) When requested by the board or carrier, the employer shall immediately complete board form IAB-150, Employer's Wage Statement, and file the original with the board and a copy with the carrier.

(b) Noncompliance with this requirement may result in imposition of a civil penalty not to exceed \$500.

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 July 17, 1989.

TRD-8906197 Inez "Tippy" Foster
Acting Executive Director
Industrial Accident Board

Earliest possible date of adoption: August 21, 1989

For further information, please call: (512) 448-7960

• 28 TAC §45.15

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

The Industrial Accident Board proposes the repeal of §45.15, concerning filing of employer's first report of injury. The repeal is proposed for the purpose of reorganization. An amendment incorporating the contents of this section into the preceding section is simultaneously proposed and is published elsewhere in this issue.

Inez "Tippy" Foster, acting executive director, has determined that there will not be fiscal implications as a result of enforcing or administering the section.

Ms. Foster also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be greater clarity for employers regarding their obligations under the workers' compensation laws, resulting in improved compliance.

Comments on the proposal may be submitted to Inez "Tippy" Foster, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the Texas Register.

The repeal is proposed under Texas Civil Statutes Article 8307, §4(a) which provide the Texas Industrial Accident Board with the authority to adopt rules necessary to administer the Workers' Compensation Act.

§45.15. Filing of Employer's First Report of Injury.

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 July 17, 1989

TRD-8906200 Inez "Tippy" Foster Acting Executive Director Industrial Accident Board

Earliest possible date of adoption: August 21, 1989.

For further information, please call: (512) 448-7960

Chapter 65. Unethical or Fraudulent Claims Practices

• 28 TAC §65.10

The Industrial Accident Board proposes an amendment to §65.10, concerning actions by carrier, claimant's attorney, and/or agent. The amendment adds to the list of prohibited acts the carrier's failure to file certain forms received from employers.

Inez "Tippy" Foster, acting executive director,

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

Ms. Foster 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 as proposed will be ensuring carrier compliance with the workers' compensation laws. There will be no anticipated economic cost to individuals who are required to comply with the section as proposed.

Inez "Tippy" Foster, Acting Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the Texas Register.

The amendment is proposed under Texas Civil Statutes, Article 8307, §4 which provide the Texas Industrial Accident Board with the authority to adopt rules necessary to administer the Workers' Compensation Act.

§65.10. Actions by Carrier, Claimant's Attorney, and/or Agent. The following willful acts shall be deemed unethical or fraudulent conduct by the board:

(1) Carrier representatives:

(A)-(U) (No change.)

(V) controverting claims when evidence clearly indicates compensability;[.]

(W) failing to file with the board, immediately upon receipt, originals of the E-1, "Employer's First Report of Injury or Illness"; E-2, "Employer's Supplemental Report of Injury"; and IAB-150, "Employer's Wage Statement";

(2) (No change.)

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

Issued in Austin, Texas on July 17, 1989.

TRD-8906199 Inez "Tippy" Foster Acting Executive Director Industrial Accident Board

Earliest possible date of adoption: August 21, 1989

For further information, please call: (512) 448-7960

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Counties in Other Than Ozone Nonattainment Areas

• 31 TAC §115.1

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

The Texas Air Control Board (TACB) proposes to repeal §115.1, concerning counties in other than ozone nonattainment areas. The only section involved in this proposed repeal is §115.1, concerning counties affected.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bonnie Engelke, director of management and staff services, has determined that for the first five years the section is in effect, there will be no fiscal implications for state and local governments, small businesses, or individuals and businesses affected by the repeal.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that the public benefit resulting from the section would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of a new section would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin, August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receive-

ing five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeal is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.1. Counties Affected.

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 July 14, 1989.

TRD-8906268

Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Storage of Volatile Organic Compounds in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

• 31 TAC §§115.11-115.14

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

The Texas Air Control Board (TACB) proposes to repeal §§115.11-115.14, concerning storage of volatile organic compounds in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties. All sections within this undesignated head are proposed for repeal as follows: §115.11, concerning control requirements; §115.12, concerning floating roof storage tank requirements; §115.13, concerning exemptions; and §115.14, concerning compliance.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years the repeals are in effect, there will be no fiscal implications for state and local

governments, small businesses, or individuals and businesses affected by the repeals.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.11. Control Requirements.

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 July 14, 1989.

TRD-806287

Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Loading and Unloading Facilities in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

• 31 TAC §§115.21, §115.22

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

The Texas Air Control Board (TACB) proposes to repeal §§115.21 and §115.22, concerning loading and unloading facilities in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties. All sections within this undesignated head are proposed for repeal as follows: §115.21, concerning throughput and control requirements; and §115.22, concerning exemptions.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years the repeals are in effect, there will be no fiscal implications for state and local governments, small businesses affected by the repeals.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.21. Throughput and Control Requirements.

§115.22. Exemptions.

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 July 14, 1989.

TRD-8906268

Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

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**Water Separation in Aransas,
Bexar, Calhoun, Hardin,
Matagorda, Montgomery,
San Patricio, and Travis
Counties**

• 31 TAC §115.31, §115.32

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

The Texas Air Control Board (TACB) proposes to repeal §115.31 and §115.32, concerning water separation in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties. All sections within this undesignated head are proposed for repeal as follows: §115.31, concerning required control devices; and §115.32, concerning exemptions.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control

Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.31. Required Control Devices.

§115.32. Exemptions.

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 July 14, 1989.

TRD-8906265

Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

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**Vent Gas Control in Aransas,
Bexar, Calhoun, Hardin,
Matagorda, Montgomery,
San Patricio, and Travis
Counties**

• 31 TAC §§115.41-115.45

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

The Texas Air Control Board (TACB) proposes to repeal §§115.41-115.45, concerning vent gas control in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties. All sections within this undesignated head are proposed for repeal as follows: §115.41, concerning ethylene from low-density polyethylene production; §115.42, concerning general vent gas streams; §115.43, concerning vent gas streams from catalyst regeneration, basic oxygen furnace, and fluid coking units; §115.44, concerning vent gas from iron cupolas; and

§115.45, concerning vent gas from blast furnaces.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.41. Ethylene From Low-Density Polyethylene Production.

§115.42. General Vent Gas Streams.

§115.43. Vent Gas Streams from Catalyst Regeneration, Basic Oxygen Furnace, and Fluid Coking Units.

§115.44. Vent Gas from Iron Cupolas.

§115.45. Vent Gas From Blast Furnaces.

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 July 14, 1989.

TRD-8906284 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Storage of Crude Oil or Condensate in Hardin, Matagorda, Montgomery, and San Patricio Counties

• 31 TAC §115.61, §115.62

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

The Texas Air Control Board (TACB) proposes to repeal §115.61 and §115.62, concerning storage of crude oil or condensate in Hardin, Matagorda, Montgomery, and San Patricio Counties. All sections within this undesignated head are proposed for repeal as follows: §115.61, concerning required control devices; and §115.62, concerning exemptions.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeals will be in effect there will be no fiscal implications as a result of enforcing or administering the repeals to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.61. Required Control Devices.

§115.62. Exemptions.

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 July 14, 1989.

TRD-8906283 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Exemption in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

• 31 TAC §115.81

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

The Texas Air Control Board (TACB) proposes to repeal §115.81, concerning exemption in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties. The only section involved in this proposed repeal is §115.81, concerning exemption qualification.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since

the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeal as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeal is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.81. Exemption Qualification.

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 July 14, 1989.

TRD-8906282 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Compliance in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

• 31 TAC §115.91

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

The Texas Air Control Board (TACB) proposes to repeal §115.91, concerning compliance in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties. The only section involved in this proposed repeal is §115.91, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeal is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.91. Compliance Schedule and Counties.

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 July 14, 1989.

TRD-8908261 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Storage of Volatile Organic Compounds in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

• 31 TAC §§115.101-115.106

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

The Texas Air Control Board (TACB) proposes to repeal §§115.101-115.106, concerning storage of volatile organic compounds in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.101, concerning control requirements; §115.102, concerning floating roof storage tank requirements; §115.103, concerning inspection requirements; §115.104, concerning record keeping requirements; §115.105, concerning exemptions; and §115.106, concerning counties and compliance schedules.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to

state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.101. Control Requirements.

§115.102. Floating Roof Storage Tank Requirements.

§115.103. Inspection Requirements.

§115.104. Record Keeping Requirements.

§115.105. Exemptions.

§115.106. Counties and Compliance Schedules.

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 July 14, 1989.

TRD-8908260 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Facilities for Loading and Unloading of Volatile Organic Compounds in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

• 31 TAC §§115.111-115.113

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

The Texas Air Control Board (TACB) proposes to repeal §§115.111-115.113, concerning facilities for loading and unloading of volatile organic compounds in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.111, concerning throughput and control requirements; §115.112, concerning exemptions; and §115.113, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; August

16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.111. Throughput and Control Requirements.

§115.112. Exemptions.

§115.113. Compliance Schedule and Counties.

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 July 14, 1989.

TRD-8906259 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Gasoline Bulk Plants in Harris County

• 31 TAC §§115.121-115.123

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.121-115.123, concerning gasoline bulk plants in Harris County. All sections within this undesignated head are proposed for repeal as follows: §115.121, concerning control requirements; §115.122, concerning exemptions; and §115.123, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently

the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years the repeal of these sections is in effect, there would be no fiscal implications for state and local governments, small businesses, or individuals and businesses affected by the repeal.

Les Montgomery, P.E., director of the Technical Support and Regulation Development Program, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5 §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.121. Control Requirements.

§115.122. Exemptions.

§115.123. Compliance Schedule and Counties.

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 July 14, 1989.

TRD-8906284 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Filling of Gasoline Storage Vessels (Stage 1) for Motor Vehicle Fuel Dispensing Facilities in Brazoria, Dallas, El Paso, Galveston, Harris, and Tarrant Counties

- 31 TAC §§115.131, 115.132, 115.134, 115.135

The Texas Air Control Board (TACB) proposes the repeal of §§115.131 - 115.135, concerning filling of gasoline storage vessels (Stage 1) for motor vehicle fuel dispensing facilities in Brazoria, Dallas, Galveston, Harris, and Tarrant Counties. All sections within this undesignated head are proposed for repeal as follows: §115.131, concerning control requirements; §115.132, concerning approved vapor balance system; §115.133, reserved; §115.134, concerning exemptions; and §115.135, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin,

Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.131. Control Requirements.

§115.132. Approved Vapor Balance System.

§115.133. Reserved.

§115.134. Exemptions.

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 July 14, 1989.

TRD-8906285 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Water Separation in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

- 31 TAC §§115.141-115.144

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.141-115.144, concerning water separation in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.141, concerning facilities other than petroleum refineries; §115.142, concerning petroleum refineries; §115.143, concerning exemptions; and §115.144, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively

more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.141. Facilities Other Than Petroleum Refineries.

§115.142. Petroleum Refineries.

§115.143. Exemptions.

§115.144. Compliance Schedule and Counties.

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 July 14, 1989.

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

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Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

• 31 TAC §§115.151-115.153

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.151-115.153, concerning process unit turnaround and vacuum-producing systems in petroleum refineries in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.151, concerning process unit turnaround; §115.152, concerning vacuum-producing systems; and §115.153, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: Au-

gust 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.151. Process Unit Turnaround.

§115.152. Vacuum-Producing Systems.

§115.153. Compliance Schedule and Counties.

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 July 14, 1989.

TRD-8906287 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

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Vent Gas Control in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange Tarrant, and Victoria Counties

• 31 TAC §§115.161-115.164

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.161-115.164, concerning vent gas control in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.161, concerning ethylene from low-

density polyethylene production; §115.162, concerning general vent gas streams; §115.163 concerning general vent gas streams in Dallas, Harris, and Tarrant Counties; and §115.164, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Les Montgomery, director of the Technical Support and Regulation Development Program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.161. Ethylene from Low-Density Polyethylene Production.

§115.162. General Vent Gas Streams.

§115.163. General Vent Gas Streams in Dallas, Harris, and Tarrant Counties.

§115.164. Compliance Schedule and Counties.

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 July 14, 1989.

TRD-8906277

Allen Ell Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

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Specified Solvent-Using Processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange Tarrant, and Victoria Counties

• 31 TAC §§115.171-115.176

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.171-115.176, concerning specified solvent using processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria counties. All rules within this undesignated head are proposed for repeal as follows: §115.171, concerning cutback asphalt; §115.172, concerning cold solvent cleaning; §115.173, concerning open-top vapor degreasing; §115.174, concerning conveyorized degreasing; §115.175, concerning exemptions; and §115.176, concerning counties and compliance schedule.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Les Montgomery, director of the Technical Support and Regulation Development Program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The pub-

lic benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.171. Cutback Asphalt. (as Defined under specified Solvent-Using Processes in the General Rules).

§115.172. Cold Solvent Cleaning.

§115.173. Open-Top Vapor Degreasing.

§115.174. Conveyorized Degreasing.

§115.175. Exemptions.

§115.176. Counties and Compliance Schedule.

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 July 14, 1989.

TRD-8906276

Allen Ell Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Surface Coating Processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

• 31 TAC §§115.191-115.194

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.191-115.194, concerning surface coating processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.191, concerning emission limitations; §115.192, concerning control techniques; §115.193, concerning exemptions; and §115.194, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the Technical Support and Regulation Development Program, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional of-

files. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.191. *Emission Limitations.*

§115.192. *Control Techniques.*

§115.193. *Exemptions.*

§115.194. *Compliance Schedule and Counties.*

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 July 14, 1989.

TRD-8906278 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

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**Graphic Arts (Printing) by
Rotogravure and
Flexographic Processes in
Brazoria, Dallas, El Paso,
Galveston, Gregg, Harris,
Jefferson, Nueces, Orange,
Tarrant, and Victoria
Counties**

• 31 TAC §§115.201-115.203

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.201-115.203, concerning graphic arts (printing) by rotogravure and flexographic processes in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.201, concerning control requirements; §115.202, concerning exemptions; and §115.203, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions

to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Les Montgomery, director of the Technical Support and Regulation Development Program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington. Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provides the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.201. *Control Requirements.*

§115.202. *Exemptions.*

§115.203. *Compliance Schedule and Counties.*

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 July 14, 1989.

TRD-8906275 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

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**Perchloroethylene Dry Cleaning
Systems in Brazoria, Dallas,
El Paso, Galveston, Gregg,
Harris, Jefferson, Nueces,
Orange, Tarrant, and
Victoria Counties**

• 31 TAC §§115.221-115.223

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.221-115.223, concerning perchloroethylene dry cleaning systems in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.221, concerning control requirements; §115.222, concerning exemptions; and §115.223, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government or small business as a result of enforcing or administering the sections.

Les Montgomery, P.E., director of the Technical Support and Regulation Development Program, also has determined that for each year of the first five years the sections in effect the public benefit anticipated as a result of enforcing the sections will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 29C East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3. 09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.221. Control Requirements.

§115.222. Exemptions.

§115.223. Compliance Schedule and Counties.

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 July 14, 1989.

TRD-8906279 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Pharmaceutical Manufacturing Facilities in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

• 31 TAC §§115.231-115.233

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.231-115. 233, concerning pharmaceutical manufacturing facilities in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.231, concerning control requirements; §115.232, concerning exemptions; and §115.233, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff

has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Les Montgomery, director of the Technical Support and Regulation Development Program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3. 09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.231. Control Requirements.

§115.232. Exemptions.

§115.233. Compliance Schedule and Counties.

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 July 14, 1989.

TRD-8906274 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Fugitive Emission Control in Petroleum Refineries in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

• 31 TAC §§115.251-115.255

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.251-115. 255, concerning fugitive emission control in petroleum refineries in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.251, concerning control requirements; §115.252, concerning inspection requirements; §115.253, concerning recording requirements; §115.254, concerning exemptions; and §115.255, concerning counties and compliance schedule.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Les Montgomery, director of the Technical Support and Regulation Development Program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements. Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.251. Control Requirements.

§115.252. Inspection Requirements.

§115.253. Recording Requirements.

§115.254. Exemptions.

§115.255. Counties and Compliance Schedule.

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 July 14, 1989.

TRD-8906273

Allen Eli Bell
Executive Director
Texas Air Control Board

Earliest possible date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

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**Control of Volatile Organic
Compound Leaks From
Gasoline Tank Trucks in
Dallas, El Paso, Harris, and
Tarrant Counties**

• 31 TAC §§115.261-115.264

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.261-115.264, concerning control of volatile organic compound leaks from gasoline tank trucks in Dallas, El Paso, Harris, and Tarrant Counties. All sections within this undesignated head are proposed for repeal as follows: §115.261, concerning emission control requirements; §115.262, concerning testing requirements; §115.263, concerning recording requirements; and §115.264, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Les Montgomery, P.E., director of the Technical Support and Regulation Development Program, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.261. Emission Control Requirements.

§115.262. Testing Requirements.

§115.263. Recording Requirements.

§115.264. Compliance Schedule and Counties.

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 July 14, 1989.

TRD-8906280

Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

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**Fugitive Emission Control in
Synthetic Organic Chemical,
Polymer, and Resin
Manufacturing Processes in
Harris County**

• 31 TAC §§115.271-115.275

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.271-115.275, concerning fugitive emission control in synthetic organic chemical, polymer, and resin manufacturing processes in Harris County. All sections within this undesignated head are proposed for repeal as follows: §115.271, concerning control requirements; §115.272, concerning inspection requirements; §115.273, concerning recording requirements; §115.274, concerning exemptions; and §115.275, concerning counties and compliance schedule.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Les Montgomery, director of the Technical Support and Regulation Development Program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium,

7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

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 July 14, 1989.

TRD-8906272 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Fugitive Emission Control in Natural Gas/Gasoline Processing Operations in Harris County

• 31 TAC §§115.281-115.285

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.281-115.285, concerning fugitive emission control in natural gas/gasoline processing operations in Harris County. All sections within this undesignated head are proposed for repeal as follows: §115.281, concerning control requirements; §115.282, concerning inspection requirements; §115.283, concerning recordkeeping requirements; §115.284, concerning exemptions; and §115.285, concerning counties and compliance schedule.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation

and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the technical support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.281. Control Requirements.

§115.282. Inspection Requirements.

§115.283. Recordkeeping Requirements.

§115.284. Exemptions.

§115.285. Counties and Compliance Schedule.

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 July 14, 1989.

TRD-8906271 Allen Eli Bell
Executive Director
Texas Air Control Board

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For further information, please call: (512) 451-5711, ext. 354

Specified Consumer Solvent Products in Dallas and Tarrant Counties

• 31 TAC §§115.291, 115.293, 115.294

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.291, 115.293 and 115.294, concerning specified consumer-solvent products in Dallas and Tarrant Counties. All sections within this undesignated head are proposed for repeal as follows: §115.291, concerning control requirements; §115.293, concerning exemptions; and §115.294, concerning compliance schedule and counties.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years the repeals are in effect, there will be no fiscal implications for state and local governments, small businesses, or individuals and businesses affected by the repeals.

Les Montgomery, director of the Technical Support and Regulation Development Program, has determined that the public benefit resulting from the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeals are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written,

on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.291. Control Requirements.

§115.293. Exemptions.

§115.294. Compliance Schedule and Counties.

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 July 14, 1989.

TRD-8906270 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

♦ ♦ ♦ Alternate Means of Control

• 31 TAC §115.401

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

The Texas Air Control Board (TACB) proposes the repeal of §115.401, concerning alternate means of control. The only section involved in this proposed repeal is §115.401, concerning procedure.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bonnie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the techni-

cal support and regulation development program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeal as proposed will be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeal is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

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

§115.401. Procedure.

Issued in Austin, Texas on July 14, 1989.

TRD-8906283 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

♦ ♦ ♦ Volatile Organic Compound Exemption Status in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant and Victoria Counties.

• 31 TAC §§ 115.412, 115.413

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.412 and 115.413, concerning volatile organic compound exemption status in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. Both sections within this undesignated head are proposed for repeal as follows: §115.412, concerning exemption cancellation; and §115.413, concerning compliance schedule.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation plan.

Bonnie Engelke, director of management and staff services, has determined that for the first five years that the repeals will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the Technical Support and Regulation Development Program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be a better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§115.411. Reserved.

§115.412. Exemption Cancellation.

§115.413. Compliance Schedule.

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 July 14, 1989.

TRD-8906282 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711 ext. 354

◆ ◆ ◆
Compliance and Control Plan Requirements in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

• 31 TAC §§115.421-115.424

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

The Texas Air Control Board (TACB) proposes the repeal of §§115.421-115.424, concerning compliance and control plan requirements in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All sections within this undesignated head are proposed for repeal as follows: §115.421, concerning compliance dates; §115.422, concerning control plan procedure; §115.423, concerning control plan deviation; and §115.424, concerning reporting procedure.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 115, concerning control of air pollution from volatile organic compounds. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 115 in its entirety and to add a new Chapter 115. This action is being proposed in order to update the regulation and to satisfy the Environmental Protection Agency (EPA) requirements for Phase I of the post-1987 state implementation Plan.

Bennie Engelke, director of management and staff services, has determined that for the first five years that the repeal will be in effect there will be no fiscal implications as a result of enforcing or administering the repeal to state or local government or small businesses. There will be no adverse economic effect on small businesses.

Les Montgomery, P.E., director of the Technical Support and Regulation Development Program, has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as

a result of enforcing the repeal of these sections would be to eliminate antiquated and unused provisions and confusing language. The public benefit of the concurrent adoption of new sections would be better understanding and utility of the rules and the satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; and August 17, 1989, 4 p.m., Arlington Public Library, 101 East Abram, Arlington.

Copies of the proposed sections for repeal are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on August 18, 1989, at the TACB central office will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3. 09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

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

§115.421. Compliance Dates.

§115.422. Control Plan Procedure.

§115.423. Control Plan Deviation.

§115.424. Reporting Procedure

Issued in Austin, Texas on July 14, 1989.

TRD-8906281 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: December 15, 1989

For further information, please call: (512) 451-5711, ext. 354

Part IX. Texas Water Commission

Chapter 321. Control of Certain Activities by Rule

Subchapter H. Discharge to Surface Waters from Treatment of Petroleum Fuel Contaminated Waters

• 31 TAC §§321.131-321.138

The Texas Water Commission proposes new §§321.131-321.138, Subchapter H, concerning the control of certain activities by rule. The Texas Water Commission has withdrawn from consideration for permanent adoption the proposed new sections which appeared in the December 27, 1988, issue of the *Texas Register* (13 TexReg 6452). The effective date of the withdrawal was June 27, 1989. The publication of the withdrawal appeared in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3199). The sections are necessary to eliminate the need to individually permit the discharge of petroleum contaminated groundwater which has been treated to minimal effluent quality in accordance with the sections. The sections will allow a much faster response to groundwater restoration under the Underground Storage Tank Program. The person desiring to discharge must submit a registration form to the executive director of the TWC prior to discharge and then may initiate the discharge in accordance with the conditions specified in the sections without reply from the agency. The discharger is required to sample the discharge, analyze the water, and report the data to the executive director.

The TWC received comments in favor of the original proposed rule from Chevron U.S.A. Inc. (Chevron), Texas Mid-Continent Oil & Gas Association (TMOGA), Applied Earth Science Inc. (AES), and T U Services. Each commenter suggested changes and/or clarifications, many of which are incorporated in today's proposal. Additionally, the agency is proposing different parameters for testing. We believe that total petroleum hydrocarbon would be an appropriate parameter for analysis, would provide the same type of information as chemical oxygen demand or total organic carbon, and would be consistent with the Underground Storage Tank Program analytical practices. The agency is also proposing BTEX (benzene, toluene, ethylbenzene, xylene) analysis and effluent limitations. BTEX limits will provide an additional level of environmental protection especially for those contaminated sites where benzene is not present or present in only trace amounts. TMOGA suggested that the terms "petroleum fuel" and "water in the state" be defined in the subchapter. These definitions have been added.

TMOGA suggested that the sections also encompass discharge of groundwater contaminated by pipeline releases or spills because the treatment will be identical to treated water from a tank spill remedial action. Pipeline releases and spills has been incorporated into the proposed rule. TMOGA also requested that the sections specify the applicability to discharges into or adjacent to waters in the state and this has been added.

T U Services commented that other types of treatment facilities could adequately handle this type of water rather than just secondary biological systems. The agency agrees and has removed this specification from §321.132(d). This same section of the rule would also allow discharge of the contaminated groundwater to a publicly owned treatment works without a registration under this rule if such facility would accept the water. T U Services suggested that the language concerning registration and authorization to discharge was not clear so the agency has reworded §321.134 to be more clear as to the dischargers' responsibility to register and operate in accordance with the section.

AES commented that the monitoring provisions in the rule were unreasonably burdensome and suggested that weekly sampling would be appropriate until a baseline on the discharge is established and then less frequent monitoring should be established. The agency understands that the recovered groundwater may not change in contaminant concentration appreciably after a few months of pumping. However, the monitoring required by this proposed rule is for treated effluent. The agency believes that weekly monitoring is prudent to assure proper treatment and/or removal of the toxic compounds associated with petroleum fuel.

Roger G. Bourdeau, chief fiscal officer, has determined that for the first five-year period the proposed sections will be in effect, there will be no direct fiscal implications as a result of enforcing or administering the rules. There will be no direct effect on state government for the first five-year period the sections will be in effect. The estimated additional cost on local government for the first five-year period the section will be in effect will be \$41,748 for the year of 1989; \$125,244 for the year of 1990; \$106,792 from the year of 1991-1992; and \$0 for the year of 1993. The cost of compliance with the section for small businesses will be \$268,380 for the year of 1989; \$805,140 for the year of 1990; \$686,520 from the year of 1991-1992; and \$0 for the year of 1993.

Mr. Bourdeau also has determined that for each year of the first five years the sections as proposed are in effect, the public benefits anticipated as a result of enforcing the sections as proposed will be that groundwater contaminated from above ground and underground petroleum fuel tank systems or pipelines may be treated and then discharged if within rule specifications, in a more expeditious manner which will help prevent further groundwater contamination.

There will be no economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal and requests for public hearing may be submitted to Kevin McCalla, Senior Attorney, Legal Division, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711. The deadline for submission of written comments and request for a public hearing is 30 days after the date of this publication.

The new sections are proposed under the authority of the Texas Water Code, §§5.103, 5.105, and 5.120, which provide the commission with the authority to promulgate rules as necessary to carry out its powers and duties

under the Texas Water Code and other laws of the state and to establish and approve all general policies of the commission.

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

Free product—Gasoline, diesel fuel, fuel oil, kerosene, and jet fuel which is floating on top of groundwater.

Grab sample—An individual sample collected in less than 15 minutes.

Groundwater pump test—Short term pumping of groundwater to determine physical characteristics of an aquifer.

Groundwater remediation—Treatment of contaminated groundwater to remove free product to reduce or eliminate groundwater contamination.

Petroleum fuel—Gasoline, diesel fuel, fuel oil, kerosene and jet fuel.

Tank tests—Integrity testing of above ground and/or underground storage tanks.

TWC—Texas Water Commission

Water in the state—Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

§321.132. Applicability.

(a) The purpose of this subchapter is to regulate by rule the surface discharge of water which is contaminated as a result of a release associated with above ground and/or underground petroleum fuel tank systems or pipelines. Surface discharge can occur during groundwater pump tests, groundwater remediation, tank tests, and/or other activities including the removal of petroleum fuel contaminated water from groundwater wells, excavations, and utility vaults.

(b) This subchapter is applicable only to discharges into or adjacent to water in the state of which was contaminated as a result of releases from above ground and/or underground gasoline, diesel fuel, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines.

(c) An application for an emergency order, temporary order, or permit as provided by Chapter 305 of this title (relating to Consolidated Permits) must be submitted for the discharge of water which was contaminated by releases from above ground and/or underground tank systems which contain materials other than gasoline, diesel fuel, fuel oil, kerosene, or jet fuel, or which cannot be discharged in accordance

with §321.135 of this title (relating to Specific Requirements).

(d) TWC registration in accordance with §321.133 of this title (relating to Registration) is not required if free product is removed and the remaining contaminated water is routed to an existing TWC permitted wastewater treatment system capable of treating the wastes. Additional authorization may be required as noted in §321.137 of this title (relating to Restrictions).

(e) TWC registration in accordance with §321.133 of this title (relating to Registration) is not required for discharges of uncontaminated water associated with tank tests of above ground and/or underground storage tanks which have not previously contained wastes, wastewater, or products.

(f) For discharges located in or within 10 stream miles upstream of the Edwards Aquifer recharge zone as defined in Chapter 313 of this title (relating to Edwards Aquifer), separate authorization may be required.

(g) The executive director may, if conditions warrant, require a person to obtain a permit from the TWC for such a discharge.

§321.133. Registration. Except as provided in §321.132(d) of this title (relating to Applicability), and §321.136 of this title (relating to Telephone Utilities), a registration form, as provided by the executive director, must be submitted to the TWC Austin office prior to discharge. Submittal of the registration form is sufficient notice to initiate discharge in accordance with this subchapter.

§321.134. General Requirements for Discharge. Except as provided in §321.136 of this title (relating to Telephone Utilities), the following general requirements apply.

(1) The discharger shall notify the appropriate TWC district office at least 24 hours prior to initiating the discharge.

(2) There shall be no discharge of free product at any time.

(3) Disposal of solid wastes shall be in accordance with the Solid Waste Disposal Act, Article 4477-7.

(4) The discharge shall not cause any nuisance conditions to land owners along the discharge route.

(5) The discharger shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. Immediately upon the notification from the supervisor of the TWC District Office that the discharge is presenting a hazard to the uses of the receiving water, the discharger shall terminate such discharges. The discharge shall cease immediately whenever problems associated with the discharge may endanger human health

or safety, or the environment, and the problems shall be reported to the TWC Austin office and appropriate district office as soon as possible but no later than 24 hours following their discovery. A written report shall be submitted to the TWC Austin and district offices within five working days of the discovery of a problem. The report shall contain a description of the location; the exact date and time the problem was first identified; the potential danger to human health or safety, or the environment; the immediate steps that were taken to correct the problem; steps planned and/or taken to mitigate any adverse effects; and plans to prevent the recurrence of similar problems during further groundwater remediation or tank testing.

<u>Parameter</u>	<u>Limitation</u>	<u>Sample Type</u>	<u>Monitoring Frequency</u>
Total Petroleum Hydrocarbons	15 mg/l	Grab	1/week
Lead	0.25 mg/l	Grab	1/week
Benzene	50 ppb*	Grab	1/week
Total BTEX**	500 ppb*	Grab	1/week

*Parts per billion (micrograms per liter)
 **Benzene, Toluene, Ethyl Benzene, Xylene

(B) If the discharger determines through analysis that the groundwater is not contaminated with lead or lead compounds then such information shall be noted on the registration and analysis for lead or lead compounds is not required.

(C) The pH of the discharge shall not be less than 6.0 nor greater than 9.0 standard units and shall be measured once per week.

(D) There shall be no discharge of floating solids or visible foam in nothing other than trace amounts, and no discharge of visible oil.

(E) All samples shall be collected after any final treatment unit that may be used. All sample collection shall be conducted according to recommendations found in the latest edition of *Standard Methods for the Examination of Water and Wastewater* (prepared and published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), or Environmental Protection Agency, *Methods for Chemical Analysis of Water and Wastes* (1979), or Environmental Protection Agency, *Biological Field and Laboratory Meth-*

(6) Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

§321.135. *Specific Requirements.* Except as provided in §321.136 of this title (relating to Telephone Utilities), the following specific requirements apply.

(1) Point of discharge.

(A) All discharges shall be to a splash pad to aerate the treated water.

ods for Measuring the Quality of Surface Waters and Effluents (1973).

(F) Sample containers, holding times, preservation methods and the physical, chemical, and microbiological analyses of effluents shall meet the requirements specified in regulations published in 40 Code of Federal Regulations Part 136 pursuant to the Federal Water Pollution Control Act, §304(g), and be conducted according to this federal regulation or the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

(3) Reporting. All analytical results shall be reported to the Water Quality Division, TWC Austin office, on the "Petroleum Fuel Contaminated Waters Report" form provided by the executive director. Monthly results shall be submitted to the commission no later than the 20th-day of the month following discharge.

§321.136. *Telephone Utilities.*

(a) Telephone utilities are exempted from §§321.133-321.135 of this title (relating to Registration; General Requirements for Discharge; and Specific Requirements).

(b) The following general requirements apply to discharges from utility vaults.

(B) The rate of discharge shall be controlled to prevent flooding and erosion.

(2) Effluent limitations and monitoring requirements.

(A) The following maximum effluent limitations and minimum monitoring requirements apply to the discharges of treated water contaminated as a result of releases from above ground and/or underground petroleum fuel tank systems or pipelines:

(1) There shall be no discharge of free product at any time. Free product shall be collected, reused, or disposed of in accordance with state law.

(2) If the discharger detects the presence of any hydrocarbon vapors prior to purging as indicated by standard explosimeter tests, the entire contents of the utility vault shall be collected for disposal at an authorized disposal site and shall not be discharged.

(3) Disposal of solid wastes shall be in accordance with the Solid Waste Disposal Act, Article 4477-7.

(4) The discharge shall not cause any nuisance conditions to land owners along the discharge route.

(5) The discharger shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. Immediately upon the notification from the supervisor of TWC District Office that the discharge is presenting a hazard to the uses of the receiving water, the discharger shall terminate such discharges. The discharge shall cease immediately whenever problems associated with the discharge may endanger human health or safety, or the environment, and the problems shall be reported to the TWC Austin office and appropriate district office by telephone as soon as possible but no later than

24 hours following their discovery. A written report shall be submitted to the TWC Austin and district offices within five working days of the discovery of a problem. The report shall contain a description of the location; the exact date and time the problem was first identified; the potential danger to human health or safety, or the environment; the immediate steps that were taken to correct the problem; steps planned and/or taken to mitigate any adverse effects; and plans to prevent the recurrence of similar problems during further groundwater remediation or tank testing.

(6) Concentration of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

§321.137. Restrictions.

(a) This subchapter does not convey property rights of any sort and does not grant any exclusive privilege.

(b) Separate authorizations may be required by other municipalities or agencies for discharges to domestic sewage plants, stormwater sewers, or for air emissions.

§321.138. Enforcement. If a discharger fails to comply with the terms of this subchapter the executive director may take enforcement action as provided by the Texas Water Code, and the rules of the commission.

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

Issued in Austin, Texas on July 17, 1989.

TRD-8906238 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 21, 1989

For further information, please call:(512) 463-8087

◆ ◆ ◆
TITLE 34. PUBLIC FINANCE
Part VII. State Property Tax Board
Chapter 153. Truth in Taxation Requirements

• 34 TAC §153.2

The State Property Tax Board proposes an amendment to §153.2, concerning notices of effective and rollback tax rates. The proposal is published concurrently with an emergency amendment to the section. The Tax Code, §26.04, requires the board to prescribe the

form and content of the notice of a taxing unit's effective and rollback tax rates. The amendment authorizes taxing units that impose an additional sales tax and school districts to modify the notice. The modifications reflect additional steps in rate calculation required by law. Changes in legislation will require some taxing units to use additional steps in calculating their rollback and effective tax rates and these steps should be included in the notice. Otherwise, a taxing unit that levies an additional sales tax or a school district that calculates its effective and rollback tax rates on or after September 1, 1989, could not publish an accurate notice that would comply with the existing board rule.

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

Mr. Steifer 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 better notification to the public of a taxing unit's effective tax rate, financial responsibilities, and surplus funds. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Ron Patterson, Executive Director, State Property Tax Board, 4301 Westlake High Drive, Building B, Suite 100, Austin, Texas 78746-8565.

The amendment is proposed under the Tax Code, §26.04, which provides the State Property Tax Board with the authority to prescribe the form and wording for notice of a taxing unit's effective and rollback tax rate.

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 July 13, 1989.

TRD-8906194 Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption: August 21, 1989

For further information, please call: (512) 834-4802

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services
Chapter 7. Refugee Cash Assistance Program
Subchapter C. Eligibility Determination

• 40 TAC §7.302

The Texas Department of Human Services (DHS) proposes an amendment to §7. 302,

concerning refugee status. The amendment, which results from a change in federal regulations, adds Amerasians as a group eligible for assistance under the Refugee Resettlement Program.

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

Mr. Raiford 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 inclusion of Amerasians in the Refugee Resettlement Program. This will lessen the reliance of these individuals on local resources for assistance. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Services Division-369, 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 amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which provides the department with the authority to administer public assistance programs.

§7.302. Refugee Status. DHS determines refugee status by referring to the following statuses on the Immigration and Naturalization Service (INS) arrival and departure record:

- (1)-(4) (No change.)
- (5) Amerasians—Code AM 1, 2, or 3.

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 July 14, 1989.

TRD-8906234 Charles Stevenson
Acting Commissioner
Texas Department of Human Services

Proposed date of adoption: September 1, 1989.

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

◆ ◆ ◆
Chapter 49. Child Protective Services
Subchapter C. Eligibility for Child Protective Services

The Texas Department of Human Services (DHS) proposes to adopt amendments to §§49.337, 49.339, 49.341, 49.342, 49.344 and new §49.346, concerning reimbursement of nonrecurring adoption expenses, in its Child Protective Services chapter. The pur-

pose of the amendments and new section is to permit DHS to reimburse adoptive parents for nonrecurring adoption expenses up to a maximum of \$1,500 when the parents adopt a child with special needs. The sections implement the Tax Reform Act of 1986, Public Law 99-514, and subsequent federal regulations that require states to reimburse certain nonrecurring adoption expenses in adoptions of children with special needs. To qualify for reimbursement, the adoption must be completed on or after January 1, 1987.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect is an estimated additional cost of \$525,000 in fiscal year (FY) 1989-90, \$525,000 in FY 1990-1991, \$525,000 in FY 1991-1992, \$525,000 in FY 1992-1993, and \$525,000 in FY 1993-1994. There will be no fiscal implications for local government 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 to reduce economic barriers to special needs adoptions and possibly to increase the number of such adoptions. 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-205, Texas Department of Human Services 222-E, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• 40 TAC §§49.337, 49.339, 49.341, 49.342, 49.344

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.

§49.337. Eligibility Requirements for State-paid Adoption Subsidies. For a child to receive an adoption subsidy, the following requirements apply.

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

(6) The adoptive parents must apply for and enter into the subsidy agreement [be approved] before consummation of the child's adoption.

(7)-(9) (No change.)

§49.339. Determination of Subsidy Benefits.

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

(g) If a subsidy is authorized for both the ongoing needs of the child and to pay legal fees, the costs of the legal fees are budgeted in the monthly payment amount.]

§49.341. Application and Right to Notification.

(a) (No change.)

(b) The agency accepting the application must complete and verify information on the eligibility documentation form, attach it to the application, and send the form and required attachments to the DHS regional adoption assistance [subsidy] chairperson.

(c) (No change.)

§49.342. Beginning the Subsidy. Adoptive parents and DHS staff must sign an adoption subsidy agreement before the adoption is consummated [subsidies are paid].

§49.344. Right to Appeal.

(a) Adoptive parents may request and receive a fair hearing if their claim for adoption assistance [a subsidy] is denied, delayed, or reduced by DHS. The request must be made orally or in writing within 90 days from the effective date of any DHS action.

(b) If parents express dissatisfaction with an assistance [a subsidy] decision, designated agency staff must:

(1) (No change.)

(2) provide an opportunity for a conference with the assistance [subsidy] chairperson;

(3)-(4) (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 July 14, 1989.

TRD-8906232

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: September 18, 1989.

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

◆ ◆ ◆
• 40 TAC §49.346

The new section is 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.

§49.346. Reimbursement of Nonrecurring Adoption Expenses.

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

(1) Nonrecurring adoption expenses—Reasonable and necessary adoption fees paid to licensed child placing agencies, as well as court costs, attorney fees, and other expenses that are directly related to

legal completion of the adoption and that are not incurred in violation of state or federal law.

(2) Other expenses - Expenses for health and psychological evaluations related to the adoption study, and the reasonable costs of transportation, lodging, and food for the adoptive parent and/or child when necessary to complete the placement or the adoption process.

(b) The Texas Department of Human Services (DHS) reimburses nonrecurring adoption expenses incurred by adoptive parents in the adoption of a child with special needs. The department's reimbursement covers the parents' actual costs up to a maximum of \$1,500 per child. When the parents adopt a sibling group, the maximum reimbursement is the sum of the parents' actual costs or \$1,500 times the number of adopted children in the group, whichever is less. The department's reimbursement does not cover any portion of nonrecurring adoption expenses that is eligible for reimbursement by a third party.

(c) To qualify for reimbursement of nonrecurring expenses, an adoption must meet the following requirements.

(1) The expense must be directly related to an adoption that is legally completed on or after January 1, 1987. If the order of adoption was entered before January 1, 1987, the allowable expense must have been paid on or after January 1, 1987.

(2) The person or agency responsible for the child's adoptive placement must have made efforts to place the child without financial assistance. Registering the child on the Texas adoption resource exchange or on another adoption exchange is sufficient to meet this requirement.

(3) A court of competent jurisdiction must have determined that the child must not be returned to his parent's home. The determination must be documented by a court-ordered termination of parental rights.

(4) At the time of adoptive placement, the child must:

(A) be at least six years old;

(B) be at least two years old and a member of a racial or ethnic minority;

(C) have a professionally diagnosed physical, mental, or emotional handicap; or

(D) belong to a sibling group that is placed together.

(5) For adoptions occurring on or after June 13, 1989, the adoptive parents and DHS must enter into a signed,

written agreement for reimbursement of nonrecurring adoption expenses before legal completion of the adoption. The adoptive parents must submit their claim for reimbursement to DHS no later than two years after the date of the final decree of adoption. Reimbursement claims for adoptions that are completed prior to June 13, 1989, must be submitted to DHS by December 13, 1990.

(6) The adoptive placement must occur in accordance with the laws relating to child placement in Texas or the

state from which the child is placed when the child is placed from outside Texas.

(7) A court of competent jurisdiction in Texas must issue the final decree of adoption unless the child is or has been the subject of a Texas adoption subsidy agreement. If the child is the subject of a Texas adoption subsidy agreement, Texas retains responsibility for reimbursement of the child's nonrecurring adoption expenses. If the child is the subject of another state's adoption subsidy agreement, that state is responsible for reimbursing nonrecurring adoption expenses.

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 July 14, 1989.

TRD-8908233

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: September 1, 1989.

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



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 25. HEALTH SERVICES

Part VII. Texas Medical Disclosure Panel

Chapter 601. Informed Consent

Medical Treatments and Surgical Procedures Established by the Texas Medical Disclosure Panel

• 25 TAC §601.1

The Texas Medical Disclosure Panel adopts an amendment to §601.1, with changes to the proposed text as published in the June 13, 1989, issue of the *Texas Register* (14 TexReg 2941). Section 601.1 adopts by reference procedures requiring full disclosure (List A) which covers the medical treatments and surgical procedures which physicians and health care providers are required to fully disclose to patients or to persons authorized to consent for the patients.

The amendment to §601.1 itself shows the date of the amendment. The amendment to List A is to §601.1.17 in the list concerning psychiatric procedures. The amendment identifies the procedure and lists the related risks concerning electroconvulsive therapy with modification by intravenous muscle relaxants and sedatives. The amendment enables providers of medical care to be made aware of the psychiatric procedure, including the related risk.

The Medical Liability and Insurance Improvement Act, Texas Civil Statutes, Article 4590i, §6.04, requires that any amendments to List A in §601.1 be published in the *Texas Register*. Since List A is adopted by reference in §601.1, the actual amendment to List A itself is being published in the "In Addition" section of this issue of the *Texas Register*.

No public comments were received regarding adoption of the amendment. However, the panel has changed the effective date in §601.1 itself and also has made an editorial change to §17.1.2 in List A.

This amendment is adopted under Texas Civil Statutes, Article 4590i, §6.04, which authorize the Texas Medical Disclosure Panel to adopt a list, including amendments, of medical treatments and surgical procedures which physicians and health care providers are required to disclose to patients or persons authorized to consent for the patients.

§601.1. Procedures requiring full disclosure (List A).

(a) (No change.)

(b) The Texas Medical Disclosure panel adopts by reference the list of medical treatments and surgical procedures requiring full disclosure, as amended August 3, 1989. The list is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

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 July 14, 1989.

TRD-8906192

James H. Duke, Jr.
Chairman
Texas Medical Disclosure Panel

Effective date: August 3, 1989.

Proposal publication date: June 13, 1989.

For further information, please call: (512) 458-7245.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 305. Consolidated Permits

Subchapter C. Application for Permit

• 31 TAC §305.50

The Texas Water Commission adopts an amendment to §305.50, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2332). The amendment incorporates rules promulgated by the Environmental Protection Agency (EPA) pursuant to their authority under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), 42 United States Code §§6901 et seq., as amended, concerning standards applicable to owners and operators of hazardous waste miscellaneous units.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Water Code, §5.104 and §26.011, which give

the commission the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. The amendment is also proposed under the Texas Solid Waste Act, Texas Civil Statutes, Article 4477-1, §3 and §4, which give the commission the authority to regulate industrial solid wastes and hazardous municipal solid wastes and to adopt rules and promulgate rules consistent with the general intent and purposes of the 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 July 17, 1989.

TRD-8906241

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: August 4, 1989

Proposal publication date: May 12, 1989

For further information, please call (512) 463-8087

Chapter 331. Underground Injection Control

Subchapter A. General Provisions

• 31 TAC §331.3

The Texas Water Commission adopts an amendment to §331.3, without changes to the proposed text as published in the May 12, 1989, issue of the *Texas Register* (14 TexReg 2332). The amendment incorporates rules promulgated by the Environmental Protection Agency (EPA) pursuant to their authority under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), 42 United States Code §6901 et seq., as amended.

Section 331.3 is amended in order that an injection well for which the technical standards of Chapter 331 are not generally appropriate and which is permitted as a miscellaneous unit under Chapter 335 regarding industrial solid waste and municipal hazardous waste, will be considered to be authorized by an injection well permit.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission (TWC) with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the

state of Texas, and to establish and approve all general policy of the commission. In addition, the Texas Water Code, §27.019, authorizes the TWC to adopt rules and procedures reasonably required for the performance of its powers, and duties under Chapter 27.

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

Issued in Austin, Texas, on July 17, 1989.

TRD-8908243 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: August 4, 1989

Proposal publication date: May 12, 1989

For further information, please call (512) 463-8087

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

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

• 31 TAC §335.1

The Texas Water Commission adopts amendments to §§335.1, 335.112, 335.152, 335.155, 335.164, and 335.165. Section 335.112 is adopted with changes to the proposed text as published in the May 12, 1989, issue of the Texas Register (14 TexReg 2333). Sections 335.1, 335.152, 335.155, 335.164, and 335.165, are adopted without changes and will not be republished.

Sections 335.1, 335.152 and 335.155 are amended to incorporate by reference the federal regulations regarding standards applicable to owners and operators of hazardous waste miscellaneous units promulgated by the EPA on December 10, 1987, (52 FedReg 46946). The standards cover both existing and future treatment, storage and disposal technologies. The standards are general in nature to provide for flexibility in permitting the variability of miscellaneous units while requiring that these units be located, designed, constructed, operated, maintained, and closed in a manner that will prevent any release that may have adverse effects on human health or the environment.

In addition §335.112 and §335.152 are amended to incorporate by reference the federal regulations regarding liability requirements for hazardous waste facilities promulgated on November 18, 1987, (52 FedReg 41312). These regulations authorize the use of a corporate guarantee for liability for firms capable of passing the financial test and able to meet the other requirements.

Section 335.164 and §335.165 are amended to track the federal regulations promulgated in the July 9, 1987, issue of the Federal Register (52 FedReg 25942). Under these

rules, groundwater taken from groundwater monitoring wells at RCRA land based hazardous waste disposal units will be required to be analyzed for all constituents in Appendix IX to 40 Code of Federal Regulations (CFR) Part 264 in lieu of requiring analysis to detect constituents listed at Appendix VIII of 40 CFR Part 261.

Hazardous waste is defined in §335.1, as any solid waste identified or listed as hazardous waste by the administrator of the EPA pursuant to the federal Solid Waste Disposal Act, as amended by RCRA, as amended. Therefore, the modifications in the federal definition of hazardous waste are incorporated into the state's definition of hazardous waste. A technical correction was promulgated by EPA in the July 10, 1987, issue of the Federal Register (52 FedReg 26012). The correction clarifies that residues remaining in containers that have held commercial chemical products that are listed in 40 CFR, §261.33(e) and (f) are hazardous when discarded, not the containers or liners themselves. Other technical corrections were promulgated by EPA in the April 22, 1988, issue of the Federal Register (53 FedReg 13382) which correct the lists of commercial chemical products that are hazardous wastes when discarded and correct the list of hazardous constituents in 40 CFR, Part 261, Appendix VIII.

No comments were received regarding adoption of the amendments.

The amendment is adopted under the Texas Water Code §5.103 and §5.105, which provide the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Water Code and other laws of this state and to establish and approve all general policies of the commission. These sections are also promulgated under the Texas Solid Waste Disposal Act, Texas Revised Civil Statutes, Article 4477-7 (Vernon Supplement 1988), §4(c), which authorize the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Texas Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste and is required to implement the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

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 July 17, 1989.

TRD-8908240 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: August 4, 1989

Proposed publication date: May 12, 1989

For further information please call 463-8087

Subchapter E. Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities

• 31 TAC §335.112

The amendment is adopted under the Texas Water Code, §5.103 and §5.105, which provide the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Water Code and other laws of this state and to establish and approve all general policies of the commission. These sections are also promulgated under the Texas Solid Waste Disposal Act, Texas Revised Civil Statutes, Article 4477-7 (Vernon Supplement 1988), §4(c), which authorize the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Texas Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste and is required to implement the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.112. Standards.

(a) Except to the extent that they are clearly inconsistent with the express provisions of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, or the rules of the commission (including the provisions set forth in this subchapter), the following regulations contained in 40 Code of Federal Regulations, Part 265 (including all appendices to Part 265) which are in effect as of June 4, 1987, are adopted by reference.

(1)-(6) (No change.)

(7) Subpart H—Financial Requirements, except 40 Code of Federal Regulations, §265.142(a)(2), and facilities qualifying for a corporate guarantee for liability are subject to §265.147(g)(2) and

§264.151(h)(2), as amended December 12, 1987.

(8)-(16) (No change.)

(b)(No change.)

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

Issued in Austin, Texas, on July 17, 1989.

TRD-8906239

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: August 4, 1989

Proposed publication date: May 12, 1989

For further information please call 463-8087

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**Subchapter F. Permitting
Standards for Owners and
Operators of Hazardous
Waste Storage, Processing or
Disposal Facilities**

• 31 TAC §§335.152, 335.155,
335.164, and 335.165

The amendments are adopted under the Texas Water Code, §5.103 and §5. 105, which provide the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Water Code and other laws of this state and to establish and approve all general policies of the commission. These sections are also promulgated under the Texas Solid Waste Disposal Act, Texas Revised Civil Statutes, Article 4477-7 (Vernon Supplement 1988), §4(c), which authorize the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Texas Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste and is required to implement the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

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 July 17, 1989.

TRD-8906242

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: August 4, 1989

Proposed publication date: May 12, 1989

For further information please call 463-8087

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**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE**

**Part I. Texas Department
of Human Services**

**Chapter 9. Refugee Social
Services**

**Subchapter B. Client
Information**

The Texas Department of Human Services (DHS) adopts amendments to §§9. 204, 9.301, 9.401, 9.403, and 9.501, concerning social services for refugees.

The purpose of the amendments is to comply with changes to 45 Code of Federal Regulations Part 400, Refugee Resettlement Program, effective July 1, 1989. As a result of these changes, the department has reclassified the eligibility of refugee groups receiving services in accordance with the federal regulations. The amendments also remove certain restrictions on the use of DHS funds for refugee social services. Additionally, they add and delete several requirements for contractors providing work related services.

• 40 TAC §9.204

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provide the department with the authority to administer public assistance programs. The amendment is adopted effective July 1, 1989, to comply with federal regulations.

§9.204. Client Priority Groups. Clients are assigned priority for refugee social services in the following order:

- (1) refugees receiving AFDC or Refugee Cash Assistance;
- (2) refugees who arrived in the United States within the last 12 months;
- (3) refugees who have been in the United States for more than one year but less than three years; and
- (4) refugees who have lived in the United States three years or longer.

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 July 17, 1989.

TRD-8906253

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: July 1, 1989.

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

**Subchapter C. Contractor
Requirement**

• 40 TAC §9.301

The amendment is 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. The amendment is adopted effective July 1, 1989, to comply with federal regulations.

§9.301. Contractor Requirements.

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

(g) The contractor must avoid duplication of services available through the Voluntary Resettlement Agencies, community resources or other refugee contractors.

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 July 17, 1989.

TRD-8906254

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: July 1, 1989.

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

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**Subchapter D. Service
Requirements**

• 40 TAC §9.401, §9.403

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provide the department with the authority to administer public and medical assistance programs. The amendments are adopted effective July 1, 1989, to comply with federal regulations.

§9.401. Core Services.

(a) The following three core services comprise the refugee social services program.

(1) Employment services. Employment services include counseling, development of employability plans, and job orientation, development, placement, and follow-up.

(2) Classes in English as a Second Language (ESL). ESL classes must emphasize the basic English necessary to find and keep a job.

(3) Vocational training. Vocational training must address the hiring needs of local employers and be available to the extent possible outside normal working hours. Training courses may not exceed one year's duration.

(b) Employment services and ESL classes are provided without regard to income eligibility. To receive vocational

training, the client must be a current AFDC, RCA or SSI recipient or meet the income guidelines specified in §9.201(f) of this title (relating to Client Eligibility).

§9.403. Optional Support Services. Optional support services consist of the following.

(1) **Emergency services.** Short-term counseling and assistance in a crisis or emergency.

(2) **Health-related services.** Assistance in addressing health needs and obtaining medical care, including mental health services and transportation to a medical facility for treatment.

(3) **Transportation.** Public transportation costs and assistance for employment-related activities including travel to job interviews and to the contractor's location.

(4) **Day care while clients attend ESL classes or go to job interviews.**

(5) **Social adjustment services.** Cultural orientation, mental health counseling, and other activities to help the client adjust to American culture and to prepare him for employment.

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 July 17, 1989.

TRD-8908255

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: July 1, 1989.

For further information, please call: (512) 450-3785

◆ ◆ ◆
**Subchapter E. Work
Registration Requirements**

◆ ◆ ◆
• 40 TAC §9.501

The amendment is adopted 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. The amendment is adopted effective July 1, 1989, to comply with federal regulations.

§9.501. Work Registration Requirements.

(a) (No change.)

(b) The employment services contractor must conduct a job search program according to DHS policies and procedures for all RCA clients referred for work registration.

(c) The employment services contractor must report RCA recipient job placements and noncompliance to DHS within 10 days of either occurrence. If a contractor fails to report this information on time, the contractor is subject to federal sanctions and state audit exceptions and must file a corrective action plan with DHS.

(d) RCA recipient noncompliance includes failure to:

(1) appear for a scheduled interview;

(2) respond to requests for information;

(3) attend ESL or vocational training classes regularly; or

(4) apply for or accept employment or training.

(e) (No change.)

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

Issued in Austin, Texas on July 17, 1989.

TRD-8908256

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Effective date: July 1, 1989.

For further information, please call: (512) 450-3785
◆ ◆ ◆

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 State Board of Public Accountancy

Wednesday, July 19, 1989, 10 a.m. The Ad Hoc Examination Committee had an emergency meeting in Suite 340, 1033 La Posada, Austin. According to the agenda, the Committee will discuss the November 1989 examination. The emergency status was necessary because it was the only date all Ad Hoc Committee members could meet.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas

Filed: July 17, 1989, 1:34 p.m.

TRD-8906294

Thursday, July 20, 1989, 1 p.m. The Ad Hoc Committee on Coordination of Sunset Legislation with TSCPA met for an emergency meeting in Suite 340, 1033 La Posada, Austin. According to the agenda, the Committee discussed the Sunset Review. The emergency status was necessary due to approaching deadline for final review of report by committee.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin 78752-3892, (512) 451-0241.

Filed: July 17, 1989, 1:34 p.m.

TRD-8906294

Texas Department of Agriculture

Tuesday, July 25, 1989, 10 a.m. The department will meet in Suite 103, Texas Department of Agriculture District Office, 1801 North Lamar Dallas. According to the agenda, the department will review an application for licensure as a commission merchant filed by Patricio A. Perez and Pat Perez Produce Co., Inc.

Contact: Imelda Escobar, P.O. Box 12847, Austin, Texas, (512) 463-7682.

Filed: July 13, 1989, 10:21 a.m.

TRD-8906169

Monday, July 31, 1989, 1 p.m. The department will meet in the Ninth Floor Conference Room, Stephen F. Austin Building,

1700 North Congress, Austin. According to the agenda, the department will consider comments regarding proposed amendments to Texas Seed Law Regulations, §19.4, as published in the *Texas Register* on July 11, 1989.

Contact: Kenneth Boatwright, P.O. Box 12847, Austin, Texas 78711, (512) 463-7614.

Filed: July 14, 1989, 10:43 a.m.

TRD-8906203

Monday, July 31, 1989, 2 p.m. The department will meet in the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the department will consider comments regarding proposed amendments to the department's weights & measures program, §15.11, as published in the *Texas Register* on July 11, 1989.

Contact: Susan Raleigh, P.O. Box 12847, Austin, Texas, (512) 463-7602.

Filed: July 14, 1989, 10:43 a.m.

TRD-8906204

Texas Antiquities Committee

Friday, July 28, 1989, 9:30 a.m. The Committee will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the summary agenda, the Committee will approve minutes #108, consider TAC meeting May 26, 1989; approval of State Archeological Landmarks (SALs) designation for three archeological sites in Bexar County, six in Briscoe County, accept for SAL nomination one Bexar County site, discuss TAC board composition and meeting attendance; approve fiscal 1990 operating budget; discuss 1990 General Appropriations Rider, Section 110, Incentive to Report Items of Value; and hear report on 71st Legislature.

Contact: Molly Godwin, P. O. Box 12276, Austin, Texas 78711, (512) 463-6098.

Filed: July 14, 1989, 8:23 a.m.

TRD-8906191

Texas Board of Architectural Examiners

Thursday, August 3, 1989, 1:30 p.m. The Rules Committee will meet in Suite 107, 7213 Shoal Creek Boulevard, Austin. According to the agenda, the Committee will review the landscape architect and architect statutes and the landscape architect and architect rules and regulations.

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

Filed: July 17, 1989, 10:45 a.m.

TRW-8906293

Friday, August 4, 1989, 9 a.m. The Board will meet in Suite 107, 8213 Shoal Creek Boulevard, Austin. According to the agenda, the board will elect persons to vacated offices, approve hearings, reinstatements, examinations, fax documents, rules and regulations, legislation, convocation, agreed orders, reciprocal registration, alleged violations renewals, and intern development program.

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

Filed: July 18, 1989, 10:46 a.m.

TRD-8906292

Department of Banking

Wednesday, July 26, 1989, 8:30 a.m. The Banking Section will meet in the Finance Commission Building, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the section will review and approve minutes of previous meeting; consider the Security State Bank, McCamey, Texas, appeal of branch approval by Caprock Savings & Loan Association, and motion for rehearing by Security State Bank; review departmental operations, discuss policies relating to bank examination and other regulatory matters, including but not limited to enforcement action, dividends, ORE and loans; proposed regulations relating to hearing procedures 7 TAC Chap-

ter 13; trust company examination fees; education foundation of state bank supervisors (EFSBS); proposed regulation relating to establishment of branch banks; consideration of final adoption of proposed Rule 3.33, relating to time tables for processing applications before the banking department; proposed regulation relating to statute of frauds; executive session to discuss contemplated and/or pending litigation and personnel matters.

Contact: Ann Graham, 2601 North Lamar Boulevard, Austin, Texas 78705,(512) 479-1200.

Filed: July 18, 9:39 a.m.

TRD-8906323

Wednesday, July 26, 1989, 10 a.m. The Finance Commission will meet in the Finance Commission Building, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the Commission will review and approve minutes of previous meeting; revise salary plan for banking department, savings & loan, and consumer credit department; discuss reorganization of finance commission, banking department, savings & loan, and consumer credit. Executive session will convene to discuss supervisory, litigation and personnel matters.

Contact: Ann Graham, 2601 North Lamar Boulevard, Austin, Texas 78705,(512) 479-1200.

Filed: July 18, 1989, 9:39 a.m.

TRD-8906322

Texas Cancer Council

Thursday, July 27, 1989, 11 a.m. The Board (quarterly meeting) will meet in the Board Room, 5th Floor, Doubletree Hotel, Austin. According to the agenda, the Board will review May 3, 1989 minutes, executive director's report and financial status, old business, new business, and goals and objectives of the Texas Cancer Council.

Contact: D. L. Moore, 105 West Riverside, Suite 112, Austin, Texas 78704, (512) 463-3190.

Filed: July 17, 1989, 2:37 p.m.

TRW-8906300

Daughters of the Republic of Texas

Saturday, July 15, 1989, 1 p.m. The Board of Management held an emergency meeting at 802 San Marcos, French Legation Building, Austin. According to agenda, the board discussed property to DRT office; of DRT museum artifacts; employee for DRT office; closed business; open business. The emergency status was necessary because the state architect wants to vote on DRT museum artifacts.

Contact: June Franklin Naylor

Filed: July 14, 1989, 11:25 a.m.

TRD-8906208

Texas Commission for the Deaf

Friday, July 28, 1989, 1:30 p.m. The Board for Evaluation of Interpreters (BEI) will meet in the Third Floor, Houston Community College, Business Careers Building, 1215 Holman, Houston. According to the agenda, the board will discuss election of chairperson and officers; discuss new rules proposal, BEI budget; BEI calendar; and the role of intermediary certificate holders. The executive session will review certificate recommendations, evaluations and revocations and discuss evaluation team assignments re-assignments; voting on recommendations, staff report and chairperson's report.

Contact: Larry D. Evans, 510 South Congress, Suite 300, Austin, Texas 78704, (512) 469-9891.

Filed: July 14, 1989, 3:41 p.m.

TRD-8906247

Texas Education Agency

Thursday, July 20, 1989, 9 a.m. & 1 p.m. The Commission on Standards for the Teaching Profession, Committee on Certification Programs and Requirements will meet emergency session in Room 1-110, William B. Travis Building, 1701 North Congress, Austin. According to the agenda, the Committee will have an emergency revised agenda to review requirements in reading for teacher certification. The reason for the emergency is the agency finds it is of urgent public necessity for this item to be added to the agenda to ensure the commission has an opportunity to discuss and, make recommendations to the State Board of Education at its September meeting.

Contact: Edward M. Vodicka, 1701 North Congress, Austin, Texas 78701,(512) 463-9337.

Filed: July 13, 1989, 12:52 p.m.

TRD-8906171

Employees Retirement System of Texas

Tuesday, July 25, 1989, 9 a.m. The Board of Trustees will meet in Room 401, ERS Building, 18th and Brazos, Austin. According to the summary agenda, the Board will review/approve minutes of trustee meeting; consider/act on system's equity adviser recommendations; certify to state comptroller/treasurer estimated state contribu-

tions for retirement/insurance for fiscal year 1990; consider/act on adoption of amendment to §85.7; consider/act on inclusion of health care reimbursement accounts in flexible benefits (Cafeteria Plan) Program after fiscal year 1990; discuss Medicare Catastrophic Act of 1988 and its impact on the Texas Employees Uniform Group Insurance Program; presentation of financial/membership/organization HMO information; consider/act on final adoption of proposed amendments to §§81.7(f)(3), 81.7(i), 81.7(f); canvass trustee election/announce election results; appeals of contested cases; executive director's report, executive session, and results of session; set next meeting date.

Contact: William S. Nail, 18th and Brazos, Austin, Texas, (512) 476-6431, ext.213.

Filed: July 13, 1989, 10:29 a.m.

TRD-8906167

Tuesday, July 25, 1989, 9 a.m. The Board of Trustees will meet in Room 401, ERS Building, 18th and Brazos, Austin. According to the agenda, the Board will discuss and take action on the proposed operating budget for the year ending August 31, 1990; consider and act on Hay Group exempt salary recommendations; executive session and any action resulting from the session.

Contact: William S. Nail, 18th & Brazos, Austin, Texas, (512) 476-6431 ext 213.

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

TRD-8906166

Tuesday, July 25, 1989, 9 a.m. The Board of Trustees will meet in Room 401, ERS Building, 18th & Brazos, Austin. According to the revised summary agenda, the Board will review/approve minutes of trustee meeting; consider/act on system's equity adviser recommendations; certify to state comptroller/treasurer estimated amount of state contributions for retirement/insurance for fiscal year 1990; consider/act on emergency/proposed amendments to §73.27; consider/act on adoption of amendment to §85.7; consider/act on inclusion of health care reimbursement accounts in flexible benefits (Cafeteria Plan) program after fiscal 1990; discuss Medicare Catastrophic Act of 1988 and its impact on Texas Employees Uniform Group Insurance program; presentation of financial/membership/organization HMO information; consider/act on final adoption of proposed amendments to §§81.7(f)(3), 81.7(i), 81.7(f); canvass trustee election/announce results; appeal of contested cases; executive director's report.

Contact: William S. Nail, 18th & Brazos, Austin, Texas, (512) 476-6431, ext 213.

Filed: July 13, 1989, 2:35 p.m.

TRD-8906177

Texas Employment Commission

Tuesday, July 25, 1989, 2 p.m. The Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the Commission will consider internal procedures of Commission appeals; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 30 and set date of next meeting.

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

Filed: July 17, 1989, 4:08 p.m.

TRD-8906319

Texas Department of Health

Wednesday, July 26, 1989 2 p.m. The Advisory Board of Athletic Trainers will meet in the Master Board Room, Sheraton Centre Park Hotel, Arlington. According to the summary agenda, the Board will approve minutes of previous meeting and consider: reports (executive secretary, program administrator, continuing education and test committee) proposal for decision of Kyle Leath; final adoption of rules (313.1-313.17) on general requirements and guidelines; individual appeals (extension of continuing education period, applications, expired license); New Mexico's State University Athletic Trainer Education program; Texas College of Osteopathic Medicine's request to allow student trainer's credit for hours worked in the rehabilitation/sports medicine clinic; and legislation of 71st Texas Legislature.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

Filed: July 13, 1989, 4:04 p.m.

TRD-8906181

Texas Health and Human Services Coordinating Council

Wednesday, August 2, 1989, 10 a.m. The Client Services Work Group will meet in the 7th Floor Conference Room, Sam Houston Building, Austin. According to the agenda, the group will adopt minutes, review case management definitions, case management systems issues, agency responses, old and new business.

Contact: Ilene Gray, 311-A, East 14th Street, Austin, Texas, (512) 463-2195.

Filed: July 17, 1989, 3:25 p.m.

TRD-8906303

Texas Historical Commission

Saturday, July 29, 1989, 9:30 a.m. The State Board of Review will meet in the Conference Room, Chamber of Commerce, 1000 South Polk Street, Amarillo. According to the agenda summary, the Board will make announcements, approve minutes of previous meeting and review the National Register nominations.

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas, (512) 463-6094.

Filed: July 14, 1989, 3:00 p.m.

TRD-8906224

Texas Commission on Human Rights

Tuesday, July 25, 1989, 12 noon The Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the Commission will discuss and vote on items covered in executive session, receive administrative reports, discuss 1990 worksharing agreement; 1990 EEOC charge resolution contract proposal; status of EEO compliance training; commissioner issues and unfinished business.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: July 17, 1989, 2:04 p.m.

TRW-8906299.

Industrial Accident Board

Monday, July 17, 1989, 9 a.m. The Board met in Room 107, 1st Floor, Bevington, A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the Board will hold an open meeting; approve minutes; consider proposed submission of new 28 TAC §42.110, Office Health Facility Guidelines; discuss prehearing conference in Brazos County, presentation by Assistant Attorney General on proposal to clarify respective agency authority & duties concerning second injury fund; executive session, attorney-client discussion/consideration of authority and duties of Attorney General and IAB concerning second injury fund; presentation by regional director on Houston lease; discuss/consider board rule 28 TAC § 43.5(8), notice that employer has become subscriber, requirement of employer I.D. #; discuss/consider statutory requirements of carrier notice to the insured when coverage is terminated; 1989 budget including expenditures; executive session with personnel and executive director; and review of board files in closed session.

Contact: Inez Foster, 200 East Riverside Drive, 1st Floor, Austin, Texas 78704, (512) 448-7970.

Filed: July 13, 1989, 3:01 p.m.

TRD-8906178

State Board of Insurance

Friday, July 21, 1989, 9:30 a.m. The Board will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the Board considered extension of emergency effectiveness of 28 TAC §§7.28-7.30 concerning the application of penalty and interest to the quarterly prepayment system and taxpayer election for premium tax overpayment.

Contact: Pat Wagner, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6328.

Filed: July 13, 1989, 3:02 p.m.

TRD-8906179

Monday, July 24, 1989, 9 a.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will meet with an emergency revised agenda to conduct a public hearing to consider whether disciplinary action should be taken against John Sullivan Bishop who holds a Group I, Legal Reserve Life insurance agent's license and a Local Recording agent's license. The emergency status was necessary because the docket clerk was out.

Contact: Will McCann, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526.

Filed July 17, 1989, 3:09 p.m.

TRD-8906314

Tuesday, July 25, 1989, 10 a.m. The Board will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda summary, the Board will propose amendments to 28 TAC 5.4001 and 5.4101, discuss effects of Senate Bill 255, emergency amendment & proposed amendment to 28 TAC 21.704(b). Filing by PMU Insurance Company of Incontestability Endorsement for Mortgage Guaranty Insurance Master Policy. Extension of emergency effectiveness of 28 TAC 7.1007, board orders on several different matters as itemized on the complete agenda. Pending & contemplated litigation, solvency matters and an appointment of Open Records committee.

Contact: Pat Wagner, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6328.

Filed: July 17, 1989, 3:01 p.m.

TRD-8906302

Tuesday, July 25, 1989, 1:30 p.m. The Hearing Section will meet in Room 441, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider issuance of a Certificate of Authority for Westminster Manor Health Facilities Corporation DBA/Westminster Manor, Austin, Texas under the Texas Continuing Facility Disclosure and Rehabilitation Act, §4(g).

Contact: Lisa Lyons, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 17, 1989, 3:10 p.m.

TRD-8906310

Tuesday, July 25, 1989, 1:30 p.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider whether disciplinary action should be taken against Gene Anton Johnson, Houston, Texas who holds a Group I, Legal Reserve Life Insurance agent's license.

Contact: Wendy L. Ingham, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 17, 1989, 3:10 p.m.

TRD-8906311

Wednesday, July 27, 1989, 9 a.m. The Hearing Section will meet in Room 342, 1110, San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider whether disciplinary action should be taken against William Harvey Keel, Marahal, Texas, who holds a Group I, Legal Reserve Life Insurance agent's license, a Group II, Life, Health and Accident Insurance agent's license, and a local recording agent's license issued by the State Board of Insurance.

Contact: Lisa Lyons, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 462-6526.

Filed: July 17, 1989, 3:12 p.m.

TRD-8906305

Wednesday, July 26, 1989, 1:30 p.m. The Hearing Section will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider whether disciplinary action should be taken against Andrew Derel Adams, Killeen, Texas, who holds a group I, Legal Reserve Life Insurance agent's license, a Group II, Health and Accident Insurance agent's license, a Variable Contract agent's license and a Local Recording agent's license.

Contact: Will McCann, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 17, 1989, 3:10 p.m.

TRD-8906309

Wednesday, July 26, 1989, 1:30 p.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider whether disciplinary action should be taken against Martin Arturo Lopez, El Paso, Texas, who holds a Group I, Legal Reserve Life Insurance agent's license.

Contact: Earl Corbitt, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 17, 1989, 3:11 p.m.

TRD-8906308

Friday, July 28, 1989, 9 a.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public

hearing to consider the application of Disclaimer of Control of WFC Insurance Company by Mr. & Mrs. Charles S. Temple, IV, pursuant to the Insurance Code, Articles 21.49-1., §3(i).

Contact: Lisa Lyons, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 17, 1989, 3:10 p.m.

TRD-8906312

Friday, July 28, 1989, 9 a.m. The Hearing Section will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will reopen a public hearing to consider whether disciplinary action; should be taken against Richard M. Anthony, Plano, Texas, who holds a Group I, Legal Reserve Life Insurance agent's license, a group IV, Variable Contract Insurance agent's license and a Group V, Local Recording agent's license.

Contact: Will McCann, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 17, 1989, 3:11 p.m.

TRD-8906307

Friday, July 28, 1989, 1:30 p.m. The Hearing Section will meet in Room 353, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider the renewal application of Edward D. Minihan, Arlington, Texas, who holds a Group I, Legal Reserve Life Insurance agent's license.

Contact: Wendy L. Ingram, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-5426.

Filed: July 17, 1989, 3:09.

TRD-8906313

Monday, July 31, 1989, 1:30 p.m. The Hearing Section will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the Hearing Section will conduct a public hearing to consider the application of Leonard Glen Fleming, Pampa, Texas, for a Group II, Life, Health and Accident Insurance agent's license.

Contact: O.A. Cassity, III, 1110 San Jacinto, Austin, Texas. 78701-1998, (512) 463-6526.

Filed: July 17, 1989, 3:11 p.m.

TRD-8906306

Texas Board of Irrigators

Monday-Wednesday, July 24-26, 1989, 2 p.m. The board will meet in the boardroom of Hotel Galvez, 2024 Seawall Boulevard, Galveston. According to the agenda summary, the board will consider approval of minutes; discuss procedures for administering exam; authorizing chairman to appoint advisory committee; hear status of complaints referred to attorney general; hear and consider 17 outstanding complaints sta-

tus of pending complaint investigations; request for interpretation of the exemption of maintenance persons; discuss public information presentation at the TIEA convention; report on various matters of interest.

Contact: Joyce Watson, 1700 North Congress Avenue, Austin, Texas (512) 463-7990

Filed: July 14, 1989, 4:06 p.m.

TRD-8906206

Texas Department of Labor and Standards

Thursday, July 27, 1989, 10 a.m. The Industrialized Building Code Council will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the Council will review minutes of last meeting, department updates and consider new business.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78701, (512) 463-7348.

Filed: July 13, 1989, 1:22 p.m.

TRD-8906173

Board of Law Examiners

Sunday, July 23, 1989, 1 p.m., Monday, July 24, 1989, 8 a.m. and Tuesday, July 25, 1989, 8 a.m. The Board will meet Sunday at the Radisson Plaza Hotel, 700 San Jacinto, and Monday and Tuesday at the Texas Law Center, 1414 Colorado, Austin. According to the agenda, the Board will discuss minutes of June 1989 meeting; current budget status for fiscal year 1989; discuss the July 1989, bar exam; answer questions on eligibility and special requests; conduct hearings on moral character and fitness.

Contact: Wayne E. Denton, 510 South Congress, Austin, Texas 78704, (512) 463-1621.

Filed: July 13, 1989, 4:44 p.m.

TRD-8906190

Texas State Library and Archives Commission

Thursday, August 3, 1989, 9 a.m. The Library Systems Act Advisory Board will meet in Room 314, Lorenzo de Zavala State Library and Archives Building, 1201 Brazos, Austin. According to the agenda, the board will discuss appeals from denial of system membership for failure to maintain effort; other appeals; discuss possible rule changes; amend rule 1.77 by substituting "local government support" for "local tax support" and "local government sources" for "local tax sources"; rules to implement appropriations rider to allow systems to carry over state general revenue funds; requests to change rule 1.72 to allow public libraries to charge for telefacsimile transmis-

sion; preliminary staff report on county funding of public library service and improving service to unserved and underserved areas; discuss project leadership; biennial budget guidelines for system operations grants.

Contact: Edward Siedenberg, P.O. Box 12927, Austin, Texas, (512) 463-5459.

Filed: July 14, 1989, 4 p.m.

TRD-8906246

Texas Low-Level Radioactive Waste Disposal Authority

Wednesday, July 26, 1989, 10 a.m. The Board of Directors Budget Committee will meet in Room 1-116, University of Houston at Clearlake, Bayou Building, 2700 Bay Area Boulevard, Clearlake. According to the agenda, the board will discuss fiscal year 1990 operating budget; fiscal year 1990 workplan; line item appropriations transfers.

Contact: L. R. Jacobi, Jr., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: July 17, 1989, 2:38 p.m.

TRD-8906301

Texas Department of Mental Health and Mental Retardation

Wednesday, July 26, 1989, 1 p.m. The Business and Asset Management Committee will meet in the Auditorium, Central Office, 909 West 45th Street, Austin. According to the agenda, the Committee will name a building on the campus on Vernon State Hospital, the Frankie E. Williams Patient Activity Building, name a new building on campus of Wichita Falls State Hospital, the Helen Farabee Transitional Living Unit; discuss the ASH Development plan; discuss fiscal year 1989 operating budget adjustments and fiscal year 1990-1991 operating budget. If deaf interpreters required, notify Ernest Fuentes, (512) 465-4585, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: July 14, 1989, 3:08 p.m.

TRD-8906228

Thursday, July 27, 1989, 10:30 a.m. The Personnel Committee will meet in the Auditorium, Central Office, 909 West 45th Street, Austin. According to the agenda, the Committee will consider the approval of an appointment of the Director of Rio Grande State Center. If deaf interpreters required, notify Ernest Fuentes, (512) 465-4585, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th

Street, Austin, Texas 78756.

Filed: July 14, 1989, 3:08 p.m.

TRD-8906226

Thursday, July 27, 1989, 11 a.m. The Audit Committee will meet in the Auditorium, Central Office 909 West 45th Street, Austin. According to the agenda, the Committee will adopt a new subchapter on internal audit. If deaf interpreters required, notify Ernest Fuentes, (512) 465-4585, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: July 14, 1989, 3:08 p.m.

TRD-8906225

Thursday, July 27, 1989, 1:30 p.m. The Planning and Policy Development Board will meet in the Auditorium, Central Office, 909 West 45th Street, Austin. According to the agenda, the Board will appoint a board liaison to Hogg Foundation Task Commission on Community Care of the Mentally Ill; the annual systemwide conference on MHMR will be named the Helen Farabee Conference; adopt a new subchapter governing contracts management; and one governing client abuse, neglect, and exploitation of persons in boarding homes registered by MHMRAs. If deaf interpreters required, notify Ernest Fuentes, (512) 465-4585, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: July 14, 1989, 3:08 p.m.

TRD-8906227

Friday, July 28, 1989 9 a.m. The Board of MHMR will meet in the Auditorium, Central Office, 909 West 45th Street, Austin. According to the agenda summary, the Board will take citizen's comments (limited to three minutes); approve minutes of June 9, 1989, and consider issues. If deaf interpreters required, notify Ernest Fuentes, (512) 465-4585, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756.

Filed: July 14, 1989, 3:08 p.m.

TRD-8906229

Texas Motor Vehicle Commission

Wednesday, July 26, 1989, 9:30 a.m. The Commission will meet in Suite 302, Brazos Building, 815 Brazos Street, Austin. According to the agenda summary, the Commission will adopt minutes of the June 7, 1989 meeting. Hear proposals for decision and other actions; motions for rehearing; Proposals for Decisions: Lemon Law Cases for oral argument, exceptions filed, and no argument or exceptions; agreed orders for

Approval and Entry by the commission; settlement orders; orders of dismissal; licensing and consumer complaints and review of agency budget and financial status; discussion of agency policy on deferred adjudication of advertising rules complaints.

Contact: Russell Harding, 815 Brazos, Suite 300, Austin, Texas 78701, (512) 476-3587.

Filed: July 17, 1989, 4:31 p.m.

TRD-8906320

Board of Pardons and Paroles

Monday-Friday, July 24-28, 1989, 1:30 p.m. daily except 11 a.m. on Friday The board will meet at 8610 Shoal Creek, Austin. According to the agenda summary, the board will receive, review and consider information and reports concerning prisoners/inmates and administrative releases subject to the Board's jurisdiction and initiate and carry through with appropriate action.

Contact: K. Armstrong, 8610 Shoal Creek, Austin, Texas (512) 459-2713.

Filed: July 14, 1989, 10:39 a.m.

TRD-8906202

Tuesday, July 25, 1989, 1:30 p.m. The board will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will meet to consider executive clemency recommendations and related actions (other than out of county conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; other reprieves, remissions and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: July 14, 1989, 10:39 a.m.

TRD-8906201

Texas State Board of Pharmacy

Wednesday, July 26, 1989, 1-5 p.m., Thursday, July 27, 1989, 9 a.m. to 5 p.m., Friday, July 28, 1989, 9 a.m. to 5 p.m. The Board will meet at the Barton Creek Conference Resort, 8212 Barton Club Drive, Austin. According to the agenda summary, the Board will consider: approval of minutes of May 23, 1988 meeting; internship programs; review and approval of professional services contracts; fiscal year 1990 goals and objectives; hear a presentation on the Catastrophic Health Care Act; hear reports on: University of Utah's School on Alcoholism & Drug Dependencies; TPA annual meeting; status of con-

timing education Ad Hoc Committee; discuss changes to the Texas Pharmacy Act and other drug laws, discuss Attorney General's opinion regarding briefing sessions; consider proposed rules §§291.32, 291.36, 281.51(b), 281.49, 281.50 and 281.24; election of officers for fiscal year 1990; consider and act on proposed agreed board orders; consider proposal to revise and update strategic plan, executive session to discuss pending litigation & personnel matters. Hear fiscal report for fiscal year 1990-91 & consider proposed budget for fiscal year 1990 for approval.

Contact: Fred S. Brinkley, Jr., 8505 Cross Park Drive, #110, Austin, Texas 78754, (512) 832-0661.

Filed: July 17, 1989, 11:07.

TRD-8906290

Texas Racing Commission

Sunday, July 16, 1989, 8 a.m. The Commission met in an emergency session in the 3rd Floor Auditorium, First State Bank Building, 400 West 15th Street, Austin. According to the agenda, the Commission considered proposals of South Texas Racing Association regarding the Class 2 racetrack license of La Bahia Downs. The emergency status was necessary to expedite the receipt of state revenue from pari-mutuel racing by addressing concerns of Class 2 licensees.

Contact: Paula Carter, 400 West 15th Street, Austin, Texas 78701, (512) 476-7223.

Filed: July 14, 1989, 8 a.m.

TRD-8906188

Sunday, July 16, 1989, 8 a.m. The commission submitted an emergency revised agenda for the meeting held in Third Floor Auditorium, First State bank Building, 400 West 15th Street, Austin. According to the agenda, the commission also considered motion for extension of time to file a reply to Randall park's motion for hearing; vote. The emergency status was necessary to clarify all issues relating to Class II applicants.

Contact: Paula Carter, 400 West 15th Street Austin, Texas 78701, (512) 476-7223.

Filed: July 14, 1989, 2:09 p.m.

TRD-8906223

Railroad Commission of Texas

Monday, July 24, 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, procedures, and personnel matters; development of a natural gas clearinghouse that would match companies that need gas to fuel new plants with producers that have gas to sell-possible action.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: July 14, 1989, 11:27 a.m.

TRD-8906215

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 12967, Austin, Texas 78711, (512) 463-7251.

Filed: July 14, 1989, 11:34 a.m.

TRD-08906209

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. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel.

Contact: Cril Payne, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7274.

Filed: July 14, 1989, 11:34 a.m.

TRD-08906210

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 12967, Austin, Texas 78711, (512) 463-6787.

Filed: July 14, 1989, 11:34 a.m.

TRD-08906211

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 12967, Austin, Texas 78711, (512) 463-6828.

Filed: July 14, 1989, 11:26 a.m.

TRD-08906218

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 including the following matters: cause 463,306 Parkway Transport Inc., et al. v. Railroad Commission of Texas. Report to commission on gas storage.

Contact: Cue Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: July 14, 1989, 11:26 a.m.

TRD-08906216

The commission will consider and act on the LP Gas Division director's report on division administration, budget, procedures, and personnel matters. Consideration of proposal for public comment amendment to §13.13 and proposed new §13.100 pertaining to the regulations for compressed natural gas of the Liquefied Petroleum Gas Division of the commission.

Contact: Meredith Kawaguchi, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7009.

Filed: July 14, 1989, 11:26 a.m.

TRD-08906214

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 of date.

Contact: Andy Taylor, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6924.

Filed: July 14, 1989, 11:26 a.m.

TRD-08906217

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 of the Natural Gas Policy Act of 1978.

Contact: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: July 14, 1989, 11:35 a.m.

TRD-08906221

The commission will consider and act on the OIS/ORSA director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schiable, Austin, Texas (512) 463-6710.

Filed: July 14, 1989, 11:28 a.m.

TRD-8906213

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, re-

assignment, duties, discipline, and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: July 14, 1989, 11:30 a.m.

TRD-08906212

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: J. Randal (Jerry) Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6900.

Filed: July 14, 1989, 11:26 a.m.

TRD-08906219

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. Consideration of a declaratory order to interpret the certificates listed in Appendix A.

Contact: Raymond Bennett, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: July 14, 1989, 11:36 a.m.

TRD-08906222

State Securities Board

Tuesday, July 25, 1989, 9:30 a.m. The Board will meet in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the Board will read minutes of the January 13, 1989 meeting, propose new rules, discuss recent legislation affecting the agency, discuss new business items for subsequent meetings and general updates with reports from division directors and the securities commissioner.

Contact: Richard D. Latham, 1800 San Jacinto, Austin, Texas, (512) 474-2233.

Filed: July 17, 1989, 1:40 p.m.

TRD-8906295

Tuesday, August 1, 1989, 10 a.m. The board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will discuss whether the registration of Power Securities Corporation as a securities dealer should be revoked or suspended; registration of Richard T. Marchese

as the registered principal of Power Securities Corporation should be revoked or suspended; registration of Jeremy S. Cohen as a registered agent should be revoked or suspended.

Contact: John Morgan, 1800 San Jacinto Street, Austin, Texas 78701.

Filed: July 14, 1989, 4:09 p.m.

TRW-8906249

Stephen F. Austin State University

Monday, July 24, 1989, 9 a.m. The Board of Regents will meet at the Boral Henderson Clay Products Lodge, Huxley Bay. According to the agenda summary, the Board will approve minutes; faculty/staff appointments for the summer, 1989; change status for summer, 1989; consider annual faculty/staff appointments; faculty/staff appointments for 1989-90' change of status for 1989-90' retirements; tenure; revision of policy regarding alcoholic beverages and illegal drugs; holiday schedule; last class day report; underenrolled class report; faculty development leaves for fall, 1989; parking and traffic regulations and information; Education Opportunity Plan' addition to the Rules of Procedure in student disciplinary matters; approval of Annual Budget for fiscal year 1990; selection of financial depositories; authorization to sign vouchers and checks; authorization to approve travel requests; authorization to approve Regents travel; approval of utility/electrical easement; approval of construction and right-of-way easement; contracts for architectural services for miscellaneous projects; concession renovation and equipment purchase; purchase of replacement vehicles for Biology and Geology; purchase of replacement vehicles for University Motor Pool; consideration of a resolution to approve an amendment to Housing System Revenue Bonds; annual renewal of food service agreement; review of construction bids for Carolyn Street parking lot; budget for Carolyn Street parking lot; installation of chairback seating in Coliseum; authorization to provide additional landscaping improvements and playground equipment for Early Childhood Laboratory; change order for Wisely Hall; naming of university buildings; university advancement item-report of sale of stock; resolution of the board, executive session.

Contact: William R. Joinson, P.O. Box 6078 SFA, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: July 17, 1989, 19:47 a.m.

TRD-8906291

University of Texas System, M.D. Anderson Cancer Center

Tuesday, July 18, 1989, 10 a.m. The Institutional Animal Care and Use Committee met in Room AW7.707, 7th Floor, M. D. Anderson Cancer Center, 1515 Holcombe Boulevard, Houston. According to the summary agenda, the Committee reviewed protocols for animal care and use and modifications thereof.

Contact: Arthur H. Dilly, P.O. Box N, UT Station, Austin, Texas 78713-7328, (512) 499-4402.

Filed: July 13, 1989, 1:15 p.m.

TRD-8906172

University of Texas Health Science Center at San Antonio

Wednesday, July 17, 1989, 3 p.m. The Institutional Animal Care and Use Committee met in Room 4.320R, Dental Dean's Conference, 7703 Floyd Curl Drive, San Antonio. According to the agenda, the Committee approved minutes of June 21, 1989, protocols for review, subcommittee reports and other business.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas, (512) 567-3717.

Filed: July 13, 1989, 4:33 P.M.

TRD-8906187

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.

Monday, July 24, 1989, 9 a.m. The Hearings Division will consider Docket 8922--Appeal of Gulf States Utilities Company from rate proceeding of the City of Conroe.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 14, 1989, 4:18 p.m.

TRD-8906250

Monday, July 24, 1989, 10 a.m. The Hearings Division will consider Docket 8900--petition for a reconciliation of the fuel costs of Southwestern Electric Power Company.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 14, 1989, 3:14 p.m.

TRD-8906231

Tuesday, July 25, 1989, 10 a.m. The Hearings Division will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According

to the agenda, the Hearing Division will hold a prehearing conference for Dockets Nos. 8660, 8684, and 8719: application of Alenco Communications, Inc. to amend certificate of Convenience and Necessity within Webb County; application of Southwestern Bell Telephone Company to amend Certificate of Convenience and Necessity within Webb County, and application of Valley Telephone Cooperative, Inc. to amend certificate of Convenience and Necessity with Webb County.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78756, (512) 458-0100.

Filed: July 17, 1989, 3:12 p.m.

TRD-8906304

Friday, September 8, 1989, 10 a.m. The Hearings Division will consider Docket 8833—application of Jackson Electric Cooperative, Inc. for a new Off-Peak Service Offering.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 14, 1989, 3:14 p.m.

TRD-8906230

Texas Water Commission

Thursday, July 27, 1989, 1 p.m. The Hearing Examiners will meet in Room 118, Stephen F. Austin Office Building, 1700 North Congress, Austin. According to the agenda summary, the Board will consider whether two emergency orders should be issued to the City of Port Neches, 634 Avenue C, Port Neches, Texas 77651. The TWC originally heard these matters on June 13 and 15, 1989, and has remanded to applications to the Office of Hearings Examiners for an expedited hearing.

Contact: John J. Vary, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 17, 1989, 11:02 a.m.

TRD-8906289

Thursday, August 3, 1989, 10 a.m. The Office of Hearings Examiners will meet in Room 119, Stephen F. Austin Office Building, 1700 North Congress, Austin. According to the agenda summary, the Hearing Examiners rescheduled this meeting from July 24, 1989 to hear an application by the City of Hudson Oaks for transfer of a water certificate of convenience and necessity from LOR Water Service, Inc. - Docket No. 8005-S.

Contact: Kerry Sullivan, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 14, 1989, 11:26 a.m.

TRD-8905207

Tuesday, August 29, 1989, 10 a.m. The Commission will meet in Room 118,

Stephen F. Austin Office Building, 1700 North Congress, Austin. According to the summary agenda the Commission will have a revised agenda to consider Texas Parks and Wildlife Department, Application No. 5244, the applicant seeks to construct a dam and an 84 acre-foot reservoir with a surface area of 260 acres on Redfish Bayou, tributary of the San Bernard River, Brazos-Colorado Coastal Basin, Brazoria County, Texas for a game preserve (wetland habitat) at applicant's Peach Point Wildlife Management Area, approximately 18 miles south of Angleton, Texas.

Contact: Rick Airey, P.O. Box 13087, Austin, Texas 78711, (512) 463-8151.

Filed July 14, 1989, 4:08 p.m.

TRD-8906248

Regional Meetings

Meetings Filed July 13, 1989

The Alamo Area Council of Governments, Budget and Workplan Committee will meet in Suite 400, 118 Broadway, San Antonio, July 25, 1989, at 2 p.m. Information may be obtained from Al J. Norzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Alamo Area Council of Governments, Judges of the Alamo Service Delivery Area will meet in Suite 400, 118 Broadway, San Antonio, July 26, 1989, at 12 noon. Information may be obtained from Al J. Norzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Alamo Area Council of Governments, Executive Committee will meet in Suite 400, 118 Broadway, San Antonio, July 26, 1989, at 1 p.m. Information may be obtained from Al J. Norzon III, 118 Broadway, Suite 400, San Antonio, Texas 77205, (512) 225-5201.

The Bastrop County Appraisal District, Board of Directors met at the Bastrop County Appraisal District Office, 1200 Cedar Street, Bastrop July 20, 1989, at 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Central Appraisal District of Johnson County, Board of Directors met in Room 202, Suite 201, 109 North Main, Cleburne, July 20, 1989, at 4:30 p.m. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (817) 645-3987.

The Comal Appraisal District, Board of Directors met at 430 West Mill Street, New Braunfels, July 17, 1989, at 7:30 p.m. Information may be obtained from Pat S. Fox, P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Dewitt County Appraisal District, Appraisal Review Board met at the Dewitt

County Appraisal Office, 100 Dallas Street, Cuero, July 20, 1989, at 9 a.m. Information may be obtained from John Halburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The El Oso Water Supply Corporation, Board of Directors held an emergency meeting in their office in Karnes City, July 14, 1989, at 7:30 p.m. Information may be obtained from Hilmer Wagener, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539.

The Gonzales County Appraisal District, Appraisal Review Board met at 928 St. Paul Street, Gonzales, July 17, 1989, at 9 a.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gonzales County Appraisal District, met at 928 St. Paul Street, Gonzales, July 18, 1989, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gonzales County Appraisal District, Appraisal Review Board met at 928 St. Paul Street, Gonzales, July 19, 1989, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629 (512) 672-2879.

The Gonzales County Appraisal District, Appraisal Review Board met at 928 St. Paul Street, Gonzales, July 20, 1989, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Henderson County Appraisal District, Appraisal Review Board met at 1751 Enterprise, Athens, July 18, 1989, at 2 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas, (214) 675-9296.

The Leon County Central Appraisal District, Appraisal Review Board met in the Gresham Building, Leon County Central Appraisal District office, Centerville, July 17, 1989, 8:30 a.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Limestone County Appraisal District, Board of Directors met in the Meeting Room, Limestone County Courthouse, Groesbeck, July 19, 1989, at 5 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

The Mason County Appraisal District, Board met at 206 Ft. McKavitt Street, Mason, July 19, 1989, at 6 p.m. Information may be obtained from Neal Little, 206 Ft. McKavitt Street, Mason, Texas, (915) 347-5989.

The North Texas Municipal Water District, Board of Directors will meet at the Administrative Office, 505 East Brown Street, Wylie, July 27, 1989, at 4 p.m.

Information may be obtained from Carl W. Rhiba, Drawer C, Wylie, Texas 75098, (214) 442-5405.

The San Antonio River Authority, Board of Directors met in SARA General Office, 100 East Gusman Street, San Antonio, July 19, 1989, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0028, (512) 227-1373.

The Tarrant Appraisal District, Appraisal Review Board met at 2309 Gravel Road, Ft. Worth, July 17, 1989 at 8:30 a.m. Information may be obtained from Vernon Evans, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

TRJ-898906168

Meetings Filed July 14, 1989

The Atascosa County Appraisal District, Board of Directors met at 1010 Zanderson Avenue, Jourdanton, July 20, 1989, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson Avenue, Jourdanton, Texas 78026, (512) 769-2730.

The Austin Travis County MHMR Center, Board of Trustees met at the Austin Crest Hotel, Congress & First Street, Austin, at 7:30 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3538, Austin, Texas 78764-3548, (512) 447-4141.

The Burnet County Appraisal District, Appraisal Review Board met at 215 South Pierce, Burnet, July 20, 1989, at 9 a.m. Information may be obtained from Melissa Cude, Drawer E, Burnet, Texas 78611

The Cass County Appraisal District, Board of Directors met at 400 North Main Street, Linden, July 17, 1989, at 7 p.m. Information may be obtained from Janelle Clements, Box 115C, Linden Texas 75563, (214) 756-7545.

The Cass County Appraisal District, Appraisal Review Board met at 400 North Main, Linden, July 20, 1989, at 9 a.m. Information may be obtained from Janelle Clements, Box 1150, Linden, Texas 75563, (214) 756-7545.

The Dallas Area Rapid Transit, Procurement Ad Hoc Committee met at 601 Pacific Avenue, Dallas, July 18, 1989, at 10 a.m. Information may be obtained from Nancy McKethan 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit, Minority Affairs Committee met 601 Pacific Avenue, Dallas, July 18, 1989, 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit, Budget and Finance Committee met at 601 Pacific

Avenue, Dallas, July 18, 1989, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit, met at 601 Pacific Avenue, Dallas, July 18, 1989, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Central Appraisal District, Appraisal Review Board met in Suite 500, 1420 West Mockingbird Lane, Dallas, July 20, 1989, at 10 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The Golden Crescent Regional Review Committee, Committee will meet in the OCRPC Board Room, Building 102, Regional Airport, Victoria, July 26, 1989, 1 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Gray County Appraisal District, Appraisal Review Committee met at 815 North Sumner, Pampa, July 18, 1989, at 1:30 p.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79006-0836, (806) 665-0791.

The Grayson Appraisal District, Appraisal Review Board met at 204 North Travis, Sherman, July 17-19, 1989, at 9 a.m. Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Grayson Appraisal District, Grayson Appraisal Board will meet at 205 North Travis, Sherman, July 27 & 28, 1989, at 9 a.m. Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Hale County Appraisal District, Board of Directors met at 302 West 8th Street, Plainview, July 20, 1989, at 7:30 p.m. Information may be obtained from Linda Jaynes, 302 West 8th Street, Plainview, Texas 79072, (806) 293-4226.

The Heart of Texas Region MHMR, Board of Trustees met at 110 South 12th Street, Waco, July 20, 1989, at 11:45 a.m. Information may be obtained from Helen Jasso, 110 South 12th Street, Waco, Texas 76701, (817) 752-3451.

The Jack County Appraisal District, Board of Directors met at 216-D South Main, Los Creek Office Building, Jacksboro, July 18, 1989, 7 p.m. Information may be obtained from Gary L. Zeitler or Donna E. Hartzell, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Jack County Appraisal District, Board of Directors met at 216-D South Main, Jacksboro, July 18, 1989, at 7 p.m. Information may be obtained from Gary L. Zeitler or Donna E. Hartzell, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Kendall County Appraisal District, Appraisal Review Board will meet on the 2nd Floor, Grand Jury Room, Kendall County Courthouse, 204 East San Antonio Street, Boerne, July 27-28, 1989, 9 a.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lamb County Appraisal District, Board of Directors met in the Board Meeting Room, 331 Littlefield Drive, Littlefield, July 20, 1989, at 8 p.m. Information may be obtained from Murlene J. Godfrey, P.O. Box 552, 330 Phelps Avenue, Littlefield, Texas 79339-0552, (806) 385-6474.

The Lampasas County Appraisal District, Budget Committee met at 109 East Fifth, Lampasas, July 18, 1989, at 9 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lampasas County Appraisal District, Board of Directors will meet at 109 East Fifth, Lampasas, July 26, 1989, at 9 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lavaca County Central Appraisal District, Appraisal Review Board will meet at the Lavaca County Central Appraisal District Office at 113 North Main, Hallettsville, July 28, 1989, at 10 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Liberty County Central Appraisal District, Board of Directors met for an emergency meeting at 1820 San Houston, Liberty, July 17, 1989, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575.

The Lower Colorado River Authority, Board of Directors met at 3700 Lake Austin Boulevard, Austin, July 19, 1989, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority The Planning and Public Policy Committee met at 3700 Lake Austin Boulevard, Austin, July 19, 1989, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Natural Resources Committee met at 3700 Lake Austin Boulevard, Austin, July 19, 1989 at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Energy Operations Committee met at 3700 Lake Austin Boulevard, July 19, 1989 at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake

Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Finance and Administration Committee met at 3700 Lake Austin Boulevard, Austin, July 19, 1989, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Audit and Budget Committee met at 3700 Lake Austin Boulevard, Austin, July 19, 1989, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority, Board of Directors met at 3700 Lake Austin Boulevard, Austin, July 20, 1989 at 8:30 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3250.

The Texas Municipal League (Risk & Insurance Management Services), Executive Committee met in the Sheraton Beach Resort, South Padre Island, July 20, 1989, at 10 a.m. Information may be obtained from Rhonda Ruckel, 211 East 7th Street, Suite, 1020, Austin, Texas 78701, (512) 478-6601

The Texas Municipal League (Risk & Mortgage Management Services), Budget and Audit Committee met at the Sheraton Beach Resort, South Padre Island, July 20 1989 at 9 a.m. Information may be obtained from Rhonda Ruckel, 211 East 7th Street, Suite 1020, Austin, Texas 78701, (512) 478-6601.

The Texas Municipal League (Risk & Insurance Management Services) The Kerat Committee met at the Sheraton Beach Resort, South Padre Island, July 20, 1989, at 1 p.m. Information may be obtained from Rhonda Ruckel, 211 East 7th Street, Suite 1020, Austin, Texas 78701, (512) 478-6601.

The Texas Municipal League (Risk & Insurance Management Services), Board of Trustee, Insurance Trust Fund, met at the Sheraton Beach Resort, South Padre Island, July 21-22, 1989, at 9 a.m. Information may be obtained from Rhonda Ruckel, 211 East 7th Street, Suite 1020, Austin, Texas 78701, (512) 478-6601.

The West Central Texas Council of Governments, Private Industry Council met at Midwestern State University, Wichita Falls, July 212, 1989, at 11 a.m. Information may be obtained from Teresa J Haas, P. O. Box 3195, Abilene, Texas 79604.

TRD-8906189

Meetings Filed July 17, 1989

The Bexar Appraisal District, Appraisal

Review Board met at 535 South Main, San Antonio, July 20, 1989, at 10 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Central Appraisal District of Johnson County, Appraisal Review Committee will meet in Room 202, Suite 201, 109 North Main, Cleburne, July 28, 1989, at 9 a.m., until all hearings are heard. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (817) 645-3987

The Central Plains MHMR Center, Board of Trustee, met at 208 South Columbia, Plainview, July 20, 1989, at 6:30 p.m. Information may be obtained from Rich Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636

The Central Texas Council of Governments, Central Texas Private Industry Council will meet at 302 Central, Belton, July 27, 1989, at 10 a.m. Information may be obtained from Shelly Hottl, 100 South East Street, Belton, Texas 76513.

The Central Texas Council of Governments, Executive Committee will meet at 302 East Central, Belton, July 27, 1989, at 12:30 p.m. Information may be obtained from A.C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Deep East Texas Regional MHMR Services, Board of Trustees will meet in the Administration Facility, Ward R. Burke Community Room, 4101 South Medford Drive, Lufkin, July 24, 1989, at 4 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Harris County Appraisal District, Board of Directors met on the 8th Floor, 2800 North Loop West, Houston, July 19, 1989, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292-0975, (713) 957-5291.

The Heart of Texas Council of Governments, Heart of Texas Private Industry Council met in the HOTCOG Conference Room, 320 Franklin Avenue, Waco, July 20, 1989, at 5:30 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2297, (817) 756-6631.

The Hickory Underground Water Conservation District, Board and Advisors met in the District Office at 2005 Old Nine Road, Brady, July 20, 1989, at 7 p.m. Information may be obtained from Vickie Roddie, Box 1214, Brady, Texas 76825, (915) 597-2785.

The Northeast Texas Municipal Water District, Board of Directors will meet on Highway 250, South, Hughes Springs, July 24, 1989, 10 a.m. Information may be obtained from J. W. Dean, Box 955, Hughes Springs, Texas 75656, (214) 639-7538.

The Fort Worth North Regional Planning Commission, Board of Directors met at the Andrews County Club, Andrews, July 19, 1989 for an emergency meeting, at 1:30 p.m. Information may be obtained from Terri Moore, P. O. Box 6391, Midland, Texas 79711, (915) 563-1061.

The San Antonio-Bexar County Metro Planning Organization, Steering Committee will meet in the Basement Conference Room, San Antonio City Hall, San Antonio, July 24, 1989, at 1:30 p.m. Information may be obtained from David F. Pearson, Room 101, Bexar County Courthouse, San Antonio, Texas 78205-3002, (512) 227-8651.

The Tyler County Appraisal District, Appraisal Review Board met at 806 West Bluff, Woodville for an emergency meeting, July 18, 1989, at 9 a.m. Information may be obtained from Linda Lewis, P. O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Tyler County Appraisal District, Board of Directors will meet at 806 West Bluff, Woodville, July 24, 1989, at 5:30 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The West Central Texas Municipal Water District, Board will meet in Suite 300, 401 Cypress Street, Abilene, July 27, 1989, at 9 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

The Wheeler County Appraisal District, Board of Directors will meet in the District's Office, County Courthouse Square, Wheeler, August 9, 1989, 2 p.m. Information may be obtained from Bobby Jennings or Jeanine Horton, P.O. Box 1200 Wheeler, Texas 79096, (806) 826-5900.

The Wheeler County Appraisal District, Board of Directors will meet in the District's Office, County Courthouse Square, Wheeler, August 9, 1989, at 3 p.m. Information may be obtained from Bobby Jennings or Jeanine Horton, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900.

The Wood County Appraisal District, Appraisal Review Board met in the Conference Room, Wood County Appraisal District, 217 North Main, Quitman, July 18, 1989, at 9 a.m. Information may be obtained from W. Caron Wages, 217 North Main, Quitman, Texas.

TRD-8906251

In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board Notice of Public Hearing

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act, Article 4477-5, §3.09; 40 Code of Federal Regulations 51.102 of the Environmental Protection Agency (EPA) Regulations concerning the public hearing requirements for State Implementation Plans; the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and the Texas Air Control Board (TACB) Procedural Rules, §103.11(4), the TACB will conduct public hearings to receive testimony on proposed changes to TACB Regulation V, concerning Control of Air Pollution from Volatile Organic Compounds (VOC).

The proposed changes are primarily intended to satisfy EPA requirements for Phase I of the Post-1987 State Implementation Plan revisions for ozone. These changes include measures to improve the enforceability of Regulation V in affected areas of Texas. The TACB is also proposing a comprehensive restructuring of Regulation V to promote greater clarity and to eliminate inconsistencies resulting from numerous independent revisions over the past several years. This new Regulation V is anticipated to result in more effective and consistent enforcement of VOC control measures. Since the proposed changes are extensive, the TACB has determined that it would be administratively more efficient to propose the repeal of Chapter 115 in its entirety and concurrently to add a new Chapter 115.

Substantive changes to satisfy EPA requirements for the Post-1987 SIP revision include the following provisions: EPA approved test methods to determine compliance with applicable controls or emission limits; specified recordkeeping requirements in certain non-attainment counties; inspection requirement clarification to improve enforceability; requirement for initial compliance testing within 180 days after any future compliance deadline; and clarifying language that executive director approval of alternate control requirements does not constitute final approval in cases where EPA approval is required.

In addition, the proposed changes to Regulation V include controls on the volatility of gasoline marketed in the Dallas/Fort Worth Consolidated Metropolitan Statistical Area (CMSA) to satisfy a commitment in the Post-1982 SIP revision. These controls will limit the Reid vapor pressure of gasoline in the nine county CMSA to no more than 9.0 psia (62.0 kPa) between May 1 and September 16 of each year.

Public comments, both oral and written, on the proposals are invited at the following public hearings: August 15, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin, August 15, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston, August 16, 1989, 7 p.m., City Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; August 17, 1989, 4 p.m., Community

Room, Arlington Public Library, Arlington.

Hearings are structured for the receipt of narrative comments. Interrogation or cross-examination is not permitted, although a TACB staff member will be available to answer questions informally. Persons desiring to testify at the hearing should examine the materials on file beforehand and have prepared statements for presentation at the hearing.

Written comments not submitted at a hearing may be submitted through 4 p.m. on August 18, 1989. Comments received by that time at the TACB central office in Austin will be considered prior to any final decision on the proposed revisions. Five copies of all written comments are requested.

Copies of the proposal are available for inspection at the central office of the TACB located at 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. For further information, call Pier Bartow at (512) 451-5711.

Issued in Austin, Texas on July 5, 1989.

TRD-8906269 Allen Eli Bell
Executive Director
Texas Air Control Board

Filed: July 17, 1989

For further information, please call (512) 451-5711, Ext. 354

Texas Department of Banking Notice of Hearing

The hearing officer of the State Banking Department will conduct a hearing regarding the cancellation of the permit of Cox Funeral Home, Harlingen, to sell prearranged or prepaid funeral services or merchandise. The hearing will be held on July 25, 1989, at 10 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 July 13, 1989.

TRD-8906236 Ann Graham
General Counsel
Texas Department of Banking

Filed: July 14, 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, June 26, 1989-July 7, 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 July 7, 1989: \$48,251,166.

Total amount of state ceiling remaining unreserved for the

\$209,812,500 subceiling for state-voted issues under the Act as of July 7, 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 July 7, 1989: \$2,500.

Total amount of the \$839,250,000 state ceiling remaining unreserved as of July 7, 1989: \$213,066,166.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from June 26, 1989-July 7, 1989: Texas Housing Agency, eligible borrowers, qualified mortgage bonds, \$45 million.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from June 26, 1988-July 7, 1989: none.

Issued in Austin, Texas, on July 11, 1989.

TRD-8908147

J. William Lauderback
Executive Director
Texas Department of Commerce

Filed: July 12, 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).

Type of Rate Ceilings	Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ /Agri-cultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/17/89-07/23/89	18.00%	18.00%
Monthly Rate Art. 1.04(c)(1)	07/01/89-07/31/89	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/89-09/30/89	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	07/01/89-09/30/89	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	07/01/89-09/30/89	17.31%	N.A.

Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	07/01/89-09/30/89	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	07/01/89-09/30/89	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:	07/01/89-09/30/89	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	07/01/89-07/31/89	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 July 10, 1989.

TRD-8908208 Al Endsley
Consumer Credit Commissioner

Filed: July 14, 1989

For further information, please call: (512) 479-1280

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**Office of the Governor, Criminal
Justice Division**
Crime Stoppers Program Certification

Under the provisions of Senate Bill 85 and Senate Bill 149 (71st Legislature, Regular Session), all local crime stoppers programs that plan to receive and expend court generated fees under the provisions of the two bills must be certified by the Texas Crime Stoppers Advisory Council. A local crime stoppers program must not accept any court generated fees until that program has been certified. This provision takes effect immediately.

An application for certification may be obtained by con-

tacting the Texas Crime Stoppers Advisory Council, Office of the Governor, Criminal Justice Division, P.O. Box 12428, Austin, Texas 78711, (512) 463-1784, Attention: David M. Cobos.

Issued in Austin, Texas on July 12 1989.

TRD-8906164 David R. Millard, III
Assistant General Counsel
Office of the Governor, Criminal Justice
Division

Filed: July 13, 1989

For further information, please call (512) 463-1919

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Texas Department of Human Services
Notice of Consultant Contract
Amendment

The Texas Department of Human Services (TDHS), in accordance with the provisions of Texas Civil Statutes, Article 6252-11c, files this notice of an amended consultant contract. On December 1, 1988, Science Management

Corporation, 6401 Golden Triangle Drive, #300, Greenbelt, Maryland 20770 entered into a contract with TDHS to provide analysis and programming services to upgrade the current automated position assistance services claims processing system. Notice of the consultant contract award was published in the December 9, 1988, issue of the *Texas Register* (13 TexReg 6124). Notice is hereby given that the contract is being amended by extending the expiration date to September 30, 1989, and by increasing the total contract price by \$12,480. The amendment was based upon delays in providing information to the consultant and additional claims of processing related tasks to be completed by the contractor.

Issued in Austin, Texas, on July 14, 1989.

TRD-8908235 Charles Stevenson
Acting Commissioner
Texas Department of Human Services

Filed: July 14, 1989.

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

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 name change of John Alden Life Insurance Company, a foreign life insurance company. The home office is in Miami, Florida. The proposed new name is Western Diversified Casualty Insurance Company.
2. Application for name change of John Alden Life Insurance Company, a foreign life insurance company. The home office is in Miami, Florida. The proposed new name is John Alden Insurance Company.
3. Application for name change by Lincoln National Health Insurance Company, a foreign life insurance com-

pany. The home office is in Indianapolis, Indiana. The proposed new name is SantaFe Insurance Company.

4. Application for name change by Penn Diversified Insurance and Annuity Company, a foreign life insurance company. The home office is in Jefferson City, Missouri. The proposed new name is American Financial Security Life Insurance Company.

Issued in Austin, Texas, on July 13, 1989.

TRD-8908170 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 13, 1989

For further information, please call (512) 463-8327.

Texas State Library and Archives Commission Consultant Contract Reports

Senate Bill 737 of the 65th Texas Legislature (Texas Civil Statutes, Article 6252-11c) requires state agencies and regional councils of governments to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, the Act directs the contracting agencies to file copies of the resulting reports with the Texas State Library. The library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Below is a list of reports received for the 2nd quarter of 1989. The reports may be examined in Room 300, Texas State Library, 1201 Brazos Street, Austin

Agency: Employees Retirement System
Consultant: Peat Marwick Main & Company
Title: Report on Agreed Upon Procedures Applied to the Insurance Carrier's Operations Regarding the Texas Employees Uniform Group Insurance Program.

Agency: Office of the State Auditor. Audits of State Agencies
Consultant: National State Auditors Association
Title: Quality Assessment Review of the Office of the State Auditor. 1988FY.

Agency: Savings and Loan Department
Consultant: Deloitte, Haskins and Sells
Title: Texas Savings and Loan Department Plan, 2 vols.

Agency: Texas Education Agency
Consultant: Decision Information Resources, Inc.
Title: Evaluation of Regional Planning for Occupational Education and Training to Support Economic Development.
Consultant: Jim M. Henderson
Title: Art Education, Planning for Teaching and Learning.

Agency: Texas Tech University
Consultant: Telecommunications International, Inc.
Title: Telecommunications System: Proposal Evaluation Process. Final Report.

Agency: Water Commission
Consultant: Roy F. Weston, Inc.
Title: Texarkana Wood Preserving Co., Superfund Site: Remedial Investigation Report.

Issued in Austin, Texas, on July 11, 1989.

TRD-8908140

Raymond Hit
Assistant Director
Texas State Library and Archives
Commission

Filed: July 12, 1989

For further information, please call (512) 463-5440

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Texas Medical Disclosure Panel
Texas Medical Disclosure Panel Medical
Treatment and Surgical Procedures

The Medical Liability and Insurance Improvement Act, Texas Civil Statutes, Article 4590i, §6.04, requires the Texas Medical Disclosure Panel to prepare lists of medical treatments and surgical procedures which physicians and health care providers are required to disclose or not dis-

§601.1. Procedures Requiring Full Disclosure (List A). The following treatments and procedures require full disclosure by the physician or health care provider to the patient or person authorized to consent for the patient.

1. - 16. (No change.)
17. Psychiatric Procedures.

1. Electroconvulsive therapy with modification by intravenous muscle relaxants and sedatives.

1. Memory changes of events prior to, during, and immediately following the treatment.

2. Fractures or dislocations of bones.

3. Significant temporary confusion requiring special care.

Issued in Austin, Texas, on July 14, 1989.

TRD-8908188

James H. Duke, Jr.
Chairman
Texas Medical Disclosure Panel

Filed: July 14, 1989.

For further information, please call: (512) 458-7245

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Texas Board of Pardons and Paroles
Announcement of Pilot Program—Joint
Venture: State and County or City

The Texas House Board of Pardons and Paroles (BPP) has been authorized under House Bill 2335, §4.19, Amendment—Work Programs, to enter into a contractual agreement with a municipality (county or city) for a 500-bed work program facility.

BPP is authorized to transfer to a work program facility eligible inmates from the Texas Department of Corrections (TDC) or inmates from county jails, if those inmates are more than one year but less than two years from parole eligibility. Under law, facility residents will be those whose recorded places of residence are within 100 miles of the facility location.

close to patients or persons authorized to consent for the patients. In compliance with the Act, the panel has prepared List A, covering treatments and procedures which are required to be disclosed, and List B, covering treatments and procedures which are not required to be disclosed. The lists are adopted by reference in 25 TAC §601.1 and §601.2.

Article 4590i also requires the panel to publish the lists, and amendments to them, in the *Texas Register*. In the June 13, 1989, issue of the *Texas Register* (14 TexReg 2962), the panel proposed amendments to List A. Further information about the proposed amendment is contained in the proposed rule section of the June 13, 1989, issue of the *Texas Register* (14 TexReg 2941).

The panel now has adopted the amendment to List A with a change to the proposed text as published in the June 13, 1989 issue of the *Texas Register* (14 TexReg 2962.) The change is in §17.1.2 of List A. List A as amended now reads: Medical Treatment and Surgical Procedures Established by the Texas Medical Disclosure Panel.

The facility must be secure and be owned or leased by the municipality. The contracting municipality will be responsible for selecting a vendor to operate the facility. The vendor selected by the municipality must provide on-site rehabilitative programs and employment for the facility residents.

To secure or pay certificates of obligation, the municipality may pledge all or part of the revenues received from the BPP contract. The certificates of obligation must be payable solely from, and secured solely by, these revenues.

Municipalities interested in establishing a work program facility should contact James Poland, Director, or Martha McLane, Assistant Director, Community Services Division, Texas Board of Pardons and Paroles, (512) 459-2737.

Interested municipalities will be required to submit a formal bid to BPP no later than August 24, 1989.

Issued in Austin, Texas on July 12, 1989.

TRD-8908180

William Brooks
Acting Executive Director
Board of Pardons and Paroles

Filed: July 12, 1989

For further information, please call (512) 459-2708

Texas Parks and Wildlife Department Notice of Public Hearing

Notice is hereby given that Matagorda County-Palacios Seawall Commission whose address is 310 Main, Palacios, Matagorda County, on July 3, 1989, filed an application with the Texas Parks and Wildlife Commission for a sand, gravel, and marl permit to excavate material from the bed of the Tres Palacios River adjacent to the property of Mary S. Sturckan. The purpose of the project is to compensate for wetlands filled incidental to shoreline stabilization nearby on River Road. The project is located on the East Bank of the Tres Palacios River, near FM 521, Matagorda County.

This permit is being requested under the authority granted to the commission in the Texas Parks and Wildlife Code, Chapter 86.

Pursuant to commission rule, the executive director has appointed an examiner to conduct a hearing on this application at 2 p.m., Tuesday, August 1, 1989, Room C-200, Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Travis County, at which time all interested parties may appear and be heard. Evidence or testimony may be presented orally or in writing by affidavit or deposition. All evidence offered must be subject to cross-examination or otherwise qualify as admissible evidence under the Texas Rules of Civil Evidence in order to be considered by the commission. Written evidence should be filed with the examiner prior to the hearing date.

This hearing will be held under the authority of Article 6252-13a, §18(a), and the rules of the Texas Parks and Wildlife Commission, 31 TAC §57.61 et. seq. and 31 TAC §51.21 et. seq.

The record of this proceeding will include evidence and testimony taken at the public hearing. The hearing may be continued from time to time and place to place, if necessary, to develop all relevant evidence bearing on the subject of the hearing. The examiner retains the authority to schedule or reschedule hearings as deemed necessary. Further information concerning any aspect of the application, if available, may be obtained by contacting Rollin MacRae, Wetlands Coordinator, Resource Protection Division, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4639. Information concerning any procedures of the hearing or scheduling may be obtained by contacting Jennifer Mellett, Hearing Examiner, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4867.

Issued in Austin, Texas on July 17, 1989.

TRD-8906288 Jennifer Mellett
Hearing Examiner
Texas Parks and Wildlife Department

Filed: July 17, 1989

For further information, please call (512) 389-4805

Texas Savings and Loan Department Notice of Application to Establish a Remote Service Unit

Notice is hereby given that application has been filed with the savings and loan commissioner of Texas by San Antonio Savings Association, for approval to establish and operate remote service unit(s) at the following location(s):

Diamond Shamrock #1004, 4610 Seguin Road, San Antonio, Bexar County.

The applicant association asserts that the security of the association's funds and that of its account holders will be maintained and the proposed service will be a substantial convenience to the public.

Anyone desiring to protest the previously stated application must file a written protest with the commissioner within 10 days following publication. The commissioner may dispense with a hearing on this application.

This application is filed pursuant to §§53.11-53.16 of the rules of the Texas Savings and Loan Department. These rules are on file with the Secretary of State, Texas Register Division, or may be seen at the department's offices in the Finance Commission Building, 2601 North Lamar Boulevard, Suite 201, Austin.

Issued in Austin, Texas on July 12, 1989.

TRD-8906174 Laura M. Hale
General Counsel
Texas Savings and Loan Department

Filed: July 13, 1989

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

Texas Water Commission Annual Report of the Hazardous and Solid Waste Program

The Texas Water Commission publishes a report in accordance with the Solid Waste Disposal Act, Article 4477-7(e), known as the *Annual Report of the Hazardous and Solid Waste Program* (LP89-01). The report provides a summary of activities performed by the Hazardous and Solid Waste Division and the Field Operations Division in accomplishing its mission to effectively manage RCRA and the nonhazardous waste program for the State of Texas. This report summarizes the agency's inspection strategy; points out a need for additional enforcement staff to address an increasing backlog of significant violations; describes the results of all inspections conducted during fiscal year 1988; and lists hazardous waste treatment, storage, and disposal facilities not scheduled for compliance evaluation inspections (CEI) during State Fiscal Year 1988.

The report identifies those facilities having demonstrated an exemplary record of compliance over the preceding three-year period and lists those facilities which have received orders during the preceding fiscal year as a result of alleged substantive, non-clerical violations that presented a potential endangerment to the public health and safety of the environment.

The report identifies each hazardous and solid waste handler inspected and includes the following information: a listing of those handlers found to be compliant with all hazardous and solid waste regulations; those handlers with only minor or clerical violations; and those found to have substantive, non-clerical violations. In addition, for substantive, non-clerical violations, the report identifies the violations and either summarizes corrective actions or describes the status of unresolved violations.

The report lists solid waste operating permits issued, post-closure permits, full facility closures, and the land disposal closures completed during the State fiscal year.

Two appendices are included in the report. One is a listing

of commercial facilities in the state and the other is a listing of facilities listed on the State Superfund Registry in 1988.

Request for copies may be addressed to the Texas Water Commission Library, P. O. Box 13087, Austin, Texas 78711-3087, or contact the library at (512) 463-7837. The cost for the publication, including postage and handling is \$4.90. Checks should be made payable to the Texas Water Commission.

For additional information concerning the annual report, contact the Reports and Management Unit of the Hazardous and Solid Waste Division at (512) 463-7761.

Issued in Austin, Texas, on July 10, 1989.

TRD-8906237 James F. Healey
Director, Legal Division
Texas Water Commission

Filed: July 14, 1989.

For further information, please call (512) 463-7761.

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Texas Water Development Board
Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board.

Jefferson County Navigation District, 420 M.L. King Parkway, Beaumont, Texas, 77701, received May 18,

1989, for financial assistance in the amount of \$13 million from the flood control account of the Texas water development fund.

City of Bella, P.O. Box 95, Bella, Texas 75414, received June 27, 1989, for an increase in financial assistance in the amount of \$10,000 from the water quality enhancement account of the water development fund.

City of Blossom, P.O. Box 297, Blossom, Texas 75416, received June 13, 1989, for financial assistance in the amount of \$165,000 from the water supply account of the water development fund.

Circle C Municipal Utility District, 2600 One American Center, 600 Congress Avenue, Austin, Texas 78701, received June 16, 1989, for grant assistance not to exceed \$25,000 from the research and planning fund.

City of Lumberton, P.O. Box 3545, Lumberton, Texas 77711, received May 13, 1988, for grant assistance in an amount not to exceed \$37,500 from the research and planning fund.

Additional information concerning this matter may be obtained from M. Reginald Arnold II, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas on July 12, 1989.

TRD-8906150 M. Reginald Arnold, II
Executive Director
Texas Water Development Board

Filed: July 12, 1989

For further information, please call (512) 463-7981.

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