

# Texas Register

Volume 13, Number <sup>30</sup>, April 15, 1988

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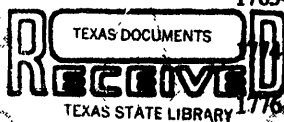
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## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

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**Information Available:** The 10 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules 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 explanations 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: "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 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, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

## Texas Administrative Code

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

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*;

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



## Texas Register Publications

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(Editor's Note: Following the In Addition Section is a revised Texas Register 1988 Publication Schedule.)

# TAC Titles Affected

## TAC Titles Affected—April

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### TITLE 1. ADMINISTRATION

#### Part III. Office of the Attorney General

1 TAC §59.1—1702

#### Part V. State Purchasing and General Services Commission

1 TAC §113.6—1518

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1 TAC §75.41, §75.42—1579, 1580

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7 TAC §3.7—1668

7 TAC §3.101—1580

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7 TAC §3.104—1583

7 TAC §3.105—1583

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13 TAC §§13.1-13.3, 13.7, 13.8, 13.10, 13.13, 13.17, 13.20, 13.22, 13.24, 13.26—1584

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13 TAC §§41.1, 41.3-4.18, 41.20, 41.22, 41.24, 41.26—1736

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16 TAC §3.31—1758

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16 TAC §23.28—1759

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### TITLE 19. EDUCATION

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19 TAC §61.232—1710

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### TITLE 22. EXAMINING BOARDS

#### Part V. State Board of Dental Examiners

22 TAC §109.171—1590, 1605

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22 TAC §109.175—1592, 1605

22 TAC §109.176—1593, 1605

22 TAC §109.177—1593, 1606

22 TAC §115.10—1668

22 TAC §§116.1-116.4—1594, 1606

#### Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

22 TAC §141.37—1519

22 TAC §143.1—1519

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22 TAC §523.61—1520  
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37 TAC §1.126—1868

37 TAC §15.81—1603

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40 TAC §27.1206—1546

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# The Governor

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

## Appointments Made April 5, 1988

To be a member of the Vice-Chairman for the Texas Higher Education Coordinating Board for a term to serve at the pleasure of the Governor: Cipriano F. Guerra, Jr., P.O. Box 1176, San Antonio, Texas 78294. Mr. Guerra will be replacing Harvey Weil of Corpus Christi.

To be a member of the State Board of Medical Examiners for a term to expire April 13, 1991: R.A. D. Morton, Jr., M.D., 1733 Curie, Suite 100, El Paso, Texas 79902. Dr. Morton will be filling the unexpired term of Dr. Carlos Godinez of McAllen who resigned.

Issued in Austin, Texas on April 6, 1988.

TRD-8803520

William P. Clements, Jr.  
Governor of Texas



## Appointments Made April 6, 1988

To be a member of the West Central Texas Regional Community Development Review Committee for a term to expire January 1, 1990: Larry May, P.O. Box 450, Sweetwater, Texas 79556. Mayor May will be replacing Mayor Bill Goetz of Ballinger who resigned.

To be judge of the 125th Judicial District Court, Harris County for a term to serve until the next general election and until his successor shall be duly elected and qualified: Don E. Whittig, 9225 Katy Freeway, Suite 425, Houston, Texas 77024. Mr. Whittig will be replacing Judge Michael O'Brien of Houston who resigned.

Issued in Austin, Texas on April 8, 1988.

TRD-8803626

William P. Clements, Jr.  
Governor of Texas





# Attorney General

**Description of Attorney General submissions.** Under provisions set out in the Texas Constitution, Texas Civil Statutes, Article 4399, 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*.

## Open Records Decisions

ORD-490(RQ-1208). Request from Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, Austin, concerning whether the Board of Vocational Nurse Examiners must disclose certain information to a contracted peer assistance program under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

**Summary of Decision.** Texas Civil Statutes, Article 5561c-3, authorize the Board of Vocational Nurse Examiners to transfer, without written consent, complaint information about a nurse who is referred to an approved peer assistance program to the health care personnel to whom the impaired person has been referred by the peer assistance program. Because this transfer is authorized by statute, it would not violate the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §10(a), which prohibits the release of information deemed confidential by law. The Open Records Act, §3(a)(1), in conjunction with Article 5561c-3, §7(a), protects the information in question from release to the public. TRD-8803528

ORD-491(RQ-1219). Request from Gary W. Smith, City Attorney, City of Texarkana, Texarkana, concerning whether minutes of meetings of the Law Enforcement Advisory Committee are subject to disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

**Summary of Decision.** Minutes of meetings of the Law Enforcement Advisory Committee (LEAC) which are held by the chief of police of the city of Texarkana, in his official capacity as LEAC representative, are subject to the Open Records Act, and may not be withheld under the Open Records Act, §3(a)(1), in conjunction with the Open Meetings Act. Open Records Decision Number 461 (1987) is overruled to the extent that it indicates that records may be withheld under §3(a)(1) on the basis that the Open Meetings Act by negative implication makes records confidential.

The exception raised by the city, §3(a)(11), does not apply to these minutes to the extent that they reveal motions made in LEAC meetings on items of business on which the LEAC may act and the dispositions of those motions. This exception does embrace ad-

vice, opinion, or recommendation in these minutes to the extent that it played a role in the deliberative processes of the LEAC and to the extent that it constitutes advice to the Intergovernmental Advisory Committee and the governmental bodies covered by the contract. Examples of information within §3(a)(11) have been marked on documents to be returned to the city. TRD-8803647

## Opinions

JM-875 (RQ-1336). Request from Fred G. Rodriguez, Criminal District Attorney, San Antonio, concerning whether a bail bondsman's security deposit under Texas Civil Statutes, Article 2372p, may be accepted in the form of combination of cash and property.

**Summary of Opinion.** The Bexar County Bail Bond Board may not accept from a bondsman applicant a certificate of deposit for \$20,000 and a deed to real property valued at \$30,000 to meet the \$50,000 security deposit requirement under Texas Civil Statutes, Article 2372p-3. TRD-8803522

JM-876 (RQ-1115). Request from Randy Sikes, Brown County Attorney, Brownwood, concerning the effect of 1985 amendment to the Code of Criminal Procedure, Article 27.14, on traffic cases in justice of the peace courts.

**Summary of Opinion.** The Code of Criminal Procedure, Article 27.14, §(d) (as amended by Senate Bill 392, 69th Legislature 1985, Chapter 87, page 514, effective September 1, 1985) applies to justice and corporation courts. When the conditions imposed by section (d) for use of the notice as a complaint are met, such notice shall conform to the requirements of Texas Civil Statutes, Article 6701d, §148. Prior convictions alleged in a habitual traffic violator administrative proceeding held pursuant to Texas Civil Statutes, Article 6687(b), §22, cannot be attacked on the basis that such convictions are based on a traffic violation notice which serves as a complaint pursuant to Article 27.14, §(d). While Article 27.14, §(d), states that upon a plea of "not guilty" a complaint shall be filed conforming to article 45.01, a safer practice in the justice court would be to exercise care that the complaint conforms to all of the require-

ments set forth in the Code of Criminal Procedure, Articles 45.01, 45.16, and 45.17. TRD-8803523

JM-877 (RQ-1221). Request from H. Tati Santiesteban, Chairman, Committee on Natural Resources, Texas State Senate, Austin, concerning the procedure for appointment of members of the Texas Water Commission.

**Summary of Opinion.** The Water Code, §5.052, which provides that the governor shall appoint members of the Water Commission so that "each member is from a different section of the state," does not establish an enforceable requirement and need not be followed. TRD-8803524

JM-878 (RQ-1322). Request from Fred Toler, Executive Director, Commission on Law Enforcement Officer Standards and Education, Austin, concerning whether the Texas commission on Law Enforcement Officer Standards and Education is authorized to accept license applications for public security officers employed by the Port of Houston.

**Summary of Opinion.** The Port of Houston Authority, a navigation district organized pursuant to the Texas Constitution, Article XVI, §59, has no authority to employ public security officers for law enforcement purposes. Rather, the legislature specifies that law enforcement activities on the authority's property, and necessary to its functions are to be carried out by commissioned peace officers. Water Code §60.077. TRD-8803525

JM-879 (RQ-1328). Request from Charles D. Houston, District Attorney, 15th Judicial District, Bellville, concerning the authority of the county auditor to require travel documentation from county commissioners and related questions.

**Summary of Opinion.** The county auditor may not require documentation from members of the commissioners court who receive fixed monthly travel allowances. Travel from a residence to the courthouse by a member of the commissioners court for the purpose of attending meetings is not normally reimbursable. Travel for the pur-

pose of inspecting roads and overseeing the maintenance thereof is reimbursable insofar as it is reasonably related to county business. See County Road and Bridge Act, Texas Civil Statutes, Article 6702-1, for duties of commissioners court in overseeing and maintaining roads. Whether attendance at public functions such as dedications, civic ceremonies and county fairs is reimbursable is a factual determination which must be made on a case by case basis by the commissioners court. Such travel is reimbursable when presence by the commissioner at the activity has a reasonable relationship to county business. Amounts must be fixed at a figure reasonably related to expenses actually incurred. TRD-8803526

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**JM-880 (RQ-1060).** Request from Mike Driscoll, Harris County Attorney, Houston, concerning the authority of a commissioners court to set fees for the execution of criminal warrants by a sheriff or constable.

**Summary of Opinion.** Commissioners courts may not set fees for the execution of criminal warrants by the sheriff or constable in either misdemeanor or felony cases. Such fees in misdemeanor cases involving state criminal statutes must be uniform statewide, and such fees in felony cases are no longer collected. TRD-8803527

◆ ◆ ◆  
**JM-881 (RQ-1230).** Request from Mike Driscoll, Harris County Attorney, Houston, concerning whether Harris County may require in its bid specifications for construction contracts that a minimum of 25 percent of the work be performed by the contractor's employees.

**Summary of Opinion.** The County Building Authority Certificate of Obligation, and County Purchasing Acts, Chapters 293, 271, and 262 of the Local Government Code, require that a county award certain construction contracts by a process of competitive bidding. Solicitations for bids may not be limited by requiring that bidders promise to perform work using their own employees. The county may make an informed, not-arbitrary decision that a particular bid is not a responsible one. TRD-8803648

◆ ◆ ◆  
**JM-882 (RQ-1041).** Request from Stanley D. Curbo, Young County Attorney, Graham, concerning whether the signature of the county auditor and/or county treasurer is required for withdrawal of money from a trust fund account administered by a county or district clerk.

**Summary of Opinion.** Neither the signature of the county auditor, nor that of the county treasurer is necessary for the withdrawal of money from a trust fund account administered by a county or district clerk

pursuant to Texas Civil Statutes, Article 2558a. Money deposited in a trust fund pursuant to Texas Civil Statutes, Article 2558a, may be withdrawn only by a check drawn by the clerk having custody by law of those funds, upon an order of the judge of the court in which the funds have been deposited. TRD-8803649

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**JM-883 (RQ-1339).** Request from Travis S. Ware, Criminal District Attorney, Lubbock, concerning requirements of acknowledgment and jurat in instruments recorded by a county clerk.

**Summary of Opinion.** A jurat may be included within an acknowledgement. It is not the function of the county clerk to determine the sufficiency of a jurat appearing in an instrument that meets the requirements for recording set forth in the Property Code, §12.001. TRD-8803650

◆ ◆ ◆  
**JM-884 (RQ-1234).** Request from Sidney J. Braquet, Chairman, Texas Commission for the Deaf, Austin, concerning whether a conflict of interest results from certain employments by members of the Texas Commission for the Deaf.

**Summary of Opinion.** Common law prohibitions against conflict of interest prevent the Texas Commission for the Deaf from contracting with a local council for the deaf if a commission member serves the local council as a paid employee or in a decision-making capacity which authorizes him to contract for the council. Whether a particular local council is "an association representing the deaf or hearing-impaired persons" within the Human Resources Code, §81.002(d), is a fact question. TRD-8803651

◆ ◆ ◆  
**JM-885 (RQ-1210).** Request from John Hillie, Acting Executive Director, Texas National Guard Armory Board, Austin, concerning the construction of certain riders to the current appropriation for the National Guard Armory Board.

**Summary of Opinion.** The Adjutant General's Department, governed by the Government Code, Chapter 431, has implied authority to build and maintain facilities. Rider 17 to the combined appropriation to the Adjutant General's Department and the National Guard Armory Board in the current appropriation act, which provides that an appropriation to the Armory Board for construction and maintenance may be spent only through interagency contracts with the Adjutant General's Office, does not violate the Texas Constitution, Article III, §35. TRD-8803646

**JM-886 (RQ-1252).** Request from Kenneth W. Littlefield, Commissioner, Texas Department of Banking, Austin, concerning the constitutionality of Texas Civil Statutes, Article 342-803a, which permit the sale of the assets of a bank without shareholder approval in certain circumstances.

**Summary of Opinion.** The Texas Banking Code of 1943, Article 342-803a, which permits the banking commissioner to approve the sale of the assets of a banking corporation by its directors in certain situations specified in the statute, is a constitutional exercise of the legislature's power to provide for a safe banking system. Shareholders in banking corporations organized under the Banking Code have no right to approve the sale of all, or substantially all, of the assets of the banking corporation, unless they have reserved such a right by means of a corporate by-law. The legislature has, by means of its reserved power to amend the Banking Code, overridden such by-laws in the case of banking corporations operating within the circumstances specified in Texas Civil Statutes, Article 342-803a. TRD-8803652

# Emergency Rules

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

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

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part III. Texas Youth Commission

#### Chapter 81. General Provisions

#### Case Management System for Delinquent Youth

##### 37 TAC §81.121

The Texas Youth Commission adopts on an emergency basis an amendment to §81.121, concerning discharge. Emergency adoption of amendment is justified to change one of the discharge criteria to limit the youth the Texas Youth Commission discharges when placed on adult probation supervision to only those youth placed on adult probation supervision while on parole status.

The emergency amendment is proposed under the Human Resources Code §61.084 which provides Texas Youth Commission authority to discharge youth.

**§81.121. Discharge.** The Texas Youth Commission (TYC) discharges youth when they reach their eighteenth birthday with the exceptions in paragraphs (1) and (2) of this section.

(1) Discharges before the eighteenth birthday.

(A) Youth will be discharged before their eighteenth birthdays under the following circumstances:

(i) (No change.)

(ii) placement on adult probation supervision while on parole status; and

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

(B) (No change.)

(2) (No change.)

Issued in Austin, Texas, on April 8, 1988.

TRD-8803827

Ron Jackson  
Executive Director  
Texas Youth Commission

Effective date: April 8, 1988

Expiration date: August 6, 1988

For further information, please call: (512)  
452-8111, ext. 107.



# 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 13. CULTURAL RESOURCES

### Part IV. Texas

#### Antiquities Commission

#### Chapter 41. Practice and Procedure

13 TAC §§41.1, 41.3-4.18, 41.20, 41.22, 41.24, 41.26

*(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 Antiquities Commission, P.O. Box 12276, Austin or in the Texas Register office, Room 503, Sam Houston Building, 201, East 14th Street, Austin.)*

The Texas Antiquities Commission proposes the repeal of §§41.1, 41.3-4.18, 41.20, 41.22, 41.24, and 41.26, concerning agency procedural rules. These existing sections define reasonable rules and regulations concerning applications for and issuance of archaeological and historic structure permits; monitoring of permit projects; disposition of antiquities and data; discovery and designation of state archaeological landmarks (SALs); guidelines for recognizing archaeological sites, caches, collections, historic shipwrecks, and historic structures as SALs; and guidelines for the management and preservation of SALs. These existing sections are proposed for repeal and replacement by the proposed new sections. Extensive section number changes proposed in the existing rules make it expedient to repeal them and completely reissue this chapter of rules. The scope and applicability of the existing sections are greatly changed.

Molly F. Godwin, administrative technician, 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 or small businesses as a result of enforcing or administering the repeals.

Ms. Godwin 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 the replacement of existing sections by new sections to further ensure the identification, protection, and preservation of significant, publicly owned prehistoric and historic properties. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Molly F. Godwin, Administrative Technician, Texas Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276.

The repeals are proposed under the Natural Resources Code, Title 9, Chapter 191 (revised by Senate Bill 231, 68th Legislature, 1983, and House Bill 2056, 70th Legislature, 1987), §191.052, which provides the Texas Antiquities Committee with the authority to promulgate rules and require contract or permit conditions to reasonably effect the purposes of Chapter 191.

§41.1. Object

§41.3. Definitions

§41.4. Application for Permit

§41.5. Permit Categories

§41.6. Issuance of Permits

§41.7. Techniques of Investigation

§41.8. Permit Monitoring

§41.9. Preservation and Restoration of Landform

§41.10. Compliance with Rules and Regulations

§41.11. Investigation Reports

§41.12. Disposition of Antiquities and Data

§41.13. Designation of State Archaeological Landmarks on Private Property

§41.14. Discovery of State Landmarks during Construction

§41.15. Amending of Rules

§41.16. Guidelines for Recognizing Historical Structures as State Archaeological Landmarks

§41.17. Guidelines for Recognizing State Archaeological Landmarks

§41.18. Specific Criteria for Evaluation of Archaeological Sites as State Archaeological Landmarks

§41.20. Specific Criteria for Recognizing Caches and Collections as State Archaeological Landmarks

§41.22. Specific Criteria for Recognizing Shipwrecks as State Archaeological Landmarks

§41.24. Designation Procedure

§41.26. Guidelines for Management and Preservation of State Archaeological Landmarks

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

Issued in Austin, Texas, on April 7, 1988.

TRD-8803588

Dr. William G. Reeder  
Chair  
Texas Antiquities  
Committee

Earliest possible date of adoption: May 16, 1988

For further information, please call: (512) 463-6098

13 TAC §§41.1, 41.3-4.14, 41.17, 41.18, 41.20-41.22, 41.24-41.27

The Texas Antiquities Committee proposes new §§41.1, 41.3-4.14, 41.17, 41.18, 41.20-41.22, and 41.24-41.27, concerning agency procedural rules. These sections define commonly used cultural resource management and historic preservation terms; establish reasonable rules and regulations concerning compliance; specify criteria for evaluation of historic structures, archeological sites, caches, collections, and historic shipwrecks; set out procedures for the discovery and designation of public and private properties as state archeological landmarks (SALs); clarify applications for and issuance of historic structure and archeological investigations on public property; provide for monitoring of permit projects; describe requirements for reports of investigations; and delineate procedures for disposition of publicly owned antiquities and data. The new sections are proposed to comply with statutory changes by the 70th Legislature, 1987; to effect a more efficient and economical management of publicly owned prehistoric and historic properties; and to incorporate amendments necessitated by public comments received. Thirteen comments were received from the public during the 60 day comment period. The following is a summary of comments received and the agency response to each.

James Warren, Live Oak County, supports the adoption of the sections and requests an addition to §41.22(a)(3), concerning historic structures permits, to include an example of the term "normal maintenance". The committee concurs. Kim Williams, Travis County, offers his support for the proposed sections and recommends the addition of a qualifying phrase to §41.5, concerning professional personnel, Subparagraph (B), project architect. The committee agrees; not all older building projects involve proper historic preservation. Rex Gerald, El Paso County, believes adoption of these sections will allow the Antiquities Committee to exercise its authority much more efficiently. The commentator recommends a change to §41.13, concerning designation of private property, to include deed records filing with the appropriate clerk for each parcel of public land designated as it is with private land. The commentator further recommends additions to §41.20(1), concerning application for archeological permit, to also include metric distances with English and Spanish equivalents. Concerning §41.13, the committee concurs with the commentators' recommendations; however, this involves a statutory change and cannot be addressed in a rule change. Concerning §41.20, the use of feet rather than meters in the text is for ease

of public understanding and is meant only as a guideline for professionals. Willard Robinson, Lubbock County, believes the sections should serve preservation in Texas; suggests an addition to §41.5, concerning definitions, to include the term "archeological site"; and recommends a change in terminology relating to the landmark name "State Archeological Landmark". Concerning §41.5 additions, the committee does not concur and believes this request has been addressed in §41.10, concerning guidelines for recognizing archeological sites. Concerning the landmark name "State Archeological Landmark", this term is taken directly from the statute and cannot be addressed in a rule change. Gail Celmer, Galveston County, finds the sections to be comprehensive and self explanatory and requests minor clarification concerning §41.21(a) and (b), concerning application for archeological permit, justification for investigation, and eligibility for application. Concerning §41.21 (a), the committee responds that any archeological site on public land is eligible to be officially designated as a landmark as defined in the Antiquities Code. For the purpose of discovering potential landmarks, investigations on non-federal public lands can be required prior to developments, regardless of whether sites have already been recorded there. Concerning §41.20(b), the committee responds that governmental agencies must also be permitted by the committee to work on public, non-federal lands, §41.20 (a)(1). The existing permitting procedure allows governmental agencies to undertake archeological investigations or historic Preservation activities as sponsors or permittees. Roger Moore, Harris County, endorses the proposed sections; recommends an addition to §41.19, concerning historic structures permits, paragraph six to include the term "archeological integrity"; and requests clarification as to the §41.26(a)(3), concerning reports relating to archeological permits, requirement to provide a complete budget estimate for mitigation of further investigation. Concerning §41.19, the committee believes this item is addressed under §41.7, concerning specific criteria for evaluating archeological sites, and does not concur. The budget request is included to keep staff abreast of the current costs of archeological investigations. Clell Bond, Travis County, offers amendments to §41.5, concerning definitions, to include the term "Historian"; to §41.9(2), concerning specific criteria for evaluating shipwrecks, to include shipwrecks manufactured up to 1925; to §41.17, concerning issuance of permits, to include more flexible specific survey transect intervals to be issued by project, environmental contingencies, and resources type. Concerning §41.5, the committee concurs. Concerning §41.9, the current definition within the Antiquities Code requires a ship to have sunk prior to the 20th century to be eligible for designation. A rule change will not address this request. Concerning §41.17, survey spacing intervals are recommended as guidelines only; the committee believes no rule change is required. Orion Knox, Travis County, finds the proposed sections to be thorough, reasonable, and sufficient to protect the state's important cultural resources. The commentator contends, however, that there will be fiscal implications for state and local governments and anticipated economic cost to individuals who are required to comply with the proposed sections. The commentator further contends

that cultural resources surveys and mitigation excavations required by the Antiquities Code and subsequent rules and regulations can add significantly to project budgets. The committee concurs with the commentator; however, the issue to be addressed here is whether the rewrite of agency rules constitute a potential increase in new costs. The vast majority of these rules have been in effect since 1976; the committee, Texas Antiquities Committee, believes that the current changes do not create new costs for public agencies. In fact, they may well decrease costs compared with the last 10 or 12 years. For instance, approval of a shortened letter report format for archeological reports will decrease report production costs. The National Register prerequisite for historic structures to become state archeological landmarks limits the number of structures that can become landmarks; less staff time and agency funding will be spent on the preservation of such structures. Margie Elliot, Harris County, suggests re-ordering of §41.17, concerning historic structures permits; §41.20, concerning application for archeological permit; §41.21, concerning archeological permit categories; §41.22, concerning issuance of permits; and §41.26, concerning reports relating to archeological permits, and offers grammatical and editorial comments pertaining to §41.5, concerning definitions; §41.6, concerning specific criteria for evaluating historic structures; §41.7, concerning specific criteria for evaluating archeological sites; §41.8, concerning guidelines for recognizing archeological sites; §41.9, concerning specific criteria for evaluating caches and collections; §41.10, concerning specific criteria for evaluating shipwrecks; §41.13, concerning discovery of potential landmark during construction; §41.16, concerning management of state archeological landmarks; §41.19, concerning techniques of archeological investigations; §41.20, concerning application for archeological permit; §41.21, concerning archeological permit categories; §41.26, concerning reports relating to archeological permits; and §41.27, concerning dispositions of archeological artifacts and data. Concerning §§41.17, 41.20-41.22, and 41.26, the committee concurs; the re-ordering of proposed sections do result in a more logical sequence of subject matter. Concerning §§41.5-41.10, 41.13, and 41.27, the committee agrees with editorial comments; the sections do reflect conditions of criteria for evaluation. Concerning §41.6, the committee believes this request is addressed by the adoption by reference of *The Secretary of the Interior's Standards for Historic Preservation (1983)*, §41.22(c), concerning historic structures permits. Concerning §§41.19-41.21, the committee notes editorial and grammatical comments and believes no change is necessary. Eileen Johnson, Lubbock County, believes that the document is oriented towards contract work and does not accommodate research-oriented excavations, particularly in terms of report writing. The commentator requests clarification regarding portions of §41.5, concerning definitions; §41.6, concerning specific criteria for evaluating historic structures; §41.8, concerning guidelines for recognizing archeological sites; §41.16, management of SALs; §41.20, concerning application for archeological permits; §41.26, reports relating to archeological permits; and §41.27, concerning dispositions of archeological artifacts and data. Concerning §41.5, the committee responses and clarifica-

tions follow. Concerning the term "antiquities", when cultural behaviors create tangible aspects such as a burned rock midden or log cabin, they are defined as antiquities. Concerning the definitions of historical and underwater archeologists, no time limits are implied or intended, by the phrase "comprehensive archeological field season." Concerning the definition of professional archeologist, the committee believes if a professional has never completed a field season nor related report production, he or she would not be issued a permit. The committee further believes that other factors within the definition of what makes a professional eliminate the possibility that someone with only very limited field experience could be issued a permit. Concerning the term "historic structure", that definition is located in the enabling statute and §41.6 of the rules; the committee does not consider historic structures and ruins as identical cultural features merely separated by years. Concerning §41.8, the definition states ruins are archeological sites with structural components that are at least 100 years old, not run-down 50 year-old buildings. Concerning §41.16, the committee concurs; archeological investigations should be done when an historic building is moved. Concerning the commentators' request to add a paragraph nine to §41.21, concerning application for archeological permits, to list the name of proposed repository and evidence of willingness to accept and care for the collection under current acceptable museum standards, the committee does not concur. The committee believes the suggested paragraph is too restrictive, and furthermore, the committee believes that the phrase "current acceptable museum standards" is too vague and can not be utilized by the committee in rulemaking. Concerning the commentators' statement regarding §41.26 as too inflexible and requiring information that is not pertinent, the committee does not concur. This data is vital to provide uniform administrative data and to ensure that adequate research has been performed. Concerning §41.27, antiquities under direct supervision of the committee include artifacts recovered under permit, collections specifically designated as landmarks, and all archeological collections held by a publicly owned repository. Dan Utley, Travis County, supports the sections as a comprehensive list of guidelines that will set the standards for preservation of our state's cultural, historical, and archeological heritage. Pertaining to §41.5, concerning definitions, the commentator suggests the additions of the term "historian" and "architectural historian". Concerning the addition of the term "historian," the committee concurs. Concerning the addition of the architectural historian, the committee does not concur and believes this is addressed in the definition of project architect. Leonard Voellinger, Travis County, comments that the sections are well composed, readily adaptable, and will be applicable to future resource protection. The commentator suggests additions to §41.5, concerning definitions; §41.6, concerning specific criteria for evaluating historic structures; §41.8 regarding guidelines for recognizing archeological sites; and §41.14 regarding management of state archeological landmarks. Concerning §41.5, the committee concurs; the definition of the term "historian" is added. Concerning §41.6, the commentator believes the criteria should also include properties determined eligible for listing in the *National Register of Historic*

**Places.** The committee responds the criteria are specified in the statute; a rule change cannot correct or address the issue. Concerning §41.8, the commentator suggests the usage of both the terms "cemeteries" and "burials" will lead to legal barriers in the prosecution of vandals. The committee believes that no legal problems will be created by the use of the two terms and notes the differences between them. Concerning §41.14, the commentator believes the excavation of archeological resources purely for research purposes is against the preservation ethic. The committee does not concur and believes there is no ethical problem with permitting pure scientific research, for example, field schools, and does not concur. Frank Weir, suggests changes to §41.5, concerning definitions; §41.26, concerning techniques of archeological investigation; and §41.27(c)(1), concerning dispositions of artifacts and data. Concerning §41.5, the commentator protests the permanent deposit of antiquities resulting from investigations of SALs with the institution that conducted the investigations. The committee concurs; the institution conducting the investigation may not possess the accredited facility or space to store antiquities. Concerning §41.26, the commentator disagrees with the requirement to survey all pipelines within highway easements. The committee recognizes the problems involved, but does not concur; survey requirements should be applied to all areas affected by the highway right-of-way. Concerning §41.5, concerning definition of principal investigator, the commentator does not believe the requirement for the principal investigator to remain on site a minimum of 25% of the time required for the field investigation is necessary. The committee concurs; the section is amended to allow a principal investigator or co-principal investigator to meet this requirement. Curtis Tunnell, Travis County, offers an addition to §41.5, concerning definitions, principal investigator. The commentator suggests the requirement to print the principal investigator's name on the project report be expanded to include co-principal investigator. The committee concurs.

Molly F. Godwin, administrative technician, has determined that there will not be fiscal implications for state or local government or small business as a result of enforcing or administering these sections.

Ms. Godwin, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the clarification of definitions pertaining to cultural resource management, historic preservation, political subdivisions of the State of Texas, and historically important buildings. These new sections provide for improvement in the identification, protection, preservation, and management of significant prehistoric and historic properties in public ownership. There is no anticipated economic cost to individuals who are required to comply with the new sections.

Comments on the proposal may be submitted to Molly F. Godwin, Administrative Technician, Texas Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276.

The new sections are proposed under the Natural Resources Code, Title 9, Chapter 191 (revised by Senate Bill 231, 68th Legislature,

1983, and House Bill 2056, 70th Legislature, 1987), §191.052, which provides the Texas Antiquities Committee with the authority to promulgate rules and require contract or permit conditions to reasonably effect the purposes of Chapter 191.

**§41.1. Object.** The Antiquities Committee is specifically empowered to adopt reasonable rules and regulations concerning salvage and other study of state archeological landmarks as well as having other powers specifically outlined in the Antiquities Code of Texas.

**§41.3. Compliance with Rules and Regulations.** If the permittee fails to comply with any of the rules and regulations of the Texas Antiquities Committee or any of the terms of the specific permit involved, or fails to properly conduct or complete the project, the Antiquities Committee may immediately cancel the permit and notify the permittee of such cancellation by registered letter, mailed to the last address furnished to the committee by the permittee. Upon notification of cancellation, the permittee shall cease work immediately, remove all personnel and equipment, and vacate the area or site within 24 hours. Upon cancellation of a permit, the permittee forfeits all rights to the specimens and data recovered. A permit which has been canceled can be reinstated by the Antiquities Committee if good cause is shown within 30 days.

**§41.4. Amending of Rules.** The rules and regulations of the Texas Antiquities Committee may be amended with the approval of a majority of the committee members.

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

**Antiquities**—The tangible aspects of the past which relate to human life and culture. Some examples include objects, written histories, architectural significance, cultural traditions and patterns, art forms, and technologies.

**Appropriate historical or archeological authorities**—For purposes of implementing the Antiquities Code of Texas, the Texas Antiquities Committee, P.O. Box 12276, Austin, Texas, 78711-2276, working with the Texas Historical Commission, is the statutorily created body responsible for protecting and preserving State Archeological Landmarks, Texas Natural Resources Code of 1977, Title 9, Chapter 191. In cases where federal statutes apply, appropriate authorities include the secretary of the interior, the state historic preservation officer, the state archeologist, and their designated representatives.

**Cultural group**—A group of individuals or an organization of people related through common social structures and customs.

**Cultural resource**—Any building, site, district, structure, object, pre-twentieth century shipwreck, data, and locations of historical, archeological, educational, or scientific interest, including, but not limited to, prehistoric and historical American Indian or aboriginal campsites, dwellings, and habitation sites, archeological sites of every character, treasure embedded in the earth, sunken or abandoned ships and wrecks of the sea or any part of the contents thereof, maps,

records, documents, books, artifacts, and implements of culture in any way related to the inhabitants, prehistory, history, natural history, government, or culture. Examples of cultural resources include Indian mounds and campgrounds, aboriginal lithic resource areas, early industrial and engineering sites, rock art, early cottage and craft industry sites, bison kill sites, cemeteries, battlegrounds, all manner of historical structures, local historical records, etc.

**Cultural resources reconnaissance**—A literature search and record review plus an on-the-ground surface examination of selected portions of an area adequate to assess the general nature of the resource probably present. Test excavations may be required at some sites so that evaluations may be adequately accomplished. This level of investigation is appropriate to preliminary planning decisions and will be of assistance in determining viable project alternatives.

**Cultural resources survey**—An intensive on-the-ground survey of an area sufficient to permit determination of the number and extent of the resources present, their scientific importance, and the time factors and cost of investigating, preserving, recovering or otherwise studying, or mitigating adverse effects on them. This level of investigation is appropriate when a construction project has been authorized and finally formulated.

**Environmental data**—Presently available information as well as data derived as an adjunct to an archeological investigation which includes, but is not limited to, area drainage, physiography, surface and subsurface geology, soils, flora, fauna, climate, the alteration of prehistoric and historic landforms, and so forth. The implications of present and/or hypothetical microenvironments should be presented when sufficient data allow for such inferences. These elements of the environment through time must be considered during attempts to reconstruct past technological, subsistence, and settlement patterns.

**Ethnic group**—A group of individuals or an organization of people that is of the same race or a class of people with common traits or customs.

**Excavation**—The principal recovery mode of archeology. The evidence from a skillfully accomplished archeological excavation provides a detailed picture of the human activities at the site; emphasis is placed on evidence rather than artifacts. In excavation, the archeological deposits are removed by digging and so destroyed. The destruction can be justified only if:

(A) it is done with such care that all antiquities and all cultural and environmental data in the area excavated are discovered, and if possible, preserved, however faint the surviving trace may be;

(B) all information has been accurately recorded, whether its importance is immediately recognized or not, to remain available after the site has disappeared; and

(C) the record and results of the investigation are rapidly made available through publication.

**Historian**—The minimum professional qualifications are a graduate degree in history or a closely related field; or a bachelor's degree in history or a closely related field plus one of the following:

(A) at least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institutions; or

(B) substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Local society—Any historical preservation group, archeological society, or other community group whose aim is related to or involved in architectural or archeological site preservation.

Mitigation—The amelioration of losses of significant cultural resources, accomplished through preplanned actions to preserve or recover the maximum amount of data by application of current professional techniques and procedures, as defined in the permits' scope of work.

National Register—The National Register of Historic Places is a register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture maintained by the secretary of the interior. Information concerning the National Register is available through the state historic preservation officer, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276.

Permit application forms—Prior to the issuance of an antiquities permit for either archeological or architectural investigations, the committee must receive a completely filled out permit application form from either the principal investigator, architect, or permittee. These forms supply the committee with the information necessary to issue a permit and contain the proposed scope of work and research design for the investigations. Application forms can be obtained from the Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276.

Political subdivision—A local governmental entity created and operating under the laws of this state, including a city, county, school district, or special district created under The Texas Constitution, Article III, §52(b)(1) or (2), or Article XVI, §59.

Professional personnel—Appropriately trained specialists required to perform adequate archeological and architectural investigations. These personnel include the following.

(A) Principal investigator and Co-Principal investigator. A professional archeologist or underwater archeologist with demonstrated competence in field archeology and laboratory analysis, as well as experience in administration, logistics, personnel deployment, report publication, and fiscal management. The principal investigator or co-principal investigator must have at least three months of full-time experience in a supervisory role involving complete responsibility for a major portion of a project of comparable complexity to that which is to be undertaken under permit. The principal investigator or co-principal investigator must have demonstrated the ability to disseminate the results of an archeological investigation in published form conforming to current professional standards. The principal investigator or co-principal investigator must remain on-site a minimum of 25% of the time required for the field investigation and whose names must appear on the project report. When not on-site, the principal investiga-

tor or co-principal investigator must provide a field archeologist to supervise the field investigation. In the event of controversy or court challenge, the principal investigator or co-principal investigator shall testify concerning report findings.

(B) Project architect. A professional architect who is a qualified historic architect and has had full-time experience in a supervisory role on at least one historic preservation project. The project architect must be involved, at a minimum, in 25% of the time required for an historic structures permit project and, when not involved with the project, must assign a qualified historic architect to supervise the preservation project.

(C) Historical archeologist. One who is a professional archeologist and, in addition, has been trained in the field of historical archeology under a competent historical archeologist and has a minimum experience of two comprehensive archeological field seasons on archeological site(s) that contain historic (post-14th century) archeological deposits, and has published the results of those historical archeological investigations in scholarly journals or publications.

(D) Historic architect. The minimum professional qualifications of an historic architect are a professional degree in architecture or a state license to practice architecture, plus one of the following:

(i) at least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or

(ii) at least one year of full-time professional experience on historic preservation projects to include experience on projects similar to the project to be permitted; detailed investigations of historic structures, preparation of historic structures research reports; and preparation of plans and specifications for preservation projects.

(E) Professional archeologist. One who:

(i) has a graduate degree in archeology from an accredited institution of higher education or the equivalent as approved by the Antiquities Committee, has a minimum of experience of two comprehensive archeological field seasons under competent supervision, and has published results of archeological investigations in scholarly journals; or

(ii) is accredited by the Society of Professional Archeologists (SOPA) with emphasis in field research, historical archeology, or underwater archeology as appropriate.

(F) Underwater archeologist. One who is a professional archeologist and, in addition, is a competent diver with a minimum of two full seasons in underwater archeological testing or excavation projects. Training and experience sufficient for safe and proficient use of the specialized underwater remote sensing survey, excavation and mapping techniques, and equipment are required.

(G) Underwater archeological

surveyor. One who has training and experience sufficient for the safe and proficient supervision of appropriate remote sensing survey equipment operation, as well as for interpretation of survey data for anomalies and geomorphic features that may have some Probability of association with submerged aboriginal sites and sunken vessels. This individual may represent the archeological interests on board the survey vessel in the absence of an underwater archeologist, as defined in subparagraph (F) of this definition.

Religious organization—Any group of individuals with a prevailing spiritual belief system or that is devoted to an organized system of faith and worship or to furthering such a system.

Research design—Research designs prepared prior to implementation of a field study and submitted with an archeological permit application form are essential to the success of scientific objectives, resource management decision-making, and project management. The following points should be considered during formulation of a research design.

(A) Research designs present the essential objectives of a project or study and the means by which those objectives will be attained. As such, the research design is an efficient means of communicating with resource managers and the professional community at large.

(B) The research design provides a logical basis for detailed project planning and assessment of resource significance.

(C) Research designs may contain a wide range of theoretical and methodological approaches. Similarly, research designs may address quite general research objectives, as well as more focused types of problem orientation. The following criteria must be met.

(i) Care must be taken to link the research design to existing topical and geographical bodies of data.

(ii) The nature of the resources under investigation must be considered.

(iii) The need to address a wide range of cultural and scientific resources must be considered.

(iv) Applied research that addresses cultural resource management and impact-related issues should be recognized as necessary and incorporated into research designs whenever possible.

(v) The skills of the investigative personnel must be appropriate to the project goals and specifications in the research design. In many cases it may be desirable to include provisions for consultants with special expertise.

(D) Research designs should not be conceived as rigid, unchanging plans. Although research designs may place relatively greater emphasis on certain kinds of scientific questions and certain kinds of data collection, as circumstances warrant, the investigator is not relieved of responsibility to recognize ongoing research. Whether such alternative questions and data warrant changes in the ongoing investigation is a question that should be explicitly addressed and answered in the context of pertinent resource management objectives and research goals. It is

expected that research designs will be modified as projects develop. A conscious effort should be made to modify research designs to efficiently exploit new information. It is to be expected that some research objectives will, for many reasons, prove less productive than anticipated, while other objectives will become more important than anticipated or perhaps materialize for the first time. The crucial objectives in the modification process are:

(i) demonstrated progress in solving stated problems; and

(ii) subsequent modification of a research design on the basis of explicit, rational decisions intended to attain stated goals.

**Rock art**—All manner of carvings, scratchings, and paintings on rock which relate to human life and culture, including, but not limited to, American Indian pictographs and petroglyphs, historical graffiti and inscriptions, and religious and genealogical records.

**Ruins**—An historic or prehistoric site, composed of both archeological and structural remains, in which the structure is in a state of collapse or deterioration to the point that the original roof and/or flooring and/or walls are either missing, partially missing, collapsed, partially collapsed, or seriously damaged through natural forces or structural collapse. Ruins are considered archeological sites and the original structure of a ruin must be at least 100 years old. Historic structures recently damaged or destroyed are not classified as ruins.

**Scientific institutions**—Sponsoring entities which have full-time experienced research personnel capable of handling major archeological investigations. Such institutions must contain adequate library holdings pertinent to archeological investigation including archeology, architecture, history, and environment. The institution must provide adequate field equipment and laboratory facilities for analysis, interpretation, and storage, and must have the technical capability to produce a finished report on any investigation.

**Scope of work**—The methodological techniques used to perform the archeological or architectural investigations under permit.

**Significance**—Attributable to sites, buildings, structures and objects of historical, architectural, and archeological (cultural) value when such properties are included in or have been determined by the secretary of the interior to be eligible for inclusion in the *National Register of Historic Places*. Similarly, attributable to state archeological landmarks protected by the Texas Antiquities Committee.

**Site**—Any place containing evidence of human activity.

**State agency**—A department, commission, board, office, or other agency that is a part of state government and that is created by the constitution or a statute of this state. The term includes an institution of higher education as defined by The Texas Education Code, §61.003.

**State Archeological Landmark**—Any cultural resource or site located in, on, or under the surface of any lands belonging to the State of Texas or any county, city, or other political subdivision of the state, or a site officially designated as landmark at an open public hearing before the committee.

**State historic preservation officer**—The official within each state authorized by the state, at

the request of the secretary of the interior, to act as liaison for purposes of implementing the National Historic Preservation Act.

**Testing—Application** of current archeological techniques to the investigation and evaluation of one or more sites. Testing must be accomplished in such a way as to recover the maximum amount of archeological, historical, and scientific data through detailed examination of a representative sample of the site or sites. Testing must result in the recovery of data, specimens, and samples relating to the total cultural content of the site or sites. Results of testing will be utilized in preservation of the remaining portions of the resource.

**Texas Antiquities Committee**—Committee created by the Natural Resources Code of 1977, Title 9, Chapter 191, Antiquities Code of Texas, to determine the site of, and to designate, and to remove from such designation (if determined to be of no further historical, archeological, educational, or scientific value) state archeological landmarks; to contract, or otherwise provide for discovery and salvage operations; to consider the requests for and issue the permits provided for; and to protect and preserve the cultural resources of Texas.

**§41.6. Specific Criteria for Evaluating Historic Structures.** Historic structures may be recognized as state archeological landmarks, provided that at least two of the following conditions are met:

(1) the structure or building is situated on lands owned or controlled by the State of Texas or any of its political subdivisions and is listed in the *National Register of Historic Places*, or the structure situated on private lands and is listed in the *National Register of Historic Places*; and

(2) the structure or building fits within at least one of the following criteria:

(A) is associated with events that have made a significant contribution to the broad patterns of our history;

(B) is associated with the lives of persons significant in our past;

(C) is important to a particular cultural or ethnic group;

(D) is the work of a significant architect, master builder, or craftsman;

(E) embodies the distinctive characteristics of a type, period, or method of construction, possesses high aesthetic value, or represents a significant and distinguishable entity whose components may lack individual distinctions; or

(F) has yielded or may be likely to yield information important to the understanding of Texas culture or history.

**§41.7. Specific Criteria for Evaluating Archeological Sites.** Archeological sites may be recognized as State Archeological Landmarks, provided that at least one of the

following conditions is met:

(1) the archeological site is situated on land owned or controlled by the State of Texas or one of its political subdivisions; or

(2) the archeological site is situated on private land which has been specifically designated as a State Archeological Landmark, Texas Natural Resource Code of 1977, Title 9, Chapter 191, Texas Antiquities Committee, §191.094, entitled "Designating a Landmark on Private Land," and fits within at least two of the following criteria:

(A) preservation of materials must be sufficient to allow application of standard archeological techniques to advantage;

(B) the majority of artifacts are in place so that a significant portion of the site's original characteristics can be defined through investigation;

(C) the site has the potential to contribute to cumulative cultural history by the addition of new information;

(D) the site offers evidence of unique or rare attributes; and/or

(E) the site offers a unique or rare opportunity to test techniques, theory, or method of preservation, thereby contributing to scientific knowledge.

**§41.8. Specific Criteria for Evaluating Caches and Collections.** Caches and collections may be recognized as state archeological landmarks, provided that at least one of the following conditions is met:

(1) the cache or collection was assembled with public funds or taken from public lands;

(2) preservation of materials is adequate to allow the application of standard archeological or conservation techniques;

(3) the cache or collection must be of research value, thereby contributing to scientific knowledge; or

(4) the cache or collection is of historic value or contributes to a theme.

**§41.9. Specific Criteria for Evaluating Shipwrecks.** Shipwrecks may be recognized as state archeological landmarks provided that the following conditions are met:

(1) the shipwreck is located on land owned or controlled by the State of Texas or one of its political subdivisions; and

(2) the shipwreck is pre-twentieth century in age, and

(3) the remains consist of a shipwreck sunken, abandoned, or a wreck



of the sea, or are represented by the ship's contents or related embedded treasure.

**§41.10. Guidelines for Recognizing State Archeological Landmarks.**

(a) State Archeological Landmarks can usually be placed in one of two time periods, the prehistoric or the historic. The prehistoric period encompasses a great length of time beginning when man first entered the new world and ending with the arrival of the Spanish Europeans, which has been approximated for purposes of these guidelines at A.D. 1500. For purposes of state archeological landmark designation, the historic time period is defined as extending from A.D. 1500 to 50 years before the present date. Cultural resources for these time periods have been divided here into two major types, habitation and nonhabitation sites. Descriptions of the various kinds of sites within the two types are given in the following.

(b) Because both prehistoric and historic sites may be located beneath the surface, they are often discovered in the course of large construction projects. Administrators of public lands should be aware that all sites meeting the listed qualifications are eligible for state archeological landmark status regardless of their surface or subsurface location. If a site is discovered in the course of construction or other work, work must cease in the site area; the site is to be protected and the site must be reported immediately to the Texas Antiquities Committee. Sites which may be eligible for state archeological landmark designation will be protected and preserved pending consideration for landmark status.

(c) In addition to the guidelines presented in this section, descriptions and examples of kinds of landmarks are included in a separate publication so that all interested parties can identify properties as being potential or designated State Archeological Landmarks. The publication, entitled *Texas State Archeological Landmarks*, is available from the Texas Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276.

(1) Habitation sites. Habitation sites are areas or structures where people live or have lived on a permanent or temporary basis. Standing structures may or may not be present. Habitation sites may also contain evidence of activities that are listed in the following as site types in the nonhabitation category.

(A) Campsites.

(i) American Indian open campsites were occupied on a temporary, seasonal, or intermittent basis. Evidence of structures may or may not be present. American Indian campsites of both periods may have accumulations of shell or burned rock as well as hearths, hearth fields, bedrock mortars, burials, and/or scatters or accumulations of ceramics, stone debitage,

flaked tools, and grinding stones. Campsites vary in size from a few square meters to several hectares. Additionally, American Indian sites near missions, forts, and trading posts were present during the historic period. These sites, termed encampments, are of varying degrees of permanence with the site generally being continuously occupied but not necessarily by the same group, tribe, or culture.

(ii) American Indian rock shelters, in general, are a special kind of campsite. These sites are located in caves or under rock overhangs and have been occupied either temporarily, seasonally, or intermittently. Many articles of perishable materials such as clothing, basketry, sandals, and matting may be preserved if the shelter is located in an arid environment. Shelter sites include not only the shelter area itself but also the area of debris accumulation located in the immediate vicinity that is the result of activity by those occupying the rock shelter. Associated hearths, burials, bedrock mortars, dumps, etc., may be present. Rock shelters vary in size from an area large enough to accommodate only one person to areas of several hundred meters in the largest dimension.

(iii) Non-Indian campsites are the cultural remains of activities by people who are not American Indian. Examples are sites that represent the activities of railroad workers, military units, settlers, slaves, and other groups as yet unidentified. These sites include the area and remains of temporary encampments such as Chinese railroad camps, wagon train campsites, shepherd shelters, line camps, buffalo hunter camps, cavalry campgrounds, trail drive camps, camps at river fords, candelilla wax camps, and others.

(B) Residence sites.

(i) Residence sites are those where routine daily activities were carried out and which were intended for year-round use. A greater degree of permanence is implied in a residence site than a campsite; therefore, structural evidence in the form of post molds, foundations, and so forth is more likely to be present. Examples include remains of cabins, dugouts, farmhouses, ranch headquarters, plantation residences, slave quarters, and urban homes, as well as teepee rings, pueblos, and Caddoan houses constructed by American Indians.

(ii) Residence sites resulting from American Indian activities may include additional features and structures including hearths, retaining walls, enclosures, compounds, patios, burials, cemeteries, mounds, platforms, and borrow areas, as well as scatters and accumulations of stone debitage, ceramic debitage, burned rock, flaked tools, grinding stones, and bedrock mortars.

(iii) Non-Indian sites may include, in addition to the main structure,

out-buildings, water systems, trash dumps, garden areas, driveways, and other remains that were an integral part of the site when it was inhabited. Examples of structures or structural remains which might be present in addition to the residence include, but are not limited to, barns, silos, cisterns, corrals, wells, smokehouses, stables, gazebos, carriage houses, fences, walls, corn cribs, gins or mills, cellars, kitchens, and bunkhouses. Family cemeteries are often associated with early historic sites.

(2) Nonhabitation sites. Nonhabitation sites result from use during specialized activities and may include standing structures. Descriptions of each kind of site are given.

(A) Rock art and graffiti sites consist of symbols or representations that have been painted, ground, carved, sculpted, scratched, or pecked on or into the surface of rocks, wood, or metal. Names, dates, symbols, and representations or likenesses of people, animals, plants, or objects are common elements in such sites.

(B) Mines, quarry areas, and lithic procurement sites are those from which raw materials such as flint, clay, coal, minerals, or other materials were collected or mined for future use. Sites where flint was obtained can be identified by the abundance of flint flakes, broken tools, and flint cobbles. Mines often have associated structures such as headframes, support timbers, and transportation facilities.

(C) Game procurement and processing sites are areas where game was killed or butchered for food or hides. Remnants of structures such as game runs, hunting blinds, and fish weirs as well as stone, bone, and metal tools may be present in association with animal remains. Often the animal remains form a bonebed with cultural material dispersed sparsely among the bones.

(D) Engineering structures such as aqueducts, irrigation canals and ditches, earthen mounds, ramps, platforms, terraces, dams, bordered and leveled fields, constructed trails, medicine wheels, bridges, tunnels, shafts, roads, rock fences, dams, lighthouses, and railroad, streetcar, and thoroughfare systems are the most common but not the only kinds of engineering structures.

(E) Cemeteries and burials, marked and unmarked, are special locales set aside for burial purposes. Cemeteries contain the remains of more than one person placed in a regular or patterned order. Burials, in contrast, may contain the remains of one or more individuals located in a common grave in a locale not formerly or subsequently used as a cemetery. The site

area encompasses the human remains present and also gravestones, markers, containers, coverings, garments, vessels, tools, and other goods which may be present.

(F) Fortifications, battlefields, and skirmish sites include fortifications of the historic period and the central areas of encounters between opposing forces, whether major battlegrounds or areas of small skirmishes. Trenches, mounds, walls, bastions, and other fortifications may be present. Trash dumps will also be considered a part of the site. Included here are battlefields of the Civil War, the Texas War for Independence, the Mexican War, and skirmish sites between non-Indian and American Indian forces. Standing structures may or may not be present.

(G) Public service and ceremonial sites include, but are not limited to, kivas, temple mounds, shrines, missions, churches, libraries, museums, educational institutions, courthouses, fire stations, and hospitals. Standing structures may or may not be present.

(H) Commercial business structures and industrial structures and sites where products or services are produced, stored, distributed, or sold include, but are not limited to, markets, stores, shops, banks, hostels, stables, inns, stage stops, breweries, bakeries, factories, kilns, mills, storage facilities, and railroad, bus, and tramway depots. Trash or dump deposits, outbuildings, wells, cisterns, and other features associated with the principal structures are considered to be a part of these sites.

(I) Monuments and markers include structures erected to commemorate or designate the importance of an event, person, or place, and may or may not be located at the sites they commemorate. Included in this category are certain markers erected by the Texas Historical Commission and county historical commissions, and markers and statuary located on public grounds such as courthouse squares and the capitol grounds. Examples of such sites constructed by American Indians will be included in this category upon identification.

(J) Shipwrecks by definition, Texas Natural Resource Code of 1977, Title 9, Chapter 191, §191.091, also include the wrecks of naval vessels, Spanish treasure ships, coastal trading schooners, sailing ships, steamships, and river steamships, among others.

**§41.11. Discovery of Potential Landmark During Construction.** Contractors working on public lands who discover archeological sites or historic structures which may qualify for designation as a state archeological landmark according to the cri-

teria listed in §§41.6-41.10 of this title (relating to Specific Criteria for Evaluating Historic Structures; Specific Criteria for Evaluating Archeological Sites; Guidelines for Recognizing Archeological Sites; Specific Criteria for Evaluating Caches and Collections; and Specific Criteria for Evaluating Shipwrecks as State Archeological Landmarks) shall report such discovery to the state agency or political subdivision owning or controlling the property and to the Texas Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276. Upon notification, the committee staff may initiate designation proceedings if it determines the site to be a significant cultural or historical property or the committee staff may issue a permit for mitigative archeological investigations or any other investigations. The cost of a proper investigation, excavation, or preservation of such a landmark or potential landmark will be borne by the owner or developer of the property rather than by the committee.

**§41.12. Designation Procedure.**

(a) Nomination. Any group or individual, public or private, may submit a property in public ownership to the committee for consideration. The nomination must be submitted on an approved form available from the Antiquities Committee's office, P.O. Box 12276, Austin, Texas 78711-2276. The committee's staff may also submit nominations to the committee.

(b) Evaluation. The committee's staff will review the property and determine if it is eligible according to the criteria for evaluation specified in §§41.6-41.10 of this title (relating to Specific Criteria for Evaluating Historic Structures; Specific Criteria for Evaluating Archeological Sites; Guidelines for Recognizing Archeological Sites; Specific Criteria for Evaluating Caches and Collections; and Specific Criteria for Evaluating Shipwrecks as State Archeological Landmarks).

(c) Presentation. Following staff evaluation and recommendation, the nomination will be presented to the committee at its next available meeting. Written notice of the presentation will be sent to the owner.

(d) Comment period. No vote on final designation may be taken by the committee for a minimum period of 30 days, during which time all concerned Parties may present evidence in support of or against designation of the property. Comments should address the property's merits in light of the criteria specified in §§41.6-41.10 of this title (relating to Specific Criteria for Evaluating Historic Structures; Specific Criteria for Evaluating Archeological Sites; Guidelines for Recognizing Archeological Sites; Specific Criteria for Evaluating Caches and Collections; and Specific Criteria for Evaluating Shipwrecks as State Archeological Landmarks).

(e) Designation. After the minimum comment period of 30 days has elapsed, the

committee will consider the property for designation at its next available meeting. Concerned parties will be informed of the agenda by written notice at least 15 calendar days in advance of the meeting date. Anyone may present evidence or testify at the meeting when the final decision is to be made. The committee may vote to designate, to deny designation, to request further information, or to make any other appropriate decision.

(f) Additional evidence. If designation of a property is denied, interested parties may present additional evidence at any time for the committee's reconsideration. The evidence will be considered by the committee at its next available meeting date.

(g) Additional hearings. Any owner of a property designated as a state archeological landmark who is aggrieved by the designation procedure as applied to his or her property will receive a full evidentiary hearing upon request, or the formal designation can be removed by action of the committee.

(h) Notification of designation. Written notification of the committee's decision on designation of a property as a state archeological landmark will be forwarded to the owner and, in the case of private ownership, to the deeds clerk of the county in which the property is located.

(i) Listing of state archeological landmarks. If a property is officially designated as a state archeological landmark, the property will be listed in the committee's inventory and may be marked with the standard state archeological landmark marker, if deemed advisable. A current list of all historic structures, sites, and objects so designated will be maintained in the office of the Texas Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276.

(j) Privileged information. The location of designated sites is not public information. However, inquiries as to the status of specific sites may be disclosed to qualified professionals.

**§41.13. Designation of Private Property.** Cultural resources of national, state, or local significance in private ownership may be nominated by individuals or institutions holding title to the property on which the resources are located. Nominations must be made on the committee's approved nomination form. In submitting a nomination form the owner agrees that if the property in question is designated as a state archeological landmark, he or she will execute a designation form provided by the committee and file a copy with the deeds clerk of the county where the property is located and pay any filing fees required. After filing of the designation form, the committee will provide the owner of the landmark with one cast aluminum marker. The owner will be responsible for prompt and permanent placement of the marker

markers on the site in such a way so as not to damage the resource. A site or structure on privately owned property which is designated as a state archeological landmark is afforded the same protection under the code as resources on public property.

**§41.14. Management of State Archeological Landmarks.**

(a) Properties in public ownership, whether archeological or architectural, which have been determined to be of cultural importance must be recognized as public assets and protected accordingly. Most older public buildings represent a substantial investment of public funds and a quality of construction, craftsmanship, and materials which could be prohibitively expensive to reproduce in today's market. The proper care and preservation of these investments should, therefore, be seen as good management policy. Farsighted maintenance programs and timely repairs should be recognized as the most cost-effective means of protecting them. Deferred maintenance only aggravates the problem, causing further deterioration which eventually leads either to more costly repairs or to the vastly more expensive solution of demolition and replacement. Neither may the emotional investment of the community in their public buildings be disregarded. The importance of a building's historical content cannot be overstated. Once it is destroyed, it is impossible to replace. In solving any problem, whether relating to sound structure or efficient use, equal priority should be given to solutions which preserve and use existing designated historic structures without compromising their integrity.

(b) The protection and preservation of the landmark in place is the first management preference. If an historic landmark cannot be preserved in place, then relocation will be considered. If stabilization or restoration of an historic structure is to be attempted, an archeological investigation may be required depending on the quality and amount of historic documentation available and the amount of subsurface disturbance resulting from the project.

(c) If a structure or site cannot be protected through any of the means listed in subsection (b) of this section, then its loss may be lessened by a thorough investigation which would include some or all of the standard archeological and architectural survey or archeological excavation techniques. These techniques include mapping to scale, photographing, surveying, testing, excavating, collecting, interviewing, researching of historic documents, and analysis and publication.

(d) State archeological landmarks may be investigated for research purposes provided the research is directed toward the acquisition of information as outlined in this chapter.

**§41.17. Issuance of Permits.**

(a) Review by controlling entities.

On receipt of an application for a permit to carry out an investigation on a state archeological landmark, the Antiquities Committee shall supply notification of such application to the owner, agency, individual, or political subdivision having administrative control of the land upon which the site is located for their review prior to issuance of the permit if such application does not come from the owner.

(b) Special regulations. When a permit is issued, it will contain all special regulations governing that particular investigation; it must be signed by the chairman or his designated representative. Anyone carrying out an investigation will have a copy of the permit available at the site of the investigation during all working hours.

(c) Permit period. Usually no permit will be granted for a period of more than two years, but if the work has been diligently prosecuted under the permit, the time may be extended upon application showing good cause.

(d) Transferral of permits. No permit issued by the Texas Antiquities Committee will be assigned by the permittee in whole or in part to any other institution, museum, corporation, organization, or individual.

(e) State site survey forms. Standard state site survey forms for all sites recorded as a result of activities undertaken through an antiquities permit will be completed and submitted to the Texas Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276 upon the completion of field work.

**§41.18. Permit Monitoring.** Any member or agent of the Texas Antiquities Committee and any officer in charge of land owned or controlled by the State of Texas may, at any time, visit the area or site being investigated under permit. Such a representative of the state may examine the permit as well as the field records, materials, and specimens being recovered.

**§41.20. Archeological Permit Categories.** Several categories of permits oriented toward specific types of investigation are issued by the Antiquities Committee.

(1) Reconnaissance or intensive survey. These permits are designed for the purpose of assessment of cultural resources of a specific area by searching for sites, including visual examination of the surface, recording of data, plus use of specialized equipment such as magnetometers and metal detectors. Under these permits, investigation is limited to recording site locations, mapping, photographing, controlled surface sampling, and limited site testing. Site data will be recorded in the format adopted by the Texas Antiquities Committee and returned to the committee for uniform data Processing. An intensive survey is a 100% pedestrian survey of a project or permit area. Such a survey can be per-

formed in many ways but must, at a minimum, include walking transects no more than 75 feet apart in open terrain and 30 feet apart in dense ground cover. Specific requirements are included in the permit.

(2) Testing. This permit allows detailed examination including systematic test excavations of a particular site or area. Testing must be oriented toward sampling a representative portion of a site or sites in all environmental contexts. Specific requirements are included in the permit.

(3) Excavation. This permit covers full investigation and extensive excavation of a particular locality(ies). Specific requirements are included in the permit.

(4) Preservation of rock art. This permit is issued for purposes of Preserving, removing, recording, and copying all manner of rock art. Preservation techniques which involve application of brushes, heat, chemicals, water, chalk, petroleum products, or other preparations to the rock surfaces are prohibited unless specifically authorized by the Antiquities Committee. Specific requirements are included in the permit.

(5) Underwater survey. Underwater resources include shipwrecks and drowned prehistoric and historic sites. Surveys for these cultural resources are conducted with electronic instrumentation including the proton magnetometer, side scan and subbottom sonar, and radio and radar positioning systems. In some instances divers using scuba gear are used to search for and examine a specific site or structure. Work is conducted under the direct supervision of an underwater archeologist or under a survey technician reporting to an underwater archeologist who is responsible for the quality of the work. Data acquired are to be rendered to the committee along with an analysis and report. Specific requirements are included in the permit.

(6) Underwater test excavations. Significant magnetic and/or acoustic anomalies discovered during survey must be tested by excavation under the direct supervision of an underwater archeologist in order to determine the cause of the anomalies. Inspection by divers, coring, or other appropriate means must be used to test the nature of suspected prehistoric or historic sites. In the case of magnetic anomalies, sediment must in many cases be removed to allow identification, approximate dating, and determination of importance of objects and sites found. Any artifacts recovered from the state lands are property of the State of Texas. Extensive recovery during testing is discouraged. Accepted standards for provenience control and archeological data recovery must be maintained. Data must be analyzed and rendered to the committee in a written report. Proper conservation of any artifacts recovered must be carried out. Specific requirements are included in the per-

mit.

(7) Underwater excavations. In order to fulfill justified research objectives, or if damage to significant historic and prehistoric sites cannot be avoided, a full-scale underwater archeological excavation must be carried out under the direct supervision of an underwater archeologist. The intensive investigation and excavation this calls for must be preceded by documentary research and, for shipwrecks, detailed magnetometer work. Excavations must be supported by adequate equipment and supplies to insure proper recording, Preservation, and the recovery of the maximum amount of data. Thorough analysis and a complete report are required. Proper antiquities conservation is required for all artifacts, and all specimens recovered are state property. Specific requirements are included in the permit.

(8) Destruction. Under exceptional circumstances, when all preservation alternatives have been exhausted and the public welfare clearly requires destruction of a state archeological landmark, the Antiquities Committee may issue a destruction permit after thorough mitigation has been accomplished.

*§41.21. Application for Archeological Permit.*

(a) Justification for investigation. Investigations undertaken on state archeological landmarks or potential landmarks must be oriented toward solving a particular research problem, preparation of a site for public interpretation, or for the purpose of salvaging information and specimens from a site threatened with immediate destruction.

(b) Eligibility for application. Permits to conduct investigations of any nature on state archeological landmarks or potential landmarks, or for the discovery of potential landmarks, will be issued exclusively by the Texas Antiquities Committee under the conditions provided in the Antiquities Code and in these rules and regulations.

(1) Permits will be issued by the Texas Antiquities Committee to scientific and educational institutions, nonprofit corporations and organizations, and governmental agencies which have demonstrated their ability to carry out proper archeological investigations through their own staffs, including one or more professional archeologists who will supervise the project or through contract with a professional archeologist. Permits may also be issued to individuals and private corporations who:

(A) retain a professional archeologist to be in direct charge of the project from field investigation through preservation of collections and analysis of data to reporting of results; and

(B) provide proof that adequate funds, equipment, facilities, and personnel are available to properly conduct the investigation as proposed to the Antiquities Committee, and to report the results.

(2) State or local archeological societies wishing to conduct investigations on state archeological landmarks must be sponsored by or contracted with a professional archeologist or a scientific or educational institution or reputable museum, whose staff includes a professional archeologist to supervise the project.

(3) Permits for limited investigations may also be issued to particularly qualified individuals who, in the judgment of the Texas Antiquities Committee, are qualified to undertake and complete a specific project of limited scope under the supervision of a professional archeologist.

(c) Application for permit. Permit application forms may be obtained from the Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276. Any institution, corporation, organization, museum, or individual desiring a permit for investigations should file an application with the committee at least one month prior to the proposed beginning date of the project. Special circumstances may require that a permit be issued on short notice when a site is threatened with immediate destruction. When a permit is issued for emergency salvage of a site threatened with destruction, the same rules and regulations apply as with all other permits. The permit applications should include:

(1) a statement of the purpose of the investigation;

(2) an outline of the proposed work and research design;

(3) proposed beginning date for the fieldwork and the length of time which will be devoted to field work;

(4) the proposed date of submission of report on the results of the investigation;

(5) name, address, and telephone number of the principal investigator, sponsor, and landowning or controlling agency;

(6) an accurate United States Geological Survey (USGS) quadrangle map plotting of the particular site or area to be investigated and locational data indicating the latitude and longitude or universal transverse mercator (UTM) coordinates;

(7) the name of the facility where the specimens, material, and data will be kept during analysis of results of the investigation; and

(8) evidence of adequate funds, personnel, equipment, and facilities to properly complete the proposed investigation.

*§41.22. Historic Structures Permits.*

(a) Permit Application Procedure.

(1) Eligibility. Only the controlling agency, organization, or political subdivision having administrative control over a publicly owned landmark or the owner of a privately owned landmark (hereinafter called the applicant) may be issued an architectural permit.

(2) Notification. The Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276 must be notified of any work to a state archeological landmark. Such notice should be made early enough to allow adequate time to prepare the formal application as described in paragraph (6) of this subsection. The notification must include a brief written description of the project and at least one photograph of the structure or affected portion of that structure. The committee staff will provide the applicant with the appropriate permit application form and notify him of the necessary attachments or application reports within 30 days of receipt of notification.

(3) Normal maintenance or repair. Any work performed on architectural materials or landforms which does not cause removal, alteration, or damage to that material or landform is considered to be normal maintenance and repair and shall be exempt from the notification requirement. For example, sandblasting or other harmful methods of cleaning masonry constitutes damage, while painting of previously unpainted surfaces constitutes alteration. Cleaning of a surface with non-corrosive solutions and low pressure water, painting window frames or doorways with similar paints, or minor repairs such as roof repairs or caulking windows are examples of normal maintenance.

(4) Interior spaces. Nonpublic interior spaces are exempt from the authority of the Antiquities Code. The interior spaces to be considered public and therefore not exempt are those spaces which were originally intended for public use (lobbies, corridors, rotundas, meeting halls, etc.) or those which are of overriding importance to the public because of any significant historical, architectural, cultural, or ceremonial value.

(5) Advance review. For more complex projects, it is advisable that the committee staff be consulted early in the planning or design process in order to avoid delays in issuing the final permit.

(6) Formal application. The applicant must be an historic architect who has submitted a resume and must submit the completed application form along with any required attachments or application reports at least 60 days prior to commencement of work or issuance of bid documents, whichever comes first. All applications must be submitted on forms approved by and available from the Texas Antiquities Committee P.O. Box 12276, Austin, Texas 78711-2276.

(7) Emergency application. If protection, stabilization, or conservator.

work must be performed quickly in a crisis situation or due to extenuating circumstances, the minimum 60 day submission requirement may be waived with approval from the committee staff.

(8) Attachments. Any permit application must be accompanied by plans, specifications, and any other documents prepared for the project which will adequately describe the full scope of work. If requested, a vicinity map locating the property and/or 8 by 10 inches black and white photographs of the structure or affected portions of the structure may be required.

(9) Application reports. In the case of more complex projects, one or more of the following reports may be required to be submitted with the permit application. See §41.25(a) of this title (relating to Reports Relating to Historic Structures Permits) for a discussion of each type of report:

- (A) historic structure report,
- (B) historical documentation;
- (C) architectural documentation; and/or
- (D) archeological documentation.

(10) Project reports. Depending upon the scope of work, one or more of the following reports may be required as a condition of a permit to be prepared during the course of a project and to be submitted upon completion of that project. Any required reports will be specified when the permit is issued. See §41.25(b) of this title (relating to Reports Relating to Historic Structures Permits) for a discussion of each type of report:

- (A) architectural documentation;
- (B) archeological documentation;
- (C) curation report; and/or
- (D) completion report.

(11) Issuance of permit. Contract documents should not be issued for bidding purposes before a permit has been issued by the Texas Antiquities Committee. If no response has been made by the committee within 60 days of receipt of any permit application, the permit shall be considered to be granted.

(b) Permit categories for historic structures.

(1) Research investigation. If the applicant can demonstrate that careful

investigation of a structure through controlled dismantling of historic material or later modifications will contribute to the understanding of that structure's history or of the history and culture of Texas in general, a permit for research investigation may be issued. Such a permit does not indicate approval for restoration, rehabilitation or reconstruction and may entail replacement of removed materials, curation of selected samples or documentation of research findings.

(2) Preservation. Any work done to a structure on its original or present site will be permitted and reviewed according to one or more of the following treatments. The treatments are discussed in the committee standards for historic preservation which are available in printed form from the Texas Antiquities Committee, P. O. Box 12276, Austin, Texas 78711 (Subsection (c) of this section).

(A) Protection is defined as the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. Such treatment is generally of a temporary nature and anticipates future historic preservation treatment.

(B) Stabilization is defined as the act or process of applying measures designed to re-establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

(C) Conservation is defined as the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

(D) Rehabilitation is defined as the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient or contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

(E) Restoration is defined as the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

(F) Reconstruction is defined

as the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time. Reconstruction of a vanished structure or any part thereof within the described limits of a designated state archeological landmark will be reviewed and permitted in light of its impact on the historical, architectural, or cultural integrity of that site.

(3) Blanket permit. An agency, institution, or political subdivision may be granted a blanket permit by the committee, allowing protection, stabilization, or conservation projects. The blanket permit will be issued for a specific period of time and will become effective when signed by the committee chairman. Upon expiration of the blanket permit, a committee review of the investigations completed is required prior to renewal of the blanket Permit. The preservation plan for historic structures or memorandum of agreement (MOA) will be developed by the agency, institution, or political subdivision and approved by the committee to govern protection, stabilization, and conservation projects on designated state archeological landmarks owned by that particular public entity. The preservation plan or MOA will adhere to, but not be limited to, the committee's standards for historic preservation, subsection (c) of this section, and the principles described in the "Preservation Briefs" series published by the Technical Preservation Services, Preservation Assistance Division, National Park Service, United States Department of the Interior. The standards described in the preservation plan or MOA will be administered by a qualified architect on the staff of or contacted by that agency, institution or political subdivision. See §41.5 of this title, (relating to Definitions). The committee will be informed of all projects completed under the guidance of the preservation manual and provided with details adequate to confirm compliance with the blanket permit.

(4) Relocation. Under most circumstances, a permit to relocate a structure from its original site will not be issued unless the committee has been satisfied that there is a necessity or a real and unavoidable threat to the structure's existence and that the applicant has made a reasonable effort to find the means to preserve that structure on its original site. If removal is unavoidable, the structure should be relocated to a site which resembles its original context as closely as is possible or feasible. A removal permit will require thorough documentation of the relationship between the structure and its site. An archeological investigation of both the old and new site locations may be required.

(5) Demolition. Under most circumstances, a permit to demolish a structure will not be issued unless the committee is satisfied that there is a necessity due to a

deterioration of the structure that constitutes a threat to the health, safety, or welfare of citizens or a real and unavoidable threat to the structure's existence. The applicant must show that he or she has made a reasonable effort to find the means to preserve that structure on its original site or, failing that, to relocate the structure to another site of comparable context. The applicant must show evidence that he or she has, in good faith, conducted feasibility studies, invited and considered alternative suggestions, or otherwise explored other reasonable possibilities. A demolition permit will require thorough documentation of the structure and its relationship to its existing site as well as archeological investigation if required by the committee.

(6) New construction. Any new construction to be built within the described limits of a state archeological landmark must be reviewed and permitted in light of its impact on the historical, architectural, and cultural integrity of that structure or site. The applicant must submit plans, elevations, and sections which adequately describe the full scope of the project and its relationship to the existing structure or site.

(c) Standards for historic preservation. *The Secretary of the Interior's Standards for Historic Preservation (1983)* are hereby adopted by reference by the Texas Antiquities Committee and shall be considered to be a part of these rules for practice and procedure. Copies of these standards, referred to in this document as the committee standards, are available in printed form from the Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276. Failure to comply with these standards, failure to complete any required reports, or failure to complete a project according to the approved plans, specifications, addenda, or other terms of a permit shall be considered grounds for refusing the services of any architect, contractor, or craftsman for future permits.

#### **§41.24. Reports Relating to Archeological Permits.**

(a) The following are report standards for any permit investigation in which artifacts are recovered or archeological sites or deposits are discovered. Failure to comply with these standards will result in the rejection (pending rectification) of the report by the Texas Antiquities Committee. The fulfillment of these requirements should be considered the minimal threshold of acceptability, and a report should not be limited to addressing these responsibilities only.

(1) Unless otherwise specified the format for reports will be 8 1/2 by 11 inches. The title of the project and permit number must be noted on the cover. While ring binding of reports is acceptable, stapled and taped and/or perfect binding is preferred.

(2) The title page of the report

must contain the following information: type of investigation; project name; county or counties; authors, indicating which is the principal investigator; name and location of the sponsoring agency; Texas Antiquities Committee permit number; and data and place of publication.

(3) The report must contain a table of contents and abstract; a list of figures and/or illustrations; definitions of terms used; a map of the project area; a map that specifically locates all cultural resources discovered or investigated; a discussion of the history and previous investigations (including documentary evidence) in the general as well as surrounding areas; a statement and justification of research design and how it was fulfilled; appropriate environmental data; analysis and interpretation of all recovered data and materials; name of facility where recovered materials and other data are permanently stored; specific recommendations of sites which are eligible for designation or should retain State Archeological Landmark status and of sites which appear to be eligible for nomination to the *National Register of Historic Places*; recommendations, including complete budget estimates, for mitigation of loss or further investigation if cultural resources will be adversely affected by a proposed project; and a list of references cited.

(4) Two copies of the draft of the permit report must be submitted to the Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276 for review prior to the production of the final report. The draft report does not have to be bound but should contain all of the basic content elements required for the final report. The final report must also contain any revisions in the draft that are required in writing by the committee.

(5) Upon completion of an investigation of a state archeological landmark, the permittee or principal investigator will furnish the Texas Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276 with 12 copies of the report at no charge to the committee.

(b) When no archeological sites are discovered nor artifacts recovered from a permit investigation, the report standards listed in subsection (a) of this section can be modified to a shorter negative results report or letter report. Letter reports must be authorized in advance by the committee and must contain the following minimum report standards:

(1) formatted on 8 1/2 by 11 inch paper, stapled or ringbinding with all appendices attached;

(2) a title page that must contain the following information: project name; type of investigation; county or counties; authors, indicating which is the principal investigator; name of sponsoring agency; permit number; date;

(3) an abstract;

(4) project map showing the permit area with investigation areas clearly marked;

(5) historical documentation of the permit area and surrounding region (region to be defined by the committee);

(6) research design and scope of work/methodology; and

(7) conclusions.

#### **§41.25. Reports Relating to Historic Structures Permits.**

(a) Application reports. It is important in the case of more complex historic preservation projects such as restoration, reconstruction, and, occasionally, for rehabilitation to ensure the historical accuracy or appropriateness of that project and to gather important information relating to the property through the means of investigation, research and documentation. When the scope of a project indicates it is advisable, one or more of the following application reports may be required to be submitted as a part of the permit application. A permit may not be issued before all required application reports have been received. All application reports must be prepared under the supervision of professionally qualified individuals as specified in §41.5 of this title (relating to Definitions).

(1) Historic structure report.

(A) Purpose. This report should be utilized to evaluate the existing conditions of the structure, to establish preservation objectives for the property, and to schedule the accomplishment of these preservation objectives. The applicability of the various areas for research and analysis will vary, depending upon the preservation objectives and the physical condition of the historic property.

(B) When required. When a proposed rehabilitation, restoration, or reconstruction project involves fabricating significant missing architectural or landscape features, recapturing the appearance of a property at one particular period of its history, or removing later additions, an historic structure report must be completed prior to application for an historic preservation permit.

(C) Minimum report requirements. Written documentation must include the following:

(i) explanation and evaluation of existing conditions;

(ii) photographic documentation of the existing conditions (preferably black and white 8 by 10 inches photographs);

(iii) explanation of preservation objectives and intended modifica-

tions to the structure; and

(iv) blueprints of the existing condition and a schedule of objectives.

(2) Historical documentation.

(A) Purpose. In order to understand the changes to an historic property over time and to better justify proposed action, documentary research is important.

(B) When required. When a proposed rehabilitation, restoration, or reconstruction project involves fabricating significant missing architectural or landscaping features, recapturing the appearance of a property at one particular period of its history, or removing later additions, historical documentation must be done. Historical documentation is required for all relocation or demolition permits.

(C) Minimum report requirements. Written documentation must include the following:

(i) name of original architect;

(ii) brief history of the use and modifications to the structure;

(iii) brief history including information on important historical events or persons associated with the structure; and

(iv) historical justifications for any proposed rehabilitation, restoration or Reconstruction.

(3) Architectural documentation.

(A) Purpose. Investigation and documentation of physical evidence regarding architectural design and technology enables the study of the structure in question and its comparison with other structures of the period, type, or region. This information is important in conjunction with historical and archeological documentation for the synthesis and study of all related materials.

(B) When required. Architectural documentation should precede any work which will damage, alter, or obscure significant architectural configurations, elements, details, or materials. For rehabilitation which will significantly alter a structure and for restoration projects, measured drawings according to Historic American Buildings Survey (HABS) standards will be required. Architectural documentation is required for all relocation or demolition permits.

(C) Minimum report requirements. Written documentation must include the following:

(i) blueprints and specifications of the intended architectural changes and;

(ii) explanation of purposes and objectives of the changes.

(4) Archeological documentation.

(A) Purpose. Almost all standing structures have an archeological component, and archeological remains exist in urban areas as well as rural areas. The information available from archeological investigations in and around a structure is important in conjunction with architectural and historical documentation for the synthesis and study of all related material.

(B) When required. When development or historic preservation treatment of an historic property makes disturbance of the earth unavoidable, the specific areas affected may need to be tested archeologically to determine if the undertaking will disturb or destroy archeological remains including subsurface features of an aboveground structure. If the exploratory tests indicate the area has archeological value and if the development plans cannot be altered, the archeological data directly affected by the project are to be recovered.

(b) Project reports. When the situation indicates it is advisable, one or more of the following project reports may be required to be compiled during the course of a project and submitted along with the completion report. All Project reports must be compiled under the supervision of professionally qualified individuals as specified in §41.5 of this title (relating to Definitions).

(1) Architectural documentation. When investigation and documentation is not possible prior to commencement of work because of physical obstruction or when previously obscured conditions are subsequently discovered, architectural documentation may be required during the course of a project (see paragraph (3) of this subsection).

(2) Archeological documentation. When investigation and documentation is not possible prior to commencement of work because of physical obstruction, or when previously obscured evidence is subsequently discovered, archeological documentation may be required during the course of a project. Archeological documentation may be required for relocation or demolition permits (see paragraph (4) of this subsection).

(3) Curation report.

(A) Purpose. Materials or artifacts original to the structure or otherwise significant to that structure's evolution are important to the understanding of Texas culture and history.

(B) When required. When materials or artifacts original to the structure or otherwise significant to the structure's history are removed during the course of a project, selected samples must be curated at the site or at a site approved by the committee, and a curation report must be filed.

(C) Minimum report requirements. Written documentation must include the following:

(i) photo documentation of the structural or architectural elements to be removed in their original position and in storage;

(ii) documentation of the existing condition of the elements prior to removal; and

(iii) documentation of the storage (preservation) efforts.

(4) Completion report.

(A) Purpose. When work is done to an historic structure, it is important to record the changes that take place so that the structure's historic evolution might be completely documented for future study.

(B) When required. All historic structures permits, except for new structures permit, will require a completion report.

(C) Minimum report requirements. Written documentation must include the following:

(i) title page:

(I) project name;

(II) city, county;

(III) permit number;

(IV) date;

(ii) text:

(I) property name and location;

(II) primary personnel (names, titles, addresses and telephone numbers):

(-a-) owner;

(-b-) lessee;

(-c-) architect;

(-d-) engineer;

(-e-) contractor;

(-f-) consultant(s);

(-g-) others;

(III) scope of work (major categories with corresponding costs);

(IV) project dates (beginning and ending);

(V) project narrative:

(-a-) description of work and description of anticipated future work (if any);

(-b-) description of special products, materials, and/or building techniques;

(-c-) description of intended use of the property; and

(VI) index to photographs (black-and-white prints, minimum 8 by 10 inches) :

(-a-) before construction conditions;

(-b-) during construction;

(-c-) after construction is complete.

(D) Photographic record. The photographic documentation is a significant part of the record of the project work. Each view, before, during, and after, should be of the same area, to clearly illustrate the project work as it progresses.

(E) Report submittal. Submit all required copies with original photographic documentation; xerox copies are not acceptable. All completion reports must be submitted unbound. Submit copies to Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276.

**§41.26. Techniques of Archeological Investigation.** The Texas Antiquities Code specifies that all permit investigation must be carried out in such a manner that the maximum amount of historical, scientific, archeological, and educational information may be recovered and preserved. The site or sites or area to be investigated should be thoroughly researched, including archeological background, history and ethnohistory, architecture, environmental data and other useful information, prior to initiation of the field phases of the project. Such investigations must involve the exclusive use of scientific techniques of excavation, recovery, recording, preservation, and analysis normally used in archeological investigations. Use of any new or unusual techniques must be approved in advance by the Texas Antiquities Committee. Special regulations concerning particular aspects of

investigations will be part of the permit. There are varying kinds of impacts to archeological sites depending on the type of development which is occurring. Because of this, different techniques and requirements will be devised to collect data from the archeological deposits and to manage those deposits as cultural resources. In most cases the committee relies on the principal investigator to develop these collection and management systems through research designs and the scope of work for a project. These systems are often redesigned once the archeologists have worked in the field for a while and collected data and experienced site working conditions. This is a normal learning experience related to archeological investigations. However, there are many different types of developments, i.e. reservoirs, strip mining, rechannelizations, surface landscaping, etc., that create rather standardized scopes of work. Each development type has uniform impact elements that shape the archeological techniques used. For that reason the committee has standardized some survey requirements for various development types. The following are standard survey investigation expectations for various development types.

(1) Reservoirs. The area of a proposed reservoir that must be surveyed is the area upstream from the dam at a contour elevation equal to the elevation of a point situated five feet above the emergency spillway. Additionally, any downstream impact areas from the dam such as borrow pits and spillways and all auxiliary impact areas such as roadways, parks, boat dock areas, picnic areas, and bridge construction areas must be surveyed.

(2) Strip mines. All affected areas must be surveyed, including plant construction areas, roads, and auxiliary construction or development areas.

(3) Highways and pipelines. All affected areas within the right-of-way must be surveyed.

(4) Solid waste landfill sites. All affected areas must be surveyed, including access roads and fence construction areas.

(5) Other surface or subsurface construction sites. All affected areas must be surveyed.

**§41.27. Disposition of Archeological Artifacts and Data.**

(a) Processing. Investigators who receive permits shall be responsible for cleaning, conserving, cataloguing, and preserving all collections, specimens, samples, and records, and for the reporting of results of the investigation.

(b) Ownership. All specimens, artifacts, materials, and samples plus original field notes, maps, drawings, photographs, and standard state site survey forms, resulting from the investigations remain the property of the State of Texas. Certain exceptions left to the discretion of the

Texas Antiquities Committee are contained in the Texas Natural Resources Code of 1977, Title 9, Chapter 191, §191.052(b). The Antiquities Committee will determine the final disposition of all artifacts, specimens, materials, and data recovered by investigations on State Archeological Landmarks or potential landmarks which remain the property of the state. Antiquities from State Archeological Landmarks are of inestimable historical and scientific value and should be preserved and utilized in such a way as to benefit all the citizens of Texas. It is a policy of the Antiquities Committee that such antiquities shall never be used for commercial exploitation.

(c) Housing, conserving, and exhibiting antiquities from State Archeological Landmarks.

(1) After investigation of a state archeological landmark has culminated in the reporting of results, the antiquities will be permanently Preserved in research collections at the curatorial institution approved by the committee.

(2) Institutions housing antiquities from state archeological landmarks will be responsible for adequate security of the collections, continued conservation, periodic inventory, and for making the collections available to qualified institutions, individuals, or corporations for research purposes.

(3) Exhibits of materials recovered from state archeological landmarks will be made in such a way as to provide the maximum amount of historical, scientific, archeological, and educational information to all the citizens of Texas. First preference will be given to travelling exhibits following guidelines provided by the Antiquities Committee and originating at an adequate facility nearest to the point of recovery. Permanent exhibits of antiquities may be prepared by institutions maintaining such collections following guidelines provided by the Antiquities Committee. A variety of special, short-term exhibits may also be authorized by the Antiquities Committee.

(d) Access to antiquities for research purposes. Antiquities retained under direct supervision of the committee will be available under the following conditions.

(1) Request for access to collections must be made in writing to the Texas Antiquities Committee, P.O. Box 12276, Austin, Texas 78711-2276, indicating to which collection and what part of the collection access is desired; nature of research and special requirements during access; who will have access, when, and for how long; type of report which will result; and expected date of report.

(2) Access will be granted during regular working hours to qualified institutions or individuals for research culminating in nonprofit reporting. A copy of the report will be provided to the Antiquities



uities Committee.

(3) Data such as descriptions or photos when available will be provided to institutions or individuals on a limited basis for research culminating in nonprofit reporting. A copy of the report will be provided to the Texas Antiquities Committee.

(4) Access will be granted to corporations or individuals preparing articles or books to be published on a profit-making basis only if there will be no interference with conservation activities or regular research projects; Photos are made and data collected in the facility housing the collection; arrangements for access are made in writing at least one month in advance; cost of photos and data and a reasonable charge of or supervision by responsible personnel are paid by the corporation or individual desiring access; planned article or publication does not encourage or condone treasure hunting activities on public lands, state archeological landmarks, or National Register sites, or other activities which damage, alter, or destroy cultural resources; proper credit for photos and data are indicated in the report; a copy of the report will be provided to the Texas Antiquities Committee.

(5) The committee may maintain a file of standard photographs and captions available for purchase by the public.

(6) A written agreement containing the appropriate stipulations will be prepared and executed prior to the access.

(7) Institutions, organizations, and agencies designated by the committee as depositories for antiquities collections shall promulgate reasonable rules and regulations governing access to those collections in their custody.

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

Issued in Austin, Texas, on April 7, 1988.

TRD-8803589 Dr. William G. Reeder  
Chair  
Texas Antiquities  
Committee

Earliest possible date of adoption: May 16, 1988

For further information, please call: (512) 463-6098

## TITLE 16. ECONOMIC REGULATION

### Part II. Public Utility Commission of Texas

#### Chapter 23. Substantive Rules

##### General Rules

##### • 16 TAC §23.3

The Public Utility Commission of Texas proposes an amendment to §23.3, concerning the definition of extended area service (EAS). The amendment clarifies what constitutes an extended service area.

Don Laub, manager, economic analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Laub 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 more timely provision of the extended area service to petitioning communities. 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 Phillip A. Holder, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757 within 30 days after publication.

The amendments is proposed under Texas Civil Statutes, Article 1446c, §16, which provided the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

**§23.3. Definitions.** The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Extended Area Service (EAS)-A telephone switching and trunking arrangement which provides for optional calling service by local exchange carriers within a local access and transport area (LATA) and between two [or more] contiguous exchange or between an exchange and a contiguous metropolitan exchange local calling area [within a local access and transport area (LATA), provided at local exchange rates, rather than at toll message charges]. For purposes of this definition, a metropolitan exchange local calling area shall include all exchanges having local or mandatory EAS calling throughout all portions of any of the following exchanges: Austin metropolitan exchange, Corpus Christi metropolitan exchange, Dallas metropolitan exchange, Fort Worth metropolitan exchange, Houston metropolitan exchange, San Antonio metropolitan exchange, or Waco metropolitan exchange. EAS is provided at rate increments in addition to local exchange rates, rather than at toll message charges. Exceptions to EAS, as defined here, are permitted as noted in §23.49(i) of title (relating to Telephone Extended Area Service).

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

Issued in Austin, Texas, on April 8, 1988.

TRD-8803643 Phillip A. Holder  
Secretary  
Public Utility Commission  
of Texas

Earliest possible date of adoption: May 16, 1988

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

## Customer Service and Protection

### • 16 TAC §23.49

The Public Utility Commission of Texas proposes an amendment to §23.49, concerning telephone extended area service (EAS). The amendment clarifies the procedure by which EAS requests will be considered; which party will bear what costs involved in that procedure; and the costing standards to be utilized in evaluating EAS requests.

Don Laub, manager, economic analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Laub 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 more timely provision of extended area service to petitioning communities. 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 Phillip A. Holder, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757 within 30 days after publication.

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

### §23.49. Telephone Extended Area Service.

(a) Purpose. The guidelines set forth in this section are intended to establish consistent procedures for the processing of requests for extended area service (EAS) which are docketed on or after [may be pending on, or applied for after,] the effective date of this section. The commission may authorize the establishment of new EAS service under these section only through examination of relevant issues and hearing as described in this section, except as otherwise provided in subsection (i)(3)(I), of this section.

#### (b) Filing requirements.

(1) In order to be considered by the commission, a request for extended area service shall be initiated by at least one [or both] of the following actions:

(A) a petition signed by the greater of 5.0% or 100 of the subscribers in the exchange from which the petition originates; [or]

(B) a resolution adopted and

filed with the commission by the governing body of a political subdivision provided that said governing body properly represents the exchange requesting EAS[.] ; or

(C) an application filed by one or more of the affected utility(ies).

(2) A request for establishment [Consideration by the commission] of a particular extended area service arrangement pursuant to subsection (b)(1)(A) or (1)(B) of this section shall not be considered sooner than three years after either a determination of the failure of any such previous request to meet eligibility requirements, or final commission action on any such previously docketed request [undertaken more frequently than once in any three year period]. An exception to this requirement may be granted to any petition exchange which demonstrates that a change of circumstances may have materially affected traffic levels between the petitioning exchange and the exchange to which EAS is desired.

(3)-(4) (No change.)

(5) Each signature page of a petition for EAS must contain information which clearly states that establishment of the requested EAS route may require that subscribers to the service change their telephone numbers and pay a monthly EAS rate in addition to their local exchange service rates, as well as applicable EAS service connection charges. The requirements of this paragraph shall not apply to petitions received before the effective date of this section.

(c) Community of interest.

(1) Upon receipt of a proper filing under the provisions set out in subsection (b)(1) of this section, the utility(ies) [utility or utilities] involved will be directed by the commission staff to initiate appropriate calling usage studies and, thereafter, within 90 days of receipt of such notification, file with the commission staff and a representative of the petitioning exchange the results of such studies. The message distribution and revenue distribution detail from the studies are to be considered proprietary unless the parties agree otherwise and may not be released for use outside the context of the commission's proceedings. The data to be filed shall be based upon a minimum 60-day study of representative calling patterns, shall be in such form, detail, and content as the commission staff may reasonably require and shall include, at a minimum, the following information;

(A) the number of messages and either minutes-of-use or billed toll revenues, expressed per customer account per month, in each direction over the route being studied, [over each interexchange

route being studied and in each direction,] segregated between business and residence users and combined for both;

(B) a detailed analysis of the distribution of calling usage among subscribers, in each direction over the route being studied, [over each route and in each direction] showing the number of subscriber accounts placing zero calls, one call, etc., through 10 calls, the number of subscriber accounts placing between 11 and 20 calls, the number placing between 21 and 50 calls, and the number of subscriber accounts placing more than 50 calls, per month;

(C) data showing, by class [classes] of service, the number of subscriber accounts in service for each of the exchanges being studied;

(D) the [toll rates applicable between the exchanges,] distance between rate centers, and the average revenue per message for the calls during the study period;

(E) the number of foreign exchange (FX) lines in service over each route and the estimated average calling volumes [carried] on these lines expressed as [both] messages per month [and hundred call seconds (CCS) units where measuring capabilities exist. If no measuring capability exists, estimated usage will be provided];

(F) (No change.)

(2) (No change.)

(3) The request for establishment of EAS shall be assigned a project number to establish its place in a queue and notice shall be provided, pursuant to the provisions set out in subsection (h) of this section, [docketed] whenever a reasonable community of interest is found to exist as described in paragraph (2) of this subsection:

(A) (No change.)

(B) on a unilateral basis from the petitioning exchange to the other [,] exchange if the petitioning exchange has expressed, in writing to the commission, its readiness to bear the entire cost of providing the requested EAS service.

(4) Upon recommendation by the staff, general counsel may file a motion that the project be established as a formal docket. [A request for establishment of EAS may be considered as either a nonoptional service or an optional service. The petitioning exchange shall express, in writing to the commission, which type of EAS is being sought.]

(5) Following the docketing of a

request, a prehearing conference will be scheduled to establish [clarify the position of the petitioning exchange regarding] whether the costs are to be shared by [considered for both] the petitioning exchange and the exchange [exchange(s)] to which EAS is sought, [as well as whether the service is to be considered on an optional or nonoptional basis] whether the service to be considered on a flat rate or usage sensitive basis, and to report any agreements reached by the parties. If only a unilateral community of interest exists, the petitioning exchange shall bear the entire cost of providing the requested EAS. The utility(ies) involved shall conduct appropriate demand and costing analyses according to subsection (d) and (e) of this section.

[(A) If the request is to be considered on a nonoptional basis, the utility or utilities involved will be directed by the commission staff to initiate appropriate costing analyses according to subsection (e) of this section.

[(B) If the request is to be considered on an optional basis, the utility or utilities involved will be directed by the commission staff to initiate appropriate demand analyses according to subsection (d) of this section.

[(C) If the petitioning exchange is uncertain as to how the request should be considered, the utility involved will be directed by the commission staff to initiate appropriate costing analyses according to subsection (e) of this section. Upon completion of those analyses, another prehearing conference will be held to determine whether the petitioning exchange desires for its request to be considered on an optional basis.]

(d) Demand analyses.

(1) [Upon a positive finding according to subsection (c)(5)(B) of this section.] The utility(ies) [utility or utilities] involved shall conduct analyses of anticipated demand for the requested [optional] extended area service. The data to be filed shall be in such form, detail, and content as the commission [staff] may reasonably require and shall include, at a minimum, the following information:

(A)-(C) (No change.)

(2) No later than [On or before] 120 days after [from] the prehearing conference, the utility(ies) shall file with the commission staff, and other parties to the proceeding the summary results of these analyses, together with such supporting schedules and detailed [detail] documentation as will permit the identification of study components and verification and understanding of study results.

(e) Determination of costs.

(1) [Following a determination that the request is to be considered on a nonoptional basis or, upon the completion of the demand analyses set out in subsection (d) of this section,] The utility(ies) [utility or utilities] involved shall conduct [will be advised by the commission to initiate] the studies necessary to determine the changes in costs which may reasonably be expected to result from establishment of the requested extended area service. These studies will consider and develop, for each route, the relevant costs as follows:

(A) switching and trunking costs associated with existing toll traffic which converts to extended area service traffic plus the costs of switching and trunking required to handle the additional traffic as determined in subsection (d)(1)(B) of this section [net increases in capital costs resulting from required additions to network capacity less reductions in required quantities of facilities and equipment presently utilized for toll services between the exchanges. The added investment will be based upon the additional switching and trunking requirements necessary to accommodate the incremental usage at prescribed levels of service, as may be determined from realistic estimates of call stimulation factors and holding time effects due to extended area service. Appropriate annual carrying charges will be applied to the added investment to obtain the additional annual costs attributable to EAS];

(B) [analysis of] the increases and decreases in expenses resulting from the new service and the net effect on operating expenses; and

(C) direct incremental costs incurred by the utility(ies) in conducting demand analyses in compliance with subsection (d) of this section. [a separate schedule showing local revenue increases resulting from exchange regrouping, if applicable.]

(2) The utility(ies) may analyze the effect on toll revenues in order to present [at the time of the hearing,] evidence on the overall revenue effects of providing the requested EAS [service]. Revenue effects supported by such evidence, if presented, shall be included in the EAS rate additves specified in subsection (f)(4) of this section.

(3) The utility(ies) shall file with the commission staff and other parties to the proceeding the summary results of these studies, together with such supporting schedules and detailed [detail] documentation as will permit the identification of study components and verification and understanding of study results according to the following schedule, unless the utility(ies) can demonstrate that good cause exists to

expand the time schedule for a particular study.

(A) Incremental costs identified in paragraph (1) of this subsection shall be filed no later than 90 days from the filing of the results of the demand analysis conducted pursuant to subsection (d) of this section [if the request is for nonoptional EAS service, the results shall be filed on or before 90 days from the date of the prehearing conference; or].

(B) [if the request is for an optional EAS service, the results] Toll revenue effects, if analyzed pursuant to paragraph (2) of this subsection, shall be filed no later than [on or before] 90 days from [the date of] the filing of the results of the incremental costs, pursuant to subparagraph (A) of this paragraph [demand analyses conducted pursuant to subsection (d) of this section].

(f) Extended area service [EAS] rate additves.

(1) Coincident with the filing of cost study results, or coincident with the toll revenue effect results, if filed, the utility(ies) shall submit recommendations for proposed incremental rate additves by class of service, necessary to support the cost of the added service, as well as to support the toll revenue effect, if such effect is filed.

(2) Service connection charges will be applicable.

(3) A nonrecurring charge to defray the direct incremental costs of the demand analyses identified in subsection (e)(1)(C) of this section shall be charged to subscribers who order the service within 12 months from the time it is first offered. The nonrecurring charge shall not exceed \$5.00 per access line.

(4)[(2)] [The commission staff will review the utility recommendations according to the following guidelines to determine the flat rate increment] The EAS rate additve to be used in the affected exchange(s) must meet the following standards.

(A) (No change.)

(B) New EAS will be priced using those [flat] rate increments designed to recover the added costs for each route, plus the toll revenue effect, if found reasonably substantiated. [and] The total increment chargeable to subscribers within an exchange will be the sum of the increments of all new extended area service routes established for that exchange after the effective date of this section.

(C) If the petitioning exchange has met the requirements of sub-

section (c)(3)(A) of this section and has requested that the costs be borne on a bilateral basis, the additional cost for the new EAS route will be divided between the two participating exchanges according to the ratio of calling volumes between the two exchanges. Otherwise, the rate increment shall place the entire cost of the new service on the subscribers in the petitioning exchange. [Additional annual revenues derived from local rate band regrouping shall be deducted from the cost of implementing the service in the exchange generating the regrouping revenues.]

(D) In establishing a flat rate EAS increment, all classes of customer access line rates within each exchange shall be increased by equal percentages. [Unless the petitioning exchange has met the requirements of subsection (c)(3)(B) of this section, the additional cost for each new EAS route will be divided between the two participating exchanges on each route according to the ratio of calling patterns between the two exchanges.]

[(E) If the petitioning exchange has met the requirement of subsection (c) (3)(B) of this section, then an EAS flat rate increment shall be developed which places the entire cost of the new service on the subscribers in the petitioning exchange.

[(F) In establishing the EAS flat rate increment, all classes of customer access line rates within each exchange shall be increased by equal percentages.]

(g) Subscription threshold. [Nonoptional service analysis. If the services being considered is to be nonoptional, the petitioning exchange must show the following:]

(1) A threshold demand level shall be established by the commission's order in the docketed proceeding prior to the design or construction of facilities for the service. A reasonable presubscription process will then be undertaken to determine the likely demand level. If the likely demand level equals or exceeds the threshold demand level, then EAS shall be provided in accordance with the commission's order. If the threshold demand level is not met, the affected utility(ies) shall be relieved of any duty or obligation to provide the EAS approved by the commission. [a majority of the subscribers in the petitioning exchange would benefit from the plan, based on rates developed in subsection (f) of this section compared with toll usage ascertained according to subsection (c)(1) of this section; and]

(2) The cost of presubscription shall be divided between the utility and the petitioners. The petitioners shall pay for the printing of bill inserts and ballots and the utility shall insert them in bills

free of charge. In the alternative, upon the agreement of the parties, the utility shall provide, free of charge, and under protective order, the mailing labels of the subscribers in the petitioning exchange, and the petitioners shall pay the cost of printing and mailing the bill inserts and ballots. [a majority of subscribers in the petitioning exchange are willing to subscribe to the nonoperational service at the rates developed in subsection (f) of this section.]

(h) Notice. [Optional Subscription threshold.]

(1) Notice of the assignment of a project number, pursuant to subsection (c)(3) of this section, must be provided to all subscribers within the petitioning exchange(s), by publication for two consecutive weeks in a newspaper of general circulation in the area. Notice must also be given to individual subscribers either through inserts in customer bills, or through a separate mailing to each subscriber. The notice must state: the project number, the nature of the request, and the commission's mailing address and telephone number to contact in the event an individual wishes to protest or intervene. The commission shall also publish notice in the *Texas Register* [If the service being considered is to be optional for subscribers, a threshold demand level shall be established in the proceeding; below which the affected utility(ies) will not be expected to place facilities for the service. The threshold demand level must be attained through a reasonable presubscription process by subscribers prior to the design or construction of facilities for the service.]

(2) Written notice containing the information described in paragraph (1) of this subsection shall be provided to the governing official(s) of all incorporated areas within the affected exchanges and the county commission(s) representing any unincorporated areas within the affected exchanges.

(3) The cost of notice shall be borne by the petitioners.

(i) Joint filings.

(1) Nonmetropolitan agreements. Joint filing agreements for EAS or EAS substitute services between nonmetropolitan exchanges shall be permitted between two contiguous exchanges, so long as the request does not include service to or from any of the metropolitan areas defined in §23.3 of this title (relating to Definitions). Joint filings under this paragraph shall be in accordance with paragraph (3)(A)-(I) of this subsection.

(2) Multiple exchange common calling plans. Joint filing agreements for EAS substitute services between three or more exchanges shall be permitted

pursuant to paragraph (3)(A)-(K) of this subsection.

(3) Joint filings shall be permitted subject to the following conditions.

(A) The parties to such joint filings shall include; each local exchange company (LEC) which provides service in the affected exchanges and one duly appointed representative for each of the affected exchanges. Each exchange representative shall be designated jointly by the governing officials of all incorporated areas within the affected exchange and the county commission(s) representing any unincorporated areas within the affected exchange.

(B) These joint filings are exempt from the traffic requirements contained in subsection (c) of this section.

(C) These joint filings may include proposals which are flat rate, usage sensitive, block rates, or other pricing mechanisms.

(D) These joint filings may propose either one-way or two-way calling arrangements.

(E) These joint filings may propose either optional or non-optional calling arrangements.

(F) These joint filings shall specify all nonrecurring and recurring rate additives to be paid by the various classes and grades of service in the affected exchanges.

(G) These joint filings shall demonstrate that the proposed rate additives:

(i) are in the public interest, and in the case of nonoptional joint filings which include flat rate additives, the petition shall demonstrate that more than 50% of the total subscribers who will experience a rate change are in favor of this joint filing at the proposed rates; and

(ii) shall recover, for the LECs providing the service, the appropriate cost of providing EAS including lost toll revenues. In the event that the proposal envisions an alternative service to EAS, the proposed rates shall recover, for the LECs providing the service, the appropriate cost of providing the alternative service and may include lost toll revenues.

(H) The notice requirements of subsection (h) of this section are applicable to joint filings. In addition, the commission shall publish notice of the proposed joint filing in the *Texas Register*

and shall provide notice to the office of public utility counsel upon receipt of the joint filing.

(I) If intervenor status is not requested within 60 days of notice, the joint filing shall be handled administratively, with the commission determining whether the service meets the criteria listed in subparagraph (G) of this paragraph. If there is an intervenor, or if requested by the commission staff, the joint filing shall be docketed for hearing and final order. In any event, any of the parties to the joint filing may withdraw the joint filing without prejudice at modification of the joint filing by the commission may only be made upon the agreement of all parties to the proceeding.

(J) The exchanges to be included within the proposed common calling plan area shall be contained within a continuous boundary, and all exchanges within that boundary shall be included in the common calling plan.

(K) In the case of filings which include flat rate additives, the total rate to be charged (base rate plus common calling plan additives) shall be the same for each class of service across all exchanges that are parties to the joint filing.

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

Issued in Austin, Texas, on April 8, 1988.

TRD 8803644

Phillip A. Holder  
Secretary  
Public Utility Commission  
of Texas

Earliest possible date of adoption: May 16, 1988

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

## TITLE 22. EXAMINING BOARDS

### Part IX. State Board of Medical Examiners

#### Chapter 175. Schedule of Fees and Penalties

##### • 22 TAC §175.1

The Texas State Board of Medical Examiners proposes an amendment to §175.1, concerning schedule fees, specifically calling for a fee for registration of radiologic technologists. The fee corresponds with the language in §193.7(b), concerning standing delegation orders for radiologic technologists.

Florence Allen, business manager, and Jean Davis, Texas Register liaison, have deter-

mined 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. Davis also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. The anticipated economic cost to individuals who are required to comply with the section as proposed will be the cost for registration of a radiologic technologist of \$25 each year in 1988-1991.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing on the proposed amendment is expected the early part of the May.

The amendment is proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act. **§175.1. Fees.** The board shall change the following fees:

(1)-(13) (No change.)

(14) radiologic technologist registration—\$25 per annum.

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

Issued in Austin, Texas, on April 6, 1988.

RD-8803548

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

Earliest possible date of adoption: May 16, 1988

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

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part X. Texas Water Development Board

#### Chapter 373. Grants Administration

##### State Project Priority System

- 31 TAC §§373.2-373.5, 373.8, 373.12-373.14, 373.16, 373.17, 373.20-373.22, 373.25, 373.28, 373.30, and 373.32-373.34.

The Texas Water Development Board (board) proposes amendments to §§373.2-373.5, 373.8, 373.12-373.14, 373.16, 373.17, 373.20-373.22, 373.25, 373.28, 373.30, and 373.32-373.34, relating to the state project priority system. The proposed amendments concern the state project priority system un-

der which wastewater treatment facility construction projects are deemed eligible for construction grants from deobligated federal grant funds by the federal government each fiscal year pursuant to the Federal Clean Water Act, 33 United States Code §1251, et al as amended.

Most of these changes are made necessary by the 1987 amendments to the Clean Water Act, entitled the Water Quality Act of 1987, and the subsequent board action to exercise the state's option to use the appropriated federal construction grant appropriated funds allocated to the state after fiscal year 1988 to capitalize the state revolving fund as detailed in 31 TAC §375.3. Most of the changes in sections reflect the reduced funds available for the construction grants program and the variable availability of deobligated funds.

The amendments to §373.4 and §373.5 change the requirements for preparation of the annual project priority list.

Section 373.4 redefines the requirement for projects to qualify for the ready to proceed portion of the priority list. The definite time schedule for completion of various steps has been replaced with criteria which must be met to be placed on the ready to proceed portion of the list.

Section 373.5 has redefined fundable projects and has listed the criteria and procedures required to be placed on the fundable portion of the priority list.

Section 373.8 has changed the basis on which a project can be rated. The priority rating score for a project can now be rated on either the information request for advance for small communities or the facility plan for other projects. The rating process, however, remains unchanged.

The other §§373.2, 373.12-373.14, 373.16, 373.17, 373.20-373.22, 373.25, 373.28, 373.30, and 373.32-373.34 have been changed to facilitate the administration of the construction grants program to reflect the availability of only deobligated funds.

Susan Taylor, director of accounting, has determined that for the first five-year period the sections will be in effect, there will not be fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections. There is no economic cost to individuals who are required to comply with the sections as proposed.

Ms. Taylor, also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the refining of the eligibility criteria for construction grant projects to allow easier access to the program for small communities.

Comments on the proposal may be submitted to C.R. Miertschin, Director of Construction Grants Division, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, by Tuesday, May 6, 1988.

The amendments are proposed under the Texas Water Code, §6 which provides the board with the authority to adopt rules necessary to carry out its powers and duties.

**§373.2. Definitions.** The following words and terms, when used in this subchapter,

shall have the following meanings, unless the context clearly indicates otherwise.

[Contingency section—That part of the planning portion of the project priority list consisting of projects ready to proceed ranked in order of priority by population class.]

Planning portion—That part of the project priority list containing all incorporated cities, all special districts, counties, and river authorities which have wastewater treatment authority and which are not included in the ready-to-proceed portion of the list. [projects outside the fundable portion of the list that may, under anticipated allotment levels, receive funding during the four year planning period represented by the list.]

Project Priority List—A list of projects for which federal/SRF assistance is expected during future years [a four year planning period].

State's deobligated funds [allotment]—The sum of federal grant funds returned to the state from grant decreases which had resulted from bid cost under-run or project termination. [allocated to the State of Texas for a federal fiscal year, from funds appropriated by congress pursuant to the Act.]

**§373.3. Eligibility Determination; Eligible Applicants; Applicant Eligibility Under 208 and 303 Water Quality Management Plans.**

(a)-(c) (No change.)

(d) The governor, in consultation with the Texas Water Commission and the planning agency for each area, will designate one or more waste treatment management agencies for the area and certify such designations to the EPA for approval. Each designated management agency intended to receive federal construction grant assistance under an approved water quality management plan or portion thereof must have appropriate authority under the Act, §208(c)(2), to be approved by the EPA.

(e) (No change.)

(f) Pursuant to 31 TAC §375.3(a) of this title (relating to Policy Declarations), the board will no longer make grants out of new appropriations after October 1, 1988, except from monies which have been deobligated. Grants will be made from deobligated monies only until such time as congress revises the Act or an EPA legal decision is made to convert the deobligated monies for use in the state revolving Fund Program. Due to the limited amount of deobligated monies available, grants shall not be made in excess of \$2 million of federal grant assistance without board approval. If a project is to be segmented, the individual segments must be described in full detail in the facility plan including a construction schedule for the whole project. The maximum grant eligible project cost shall be limited to \$10 million without board approval as detailed in §373.4(a)(2) of this title (relating to Preparation and Submission).

**§373.4. Preparation and Submission.**

(a) The executive administrator

shall begin preparing a preliminary project priority list on July 1 each fiscal year. The projects to be placed on the ready to proceed portion of the priority list will be projects which have:

(1) for Step 2+3:

(A) received an advance for small communities; or

(B) submitted a facility plan and have a total grant eligible cost of \$3.6 million or less; or

(2) for Step 3:

(A) submitted a facility plan and meet the following conditions:

(i) are a segmented project with a total grant eligible cost of \$10 million or less;

(ii) each segment will not exceed a total grant eligible cost of \$3.6 million; and

(iii) have a detailed construction schedule.

(b) No more than one segment will be placed in the ready to proceed portion of the priority list in any fiscal year without board approval. [considered for funding will be those projects that have complied with all previous step requirements on the following dates:

[(1) Step 2+3:

[(A) facility plan and environmental information documentation received in the agency by March 1;

[(B) the finding of no significant impact issued by May 31;

[(C) facility plan approved by June 30;

[(D) state discharge permit to include the parameters as listed in the facility plan issued by June 30;

[(2) Step 3:

[(A) all of the requirements listed in the Step 2+3 and in addition;

[(B) a complete set of plans and specifications received in the agency by April 30;

[(C) plans and specifications approved by June 30.

[(b) Failure to meet any of the deadlines listed above may result in that project not being considered for funding the next fiscal year.

[(c) Projects to be considered for funding must have complied with all of the requirements of the Act, rules/regulations, and guidance pertaining to facility plans and plans and specifications.

[(d) After the board adopts the final project priority list, the executive administrator shall submit it to the EPA for review and acceptance in accordance with 40 Code of Federal Regulations §35.2015.]

§373.5. *Fundable Projects [Included].* Projects which are placed in the fundable portion of the [project] priority list shall include only eligible projects for which carry-over funds are available or deobligated funds have been [funding is appropriated and], allocated to the state. Projects considered fundable [ready to proceed] are those projects which meet the following requirements.

(1) The entity is a designated management agency;

(2) Appropriate permits have been acquired;

(3) The facility plan has been approved by the executive administrator and all federal requirements have been met;

(4) The application has been submitted; and

(5) for Step 2+3 projects:

(i) the local share for design is available and the local share for construction can be obtained by the time plans and specifications are completed; and

(ii) the required easements and site certificates have been obtained, or will be obtained within 90 days after approval of plans and specifications; or

(6) for Step 3 projects:

(i) the local share is available or will be available within 90 days of the grant award;

(ii) the plans and specifications, value engineering (if applicable) and user charge system have been approved by the executive administrator;

(iii) a sewer use ordinance has been enacted; and

(iv) all sites and easements required for the project have been obtained.

[(1) For either step 2+3 or step 3 grants, entities have verified in writing that the following requirements have been met:

[(A) the local share can be secured;

[(B) the required easements and site certificates have been obtained, or will be obtained within 90 days for step 3

projects; or within 90 days after approval of plans and specifications for step 2+3 projects:

[(C) appropriate permits have been acquired;

[(D) the application for step 2+3 or step 3 will be submitted within 90 days of the priority list approval;

[(2) for step 2+3, a facility plan has been approved by the executive administrator that all federal requirements have been met.

[(3) for step 3, the plans and specifications and the facility plan have been approved by the Executive Administrator.]

§373.8. *Projects Categorized and Rated.* Each project to be included in the ready to proceed [fundable] portion of the project priority list shall be categorized according to population class and shall be rated under the priority system rating process set out in §373.36 [§321.36] of this title (relating to Rating Criteria; Maximum Points); and §373.44 [321.44] of this title (related to Rating Sheets 1-5, Tables 1-V, Figure 1-Population Density Point Curve). The priority rating score for a project shall be based upon the information request or a facility plan [approved by the executive administrator].

§373.12. *Reserves.* The board shall assign a respective percentage of the state's deobligated funds [allotment for the next federal fiscal year to reserves for state management assistance grants.] for innovative and alternative technology projects and [may assign a percentage of the state's allotment] for general project grant increases. §373.13. *Advance of Allowance for Small Communities.*

(a) (No change.)

(b) The board may set aside a portion of the deobligated funds [up to 10% of the state's allotment] to advance potential grant applicants, the costs of facility planning, or the preparation of plans, specifications and estimates.

(c)-(d) (No change.)

§373.14. *Population Class Apportionment.*

(a) After all reserve percentages are assigned, the board shall apportion the first deobligated funds of the fiscal year [allotment] among the population classes on a ready to proceed basis for those projects which are fundable. The projects which are ready to proceed on July 1 shall be listed with the funds required and totaled by population class. The funds required for all population classes shall then be totaled. A percentage of the total funds required by each population class shall be computed. The portion of the state's deobligated funds [allotment] available for funding projects shall be assigned to the population classes based on this computed percentage.

(b) The executive administrator [board] may redistribute any additional deobligated [the unobligated] funds, as necessary, to expedite the use of these funds [to eliminate or minimize any return of the state's allotment to the federal government].

**§373.16. Use of Funds.**

(a)-(c) (No change.)

(d) When additional deobligated funds become available after the first deobligated funds of the fiscal year, the first projects which meet the fundable requirements shall be funded first. [When a project is segmented within a particular class, no entity shall receive more than 50% of the funds allocated to that class unless no other project in that class is ready to proceed. If the other projects in that class ready to proceed do not require more than 50% of the funds allocated to that class, the segmented project shall receive the remaining portion of the funds not required by the other projects subject to the maximum participation allowed by federal law.]

**§373.17. Fundable Portion of Project Priority List.**

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

(c) When the population class percentage is established, a funding line shall be drawn such as not to exceed the funds allotted to the individual population class. Those projects above the funding line shall be the designated projects to receive federal grant assistance. [Those projects below the funding line shall be designated as contingency projects for the effective period of project priority list.] If a project above the funding line cannot proceed [during the allotment period], the project shall [may] be bypassed. Another project may be selected for funding in accordance with the bypass procedure in §373.32 of this title (relating to Project Funding Bypass). Solely for the purpose of compiling one contiguous project priority list as required by federal regulations, 1000 points shall be added to the rating score of each project ranked in the fundable portion of the project priority list, provided that where a project is bypassed under §373.32 of this title (relating to Project Funding Bypass) or is struck from the fundable portion and moved to the ready to proceed [planning] portion of the Project Priority List under §373.25 of this title (relating to Failure to Complete Application Process), the 1000 points shall be removed.

(d) (No change.)

**§373.20. Preapplication Conferences.** Upon board approval of the final project priority list, the executive administrator shall set the preapplication conference dates, times, and places as projects become eligible to be added to [for all projects on] the fundable portion of the project priority list.

**§373.21. Authorization to Submit Applications.** The executive administrator shall authorize prospective applicants for

those projects which are eligible to be included in the fundable portion of the project priority list to submit formal applications for construction grants in accordance with the list. Such authorization shall expire upon the deadline by which the formal application must be submitted to the board, as specified in the notice of authorization, unless extended by the executive administrator.

**§373.22. Notice of Authorization.** The executive administrator shall send notice of such authority to submit a formal application by certified mail to each prospective applicant whose project is eligible to be placed [included] in the fundable portion of the project priority list. Such notice shall also contain the date, time, and place set for that prospective applicant's preapplication conference and the deadline by which the formal application must be submitted to the executive administrator.

**§373.25. Failure to Complete Application Process.**

(a) Where an applicant fails to attend the preapplication conference, to submit a completed formal application within the period authorized, or to correct and resubmit a returned application within the time allowed, the executive administrator may strike the applicant's project from the fundable portion and move it to the ready to proceed [planning] portion of the project priority list. The executive administrator shall immediately notify the applicant of any such action by certified mail.

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

(d) A project struck from the fundable portion and moved to the ready to proceed [planning] portion of the project priority list under this rule shall be considered for future funding in accordance with these rules.

**§373.28. Failure to Proceed According to Schedule.**

(a) (No change.)

(b) Pursuant to federal regulations, the grantee shall give public notice to proposed procurement action for building the treatment works promptly after award of a step 3 grant or after the regional administrator has approved the information required under 40 Code of Federal Regulations §§35.2040(b) (5) and (b)(6), 35.2106, 35.2107, 35.2122, 35.2130 and 35.2140 [§§35.2107, 35.2122, 35.2040(a)(2)(iv) and (v)] under a step 2+3 grant. Generally this action should occur within 120 days after step 3 award or final approvals for a step 2+3 grant unless compliance with state or local laws requires a longer period of time. The regional administrator may [shall] annul or terminate the grant if the grantee has not given public notice of proposed procurement action for all significant elements within 12 months of the step 3 award or final step 2+3 approvals.

(c)-(d) (No change.)

(e) In accordance with §373.16(b) of this title (relating to Use of Funds), the executive administrator may reassign funds from a grant canceled under this section to the highest ranked projects from the ready to proceed [contingency] projects listed which meet the fundable criteria (§373.5 of this title (relating to Fundable Projects) in the project priority list [which are in the same population class as the project whose grant was cancelled, and comply with the enforceable requirements of the Act, unless exempted by §373.16(d) of this title (relating to Use of Funds). Provided that only where there is an insufficient number of projects meeting all three of these criteria to use all of the canceled grant funds, the board may redistribute any unobligated funds, as necessary, to eliminate or minimize any return of the state's allotment to the federal government].

**§373.30. Review of Project Priority List.**

(a) (No change.)

(b) When the executive administrator revises the list because supplemental appropriations are received or additional funds become available, the projects to be considered for funding will be those projects that [have complied with all previous step requirements and] are ready to proceed in accordance with §373.4 [§373.5] of this title (relating to Preparation and Submission) [Projects Included] herein as of April 1 of the current fiscal year.

**§373.32. Project Funding Bypass.**

(a) Where it becomes evident to the executive administrator that a project included in the fundable portion of the project priority list will not be able to receive grant assistance [ready to proceed] during the funding period, he may bypass such project by removing it from the fundable portion and placing it within the ready to proceed [planning] portion of the list.

(b) Before the executive administrator bypasses a project, he shall send notice by certified mail to the applicant of his determination that the project will not be able to receive grant assistance [ready to proceed] during the funding period. The executive administrator shall also certify to the EPA that the bypassed project will not be able to receive grant assistance [ready to proceed] during the funding period.

(c)-(d) (No change.)

(e) In accordance with §373.16(b) of this title (relating to Use of Funds), the executive administrator may reassign funds from a project bypassed under this section to another project in the same category which is fundable if another fundable project in that category is available. [the highest ranked projects on the contingency section of the priority list:

[(1) which are in the same population class as the bypassed project;

[(2) which comply with the enforceable requirements of the Act, unless

exempted by §373.16(d) of this title (relating to Use of Funds); and

[(3) which are ready to proceed, provided that only where there is an insufficient number of projects meeting all three of these criteria, to use all of the bypassed project's funds, the executive administrator may redistribute any unobligated funds, as necessary, to eliminate or minimize any return of the state's allotment to the federal government.]

(f) (No change.)

§373.33. *Additional Allotment.* Where the state receives an additional federal allotment during the funding year, the executive administrator may fund projects on the ready to proceed [contingency] section of the project priority list in accordance with 40 Code of Federal Regulations §35.2015 and these sections.

§373.34. *Project Removal.*

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

(c) In accordance with §373.16(b) of this title (relating to Use of Funds), the executive administrator may reassign funds from a project removed under this rule to the highest ranked projects in the same category which is fundable if another fundable project in that category is available. [on the contingency section of the priority list:

[(1) which are in the same population class as the removed project;

[(2) which comply with the enforceable requirements of the Act, unless exempted by §373.16(d) of this title (relating to Use of Funds); and

[(3) (3) which are ready to proceed, provided that only where there is an insufficient number of projects meeting all three of these criteria, to use all of the removed project's funds, the executive administrator may redistribute any unobligated funds, as necessary, to eliminate or minimize any return of the state's allotment to the federal government.]

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

Issued in Austin, Texas, on April 11, 1988.

TRD-8803668 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Earliest possible date of adoption: May 16, 1988

For further information, please call: (512) 463-7850.

◆ ◆ ◆  
**Chapter 375. State Water  
Pollution Control Revolving  
Fund**

The Texas Water Development Board (board) proposes amendments to §§375. 15, 375.34-375.37, and 375.63, concerning the State Water Pollution Control Revolving Fund (SRF). The proposed amendments relate to the uses of the SRF, and include the insertion of clarifying language and correction of typographical errors. Section 375.15 is amended to allow the SRF to be used as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund, and also to be used to earn interest on fund accounts. Sections 375.34 and 375.35 are amended by insertion of minor clarifying language. Section 375.36 is amended to change pre-application conference to preplanning conference. Sections 375.37 and 375.63 are amended to correct typographical errors.

Ms. Susan M. Taylor, director of accounting, has determined that for the first five-year period the proposed 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.

Ms. Taylor 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 clarify the rules relating to the SRF.

Comments on the proposal may be submitted to Mr. C. R. Miertschin, Director of Construction Grants Division, P.O. Box 13231, Austin, Texas 78711 within 30 days after the date of publication of the proposed amendments.

**Program Requirements**

• 31 TAC §375.15

The amendment is proposed under the Texas Water Code, §6.101, which provides authorization for the board to adopt all rules necessary to carry out the powers and duties of the board.

§375.15. *Types of Assistance.* The fund may be used for the following purposes:

(1) (No change.)

(2) to buy or refinance the debt obligation of eligible applicants within the state at or below market rates, when such debt obligations were incurred after March 7, 1985; [and]

(3) for the reasonable costs of administering the fund and conducting activities under the Act, Title VI; [.]

(4) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund; and

(5) to earn interest on fund accounts.

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

Issued in Austin, Texas, on April 11, 1988.

TRD-8803670

Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Earliest possible date of adoption: May 16, 1988

For further information, please call: (512) 463-7850

◆ ◆ ◆  
**Applications for Assistance**

• 31 TAC §§375.34-375.37

These amendments are proposed under the Texas Water Code, §6.101, which provides authorization for the board to adopt all rules necessary to carry out the powers and duties of the board.

§375.34. *Required Legal Data.*

(a)-(j) (No change.)

(k) Other information. The applicant shall submit other information, plans, and specifications requested by the board or the executive administrator which are reasonably necessary for an adequate understanding of the project. The applicant shall submit a copy of any proposed or existing lease or other agreement transferring interests in any land acquired, or to be acquired, with assistance from the SRF. Regardless of the source of funds in the acquisition, the applicant shall:

(1)-(3) (No change.)

§375.35. *Required Environmental Review and Determinations.*

(a) General. As required by the provisions of §602(b)(6) of the Act, the board will conduct an interdisciplinary environmental review consistent with the National Environmental Policy Act of the project proposed for funding through the SRF. This review will insure that the project will comply with the applicable local, state and federal laws and board rules relating to the protection and enhancement of the environment. Based upon the staff's review, the executive administrator will make formal determinations regarding the potential social and environmental impacts of the proposed project. As necessary, the determinations will include mitigative provisions as a condition of the provisions of financial assistance for building and no financial assistance will be provided until a final environmental determination has been made. Nothing in these rules shall prohibit any public, private or governmental party from seeking administrative or legal relief from the determinations of the board. Potential applicants to the fund should obtain guidance from the staff regarding the scope of the environmental review to be conducted by the board and the environmental information which the applicant will be required to submit in support of the proposed project.

(1) (No change.)

(2) Other determinations that are required of the board.



(A) Recognizing that a project may be altered at some time after an environmental determination on the project has been issued, the executive administrator will provide that, prior to approval, the plans and specifications, loan application, and related documents will be examined for consistency with the environmental determination. If inconsistencies are found, the executive administrator may revoke a CE and require the preparation of an EID or an EIS, consistent with the criteria of subsection (a)(1) of this section, or require the preparation of amendments to an EID or supplements to an EIS, as appropriate. Based upon the staff's review of the amended project, the executive administrator will:

(i)-(ii) (No change.)

(iv) issue a supplement to a ROD, or revoke the [an] ROD and issue a public notice that financial assistance will not be provided.

(B) (No change.)

(3) (No change.)

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

**§375.36. Facilities Planning Report.**

(a) **Preplanning** [Preapplication] conference. As early as practical, pursuant to §375.31 of this title (relating to Preplanning and Preapplication Conferences), the applicant's engineers and appropriate staff shall meet with the board's staff to obtain current planning information, and obtain guidance on the scope of the facilities planning report, and to get an early determination under §375.35 of this title (relating to Required Environmental Review and Determinations). The applicant shall utilize the guidance provided by the board's staff to the maximum extent feasible. The applicant shall submit three copies of its facilities planning report.

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

**§375.37. Required Water Conservation Plan.**

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

(c) The long-term water conservation plan required under subsections (a) or (b) of this section shall be consistent with the guidelines for water conservation planning available from the executive administrator. The plan shall serve as the basis for developing and implementing a conservation program. At a minimum, the plan shall consider, and as appropriate include, each of the elements in §375.32(10) of this title (relating to Required General Information). Reasons for not including any of the elements stated in §375.32(10) of this title (relating to Required General Information) shall be clearly stated. The plan shall effectively address the following:

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

(5) methods to increase the recycling and reuse [reuse] of water.

(d) (No change.)

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

Issued in Austin, Texas, on April 11, 1988.

TRD-8803671 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Earliest possible date of adoption: May 16, 1988

For further information, please call: (512) 463-7850

**Engineering Design**

**• 31 TAC §375.63**

The amendment is proposed under the Texas Water Code, §6.101, which provides authorization for the board to adopt all rules necessary to carry out the powers and duties of the board.

§375.63. *Approval of Plans and Specifications.*

(a) Approval. The executive administrator will approve the plans and specifications if they:

(1) (No change.)

(2) are consistent with all relevant statutes [statutes], including the Water Code;

(3)-(4) (No change.)

(b)-(c) (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 April 11, 1988.

TRD-8803669 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Earliest possible date of adoption: May 16, 1988

For further information, please call: (512) 463-7850

**TITLE 37. PUBLIC SAFETY AND CORRECTIONS**

**Part III. Texas Youth Commission**

**Chapter 81. General Provisions**

**Case Management System for Delinquent Youth**

**• 37 TAC §81.121**

*(Editor's Note: The Texas Youth Commission proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)*

The Texas Youth Commission proposes an amendment to §81.121, concerning discharge. The amendment adds language to one of the discharge criteria to limit the youth the Texas Youth Commission discharges when placed on adult probation supervision to only those youth placed on adult probation supervision while on parole status.

John Franks, director of fiscal affairs has determined that there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Franks also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to allow the Texas Youth Commission to retain custody of some youth who are placed on adult probation while in custody of TYC for a longer period of time and thus further protect the general public. There will no cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, P.O. Box 9999, Austin, Texas 78766.

The amendment is proposed under the Human Resources Code, §61.084, which provides Texas Youth Commission with the authority to discharge youth.

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

Issued in Austin, Texas, on April 8, 1988.

TRD-8803628 Ron Jackson  
Executive Director  
Texas Youth Commission

Earliest possible date of adoption: May 16, 1988

For further information, please call: (512) 452-8111, ext. 107.

# Withdrawn Sections

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An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

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## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 3. Oil and Gas Division

#### Conservation Rules and Regulations

##### • 16 TAC §3.31

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §3.31, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective April 6, 1988. The amendment as proposed appeared in the October 6, 1987 issue of the *Texas Register* (12 TexReg 3589).

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.

TRD-8903677

Filed: April 6, 1988



# Adopted Sections

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 1. ADMINISTRATION

### Part X. Automated Information and Telecommunications Council

#### Chapter 205. Acquisition of Telecommunication Systems

##### 1 TAC §205.1

The Automated Information and Telecommunications Council adopts the repeal of §205.1, without changes to the proposed text published in the October 16, 1987, issue of the *Texas Register* (12 TexReg 3814).

Telecommunications rules were merged into 1 TAC §201.1, concerning acquisition of automated information and telecommunications systems, to comply with the provisions of House Bill 2224, 70th Legislature, 1987.

The repeal will simplify the procedures for developing and submitting long-range automated information and telecommunications systems plans, inventories, and procurements.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Government Code, §463, which provides Automated Information and Telecommunications Council with the authority to adopt rules regarding the development and submission of long-range automated information and telecommunications council systems plan, inventories, and procurements by state governmental bodies.

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

Issued in Austin, Texas, on April 7, 1988.

TRD-8803594

Tina J. Turner  
Administrative Assistant  
Automated Information and  
Telecommunications  
Council

Effective date: May 6, 1988

Proposal publication date: October 16, 1987

For further information, please call: (512)  
463-5530

## TITLE 16. ECONOMIC REGULATION

### Part II. Public Utility Commission of Texas

#### Rates

##### • 16 TAC §23.28

The Public Utility Commission of Texas adopts new §23.28, with changes to the proposed text published in the December 4, 1987, issue of the *Texas Register* (12 TexReg 4514).

The Public Utility Regulatory Act, §18(f), requires the Public Utility Commission of Texas to adopt new rules and procedures to allow local exchange companies to offer promotional rates for certain services.

Local exchange companies may file applications with the commission requesting the expedited approval of promotional rates for certain services. Such requests may be approved on an administrative basis by a hearings examiner or may be docketed for hearing and final review by the commission.

The Office of the Public Utility Counsel and GTE of the Southwest made comments in favor of and against the new section. MCI Telecommunications Corporation and Southwestern Bell Telephone made comments in favor of the new section. Most comments focused on the published alternatives related to the cost standard the commission would impose for promotional rates. Other issues drawing comment related to notice, the time period during which a promotional rate may be offered, the services which may qualify for promotional rates, and the administrative review procedures contained in the section.

The commission believes the provisions of the section appropriately balance the public interest concerns related to offering certain local exchange company services at promotional rates.

The new section is adopted under the Public Utility Regulatory Act, §18(f), which provides the Public Utility Commission of Texas with the authority to promulgate rules to allow local exchange companies to offer promotional rates for certain services.

§23.28. *Promotional Rates for LEC Services.*

(a) Application. This section applies to local exchange carriers (LECs) as that term is defined by §23.61 of this title (relating to Telephone Utilities) which are subject to the ratemaking jurisdiction of the commission for any service or market.

(b) Purpose. The procedures out-

lined in this section are intended to establish a process by which LECs may obtain authorization for offering promotional rates for the purpose of increasing long term demand for a service and/or utilizing unused capacity of the LEC's network.

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

(1) Promotional rate—A temporary tariff, fare, toll, rental or other compensation charged by an LEC to new or new and existing customers and designed to induce customers to test out a service. A promotional rate shall incorporate a reduction or a waiver of some rate element in the tariffed rates of the service, or a reduction or waiver of the service's installation charge and/or service connection charges, and shall not incorporate any charge for discontinuance of the service by the customer. Such rates may not be offered for basic local exchange service, including local measured service.

(2) Administrative review—A process whereby an application is reviewed by the staff and the Office of Public Utility Counsel and ruled on by the presiding examiner without an evidentiary hearing and without an order signed by the commission.

(d) Filings requesting approval of promotional rates. After the effective date of this section, an LEC may request approval of promotional rates for a service by following the procedures outlined in this section. In addition to copies required by other commission rules, one copy of the application shall be delivered to the telephone division. Nothing in this section precludes an LEC from utilizing other provisions of this title to offer such promotional rates. Not later than 30 days prior to the proposed effective date of the promotional rate, the LEC shall file with the commission and the Office of Public Utility Counsel an application containing the following information:

(1) a statement of intent by the LEC to use the procedures established in this section;

(2) a description of the specific proposed or tariffed service for which promotional rates are proposed and a description of the temporary rates for such service proposed by the LEC;

(3) if the promotional rates are

proposed to be offered on less than a systemwide basis as provided in paragraph (e) of this section, a description of the locations for which the promotional rates are proposed;

(4) the starting date and ending date of the period over which the promotional rates are proposed to be offered;

(5) a description of all time periods during the five years preceding the filing of this application for which promotional rates were offered for the service as authorized under this section;

(6) a statement detailing the type of notice, if any, the LEC has provided or intends to provide to the public regarding the application and a brief statement explaining why the LEC's notice proposal is reasonable;

(7) a copy of the text of the notice, if any;

(8) detailed documentation showing the long run incremental cost of the service for which promotional rates are requested, including projections of revenues, demand and expenses of the service for the period during which the promotional rates are proposed to be offered. The application shall include projections of the effect of the promotional rate on the service's revenues and cost and its impact on the service's contribution during the promotional period and over the remaining life of the service. The application shall also include all workpapers and supporting documentation relating to computations or assumptions contained in the application; and

(9) any other information which the LEC wants considered in connection with the commission's review of its application.

(e) Modifications and waivers of requirements. In its application, an LEC may request the waiver of the long run incremental cost requirements set forth in this section. Such a waiver shall only be granted if the presiding examiner determines that the long run incremental cost standard imposes an unreasonable burden on an LEC which has inadequate resources to produce the required cost information to meet the standard and if the presiding examiner determines that an appropriate alternative cost standard is available. If the long run incremental cost standard is waived, the LEC must provide other cost information showing the relationship between its proposed promotional rates and the costs of providing the service. An LEC may also request a waiver of the requirement that promotional rates be offered in every exchange when such rates are proposed to be offered for a tariffed service which is being expanded into central offices which previously did not provide the service. Any request for waiver of the long run incremental cost information requirement or the

systemwide application of the promotional rates requirement shall include a complete statement of the LEC's arguments supporting that request.

(f) Notice. At least 10 days before any application under this section may be filed by an LEC, the LEC shall file a statement of intent to file such an application and the expected filing date. Such notice shall also include a statement of the LEC'S intent to use the expedited procedures of this section, a description of the service, and a description of the proposed promotional rates and the proposed promotional period. The commission shall then publish notice of the LEC'S intent to file such application in the Texas Register. The presiding examiner may require notice to be provided to the public in addition to that proposed by the LEC in its application. Before the effective date of the application, the utility shall file a statement indicating the date on which all notice provided to the public was completed and proof of such notice. If public notice of the application is required, it shall include a description of the service for which promotional rates are proposed, the rates which are proposed by the LEC, the time period during which the promotional rates are proposed to be in effect, the types of customers likely to be affected if the application is approved, and the following language: "Persons who wish to comment on this application should notify the commission by (specified date, 10 days before the proposed effective date). Requests for further information may be mailed to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or you may call the commission's Public Information Office at (512) 458-0223 or (512) 458-0227 or (512) 458-0221 teletypewriter for the deaf."

(g) Requirements for promotional rates. Unless waived or modified by the presiding examiner as provided in paragraph (e) of this section, the following requirements shall apply to promotional rates approved under this section:

(1) the promotional rates shall be offered in every exchange in which the service is offered throughout the LEC's system;

(2) promotional rates for any particular service in any specific exchange shall not be offered for more than six months during any five-year period, and no customer shall be charged promotional rates for more than three consecutive months;

(3) promotional rates shall be offered only to new customers of a service or to new and existing customers, provided that, for existing customers, the promotional rates shall only apply to additional units of service ordered during the promotional rate period; and

(4) the promotional rate shall be designed to generate sufficient revenue to

recover the long run incremental cost of providing the service (or, if the long run incremental cost standard is waived, such other costs as are approved by the commission) within one year of introduction of the promotional rate. If the proposed promotional rate is for the reduction or elimination of an installation charge or service connection charge, the revenue and costs related to provision of the entire service shall be used in determining whether the cost standard for the service is met. If the proposed promotional rate is for a service whose tariffed rate does not recover the costs of providing the service, a promotional rate may be approved if the LEC can demonstrate that the promotional rate will move the service closer to full cost recovery. However, no promotional rate shall be approved for a service whose tariffed rate does not recover the cost of the service if such service has been found to be subject to significant competition under §23.27 of this title or if the service is enumerated in the Public Utility Regulatory Act, §18(e)(3)(b). The commission may approve a promotional rate even if it does not provide a contribution to joint and common costs.

(h) Administrative review. An application considered under this section shall be reviewed administratively unless the presiding examiner, for good cause, determines at any point during the review that the application should be docketed. The operation of the proposed rate schedule may be suspended for 35 days after the effective date of the application. The effective date shall be no earlier than 30 days after the filing date of the application or 30 days after public notice is completed, whichever is later. The application shall be examined for sufficiency. If the presiding examiner concludes that material deficiencies exist in the application, the applicant shall be notified within 10 working days of the filing date of the specific deficiency in its application, and the earliest possible effective date of the application shall be no less than 30 days after the filing of a sufficient application with substantially complete information as required by the presiding examiner. Thereafter, any deadlines shall be determined from the 30th day after the filing of the sufficient application and information or from the effective date if the presiding examiner extends that date. While the application is being administratively reviewed, the commission staff and the Office of Public Utility Counsel may submit requests for information to the LEC. Three copies of all answers to such requests for information shall be provided to the commission staff and the Office of Public Utility Counsel within 10 days after receipt of the request by the LEC. No later than 20 days after the filing of a sufficient application with substantially complete information as required by the presiding examiner, interested persons may provide to the staff written comments or recommendations concerning the application. The commission staff shall and

the Office of Public Utility Counsel may file with the presiding examiner written comments or recommendations concerning the application. No later than 35 days after the effective date of the application, the presiding examiner shall complete an administrative review to determine whether the LEC's application meets the following requirements:

(1) the proposed rates constitute promotional rates as defined in this section;

(2) notice was provided as required by the presiding examiner;

(3) the requirements contained in subsection (g) of this section have been met;

(4) the proposed rates and terms of the service are not unreasonably preferential, prejudicial, or discriminatory, subsidized directly or indirectly by regulated monopoly services, or predatory or anticompetitive; and

(5) provision of the service is consistent with the public interest in a technologically advanced telecommunications system, the preservation of universal service, and the prevention of anticompetitive practices and of subsidization of services subject to competition with revenues from regulated monopoly services.

(i) Approval or denial of application. For its application to be approved, the LEC must meet all of the requirements in subsection (h) of this section, unless such requirements are modified or waived by the presiding examiner as provided under subsection (e) of this section. If, based on the administrative review, the presiding examiner determines that all requirements not waived have been met, the LEC shall be permitted to offer the service at the rates and terms approved by the presiding examiner. If, based on the administrative review, the presiding examiner determines that one or more of the requirements not waived have not been met, the presiding examiner may dismiss or, upon prior request of the LEC, shall docket the application.

(j) Review of the application after docketing. If the application is docketed, the operation of the proposed rate schedule shall be automatically suspended to a date 120 days after the applicant has filed all of its direct testimony and exhibits, or 155 days after the effective date, whichever is later. Three copies of all answers to requests for information shall be filed with the commission within 10 days after receipt of the request. Affected persons may move to intervene in the docket, and a hearing on the merits shall be scheduled. Except as otherwise provided in this paragraph, the application shall be processed in accordance with the commission's rules applicable to docketed cases.

(k) Notification to the public of services to be offered at promotional rates. If promotional rates for a service are approved

under this section, all advertising related to such service and its promotional rates shall clearly describe the temporary nature of the rate, the date on which the promotional rate will expire, and the rate which will apply after expiration of the promotional rate. The LEC shall provide the same information to all customers requesting rate information for such service or ordering the service during the period the promotional rates are in effect.

(1) Reporting requirements. If promotional rates are approved based on either an administrative review or a docketed proceeding, the LEC shall file with the commission a report showing the actual revenues, demand and related expenses and investment for the service over each period promotional rates are in effect. This report shall be filed with the commission within three months after each authorized period for offering promotional rates has expired.

(m) Treatment of revenues and expenses related to promotional rates in subsequent rate cases. In any subsequent rate case in which a service was offered at promotional rates during the test year, the revenues attributed to such service shall be adjusted upward to reflect the revenues which would have been collected if all customers who were charged the promotional rate had been charged the permanent tariffed rate over the promotional period.

(n) Subsequent review of the promotional rates. If promotional rates for a service are approved under the procedures set forth in this section, the commission's general counsel, the Public Utility Counsel, or any affected person may file with the commission a petition seeking modification of the rates or terms under which the promotional rate is offered or withdrawal of the promotional rate. If multiple promotional rate periods are approved for a service under the provisions of this section and if the reports filed in accordance with subsection (1) of this section indicate that the rates for the service did not recover the costs of the service as required in subsection (g) of this section, the commission shall initiate an inquiry into the reasonableness of such promotional rates and shall suspend those rates pending the completion of the inquiry.

(o) Review of cost standard under this section. Any cost standard established by the commission in this section shall be subject to change pending the commission's deliberations in the cost standard rulemaking required by the Public Utility Regulatory Act, §18(h).

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

Issued in Austin, Texas, on April 5, 1988.

TRD-8803586

Phillip A. Holder  
Secretary  
Public Utility Commission  
of Texas

Effective date: April 27, 1988

Proposal publication date: December 4, 1987

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

◆ ◆ ◆  
**TITLE 28. INSURANCE**  
**Part I. State Board of Insurance**

**Chapter 7. Corporate and Financial**

**Subchapter B. Insurance Holding Company System Regulatory Act**

• **28 TAC §7.201-7.205, 7.209, 7.210, 7.213**

The State Board of Insurance adopts amendments to §§7.201-7.205, 7.209, and 7.210, and new §7.213. Sections 7.202, 7.203, 7.205, and 7.209 are adopted without changes to the proposed text published in the February 9, 1988, issue of the *Texas Register* (13 TexReg 682). Sections 7.201, 7.204, 7.210, and 7.213 are adopted without changes and will not be republished. The biographical affidavit form proposed for adoption by reference under §7.201 and §7.210 was not published, but is on file with the Secretary of State's Office, Texas Register Section.

These sections concern administrative regulation under the Insurance Holding Company System Regulatory Act (the Insurance Code, Article 21.49-1). The amendments and new section are necessary to provide editorial changes and clarifications, to reflect statutory amendments to Article 21.49-1 by recent House Bill 1911, and to provide more efficient administrative regulation under Article 21.49-1. This adoption renumbers the definitions in §7.202(a) to place them in alphabetical order. The adoption adds language to the definitions of controlled insurer and controlled person in order to alert any reader to the specific definition of a holding company. This adoption adds a sentence at the end of §7.203(f)(6) in order to clarify the need for reporting small transactions concerning affiliates. The adoption changes the last sentence of §7.203(1) to provide that after a disclaimer of control or affiliation has been filed by any person, any acquisition, in any manner, directly or indirectly, of a voting security of the domestic insurer by such person shall be subject to the Act, §5, in absence of the filing, within five business days, of an amendment which shall make current the disclaimer of control or affiliation previously filed pursuant to the subsection. This change provides the person disclaiming control or affiliation with the option of amending the previously filed disclaimer within five business days in lieu of a filing pursuant to the Act, §5. The adoption corrects an omission of language from the proposed text as published; so that the final sentence of §7.205(f), as adopted, reads: "The acquiring party shall have the burden of

providing competent evidence for the commissioner to make the determinations required under the Act, §5(c)(1)." The adoption corrects omission of language from the proposed text as published; so that the final sentence of §7.209(e)(1), as adopted, refers to arrangements concerning the consideration borrowed between the borrower and the lender, §7.209(f)(2), as adopted, includes the language "including, but" before the words "not limited to", and the final sentence of §7.209(m)(2) refers to a balance sheet as of a date not earlier than 120 days prior to the filing of the statement and balance sheets for the second and third fiscal years preceding the filing of the statement.

The amendment to §7.201 establishes and modifies filing requirements for exemption statements and acquisition statements, and alerts the person filing to certain regulatory fees. The amendment to §7.202 establishes or modifies definitions for executive officer, ultimate controlling person, and voting security, and eliminates a definition for officer. The amendment to §7.203 requires insurers to make registration statements current upon acquisition of voting securities of domestic insurers and makes provisions of the Insurance Code, Article 21.49-1, §5, applicable to such acquisitions. The amendment to §7.204 requires that applications for approval by the commissioner of insurance for some transactions must include documentation of compliance with Article 21.49-1, §4(a), and must include evidence that a transaction will not adversely affect interests of policyholders. The amendment to §7.205 imposes additional filing and reporting requirements and other requirements upon acquisitions of control. The amendment to §7.209 imposes additional filing, disclosure, and documentation requirements concerning acquisition of control of a domestic insurer. The amendment to §7.210 requires biographical data for an individual who is an ultimate controlling person and requires disclosure of affiliated transactions in insurance holding company system registration statements. New §7.213 establishes a form as a guide for statements regarding the exemption from approval of the acquisition of control of a domestic insurer. The amendments to §7.201 and §7.210 include adoption by reference of a biographical affidavit form.

The Texas Legal Reserve Officials Association submitted comments generally for the proposed sections; however, the association suggested modifications of the sections as proposed.

The commenters complained of a lack of clear language in the existing rules relating to those small transactions between affiliates that individually do not exceed the test of materiality for reporting purposes, and which occur following the reporting of previous small transactions that in the aggregate do exceed the test of materiality, and of a lack of clarity as to the number of times that such small transactions are required to be accumulated and reported. In response, the board has added a clarifying sentence at the end of §7.203(f)(6). The commenters also argued that once a disclaimer of control has been filed by a person, the proposed amendment of §7.203(1) required that any further acquisition of voting securities by that person be subject to the filing and approval requirements of the Act, §5, and that §7.203(1) would thereby prohibit any further opportunity

to consider the additional acquisition as a disclaimer under the Act, §3. In response, the board has adopted language in §7.203(1) which permits the filing of an amendment, within five business days, to a previously filed disclaimer by a person in the acquisition of a voting security. In absence of the filing of such an amendment, the acquisition of a voting security is subject to the Act, §5.

The amendments and new section are adopted under the Insurance Code, Article 21.49-1, §11, which authorizes the State Board of Insurance to issue such rules, regulations, and orders as shall be consistent with and shall carry out the provisions of the Insurance Holding Company System Regulatory Act and to govern the conduct of its business and proceedings under the Insurance Code, Article 21.49-1.

#### §7.202 Definitions.

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

(1) Act The Insurance Code, Article 21.49-1, as amended (Senate Bill 233, 62nd Legislature of the State of Texas).

(2) Affiliate—An affiliate of, or person affiliated with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(3) Board—The State Board of Insurance of the State of Texas.

(4) Commissioner—The commissioner of insurance of the State of Texas.

(5) Control—The term "control," including the terms "controlling," "controlled by" and "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds irrevocable proxies representing 10% or more of the voting securities or authority of any other person. This presumption may be rebutted by a showing made in the manner provided by the Act, §3(i), that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect, where a person exercises directly or indirectly either alone or pursuant to an agreement with one or more other persons such a controlling influence over the management or policies of an authorized insurer as to make it necessary or appropriate in the public interest or

for the protection of the policyholders or stockholders of the insurer that the person be deemed to control the insurer.

(6) Controlled insurer—An insurer controlled directly or indirectly by a holding company (as a holding company is defined in this section).

(7) Controlled person—Any person, other than a controlled insurer, who is controlled directly or indirectly by a holding company (as a holding company is defined in this section).

(8) Director—A person elected or appointed as a member of a board of directors responsible for the management of an insurer. The term shall also include an attorney-in-fact of a Lloyds or reciprocal interinsurance exchange who is charged with responsibility for the management of an insurer.

(9) Executive officer—The chairman of the board of directors, the president, any vice-president of an applicant in charge of a principal business unit, division, or function (such as sales, administration, finance, or underwriting), any other officer who performs a policy making function, or any other person who performs similar policy making functions for an applicant. Executive officers of subsidiaries may be deemed executive officers of an applicant if they perform such policy making functions for an applicant.

(10) Foreign insurer—Includes an alien insurer.

(11) Holding company—Any person who directly or indirectly controls any insurer except that it shall not be deemed to include: the United States, a state or any political subdivision, agency or instrumentality thereof or any corporation which is wholly owned directly or indirectly by one or more of the foregoing.

(12) Insurance holding company system—Consists of two or more affiliated persons, one or more of which is an insurer.

(13) Insurer—Includes all insurance companies organized or chartered under the laws of this state, or licensed to do business in this state, including capital stock companies, mutual companies, title insurance companies, fraternal benefit societies, local mutual aid associations, local mutual burial associations, statewide mutual assessment companies, county mutual insurance companies, Lloyds' plan companies, reciprocal or interinsurance exchanges, stipulated premium insurance companies and group hospital service companies, and any other entity which is made subject to the Insurance Code, Article 21.49-1, by applicable law, except that it shall not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

(14) Person—An individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker's function.

(15) Security holder—Of a specified person is one who owns any security of such person, including common stock, preferred stock, debt obligations and any other security convertible into or evidencing the right to acquire any of the foregoing. The term debt obligation shall not include trade, commercial, or open accounts, matured claims, or agents' commissions.

(16) Subsidiary—Of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries.

(17) Ultimate controlling person—That person which is not controlled by another person (as defined in this subsection).

(18) Voting security—Any security or other instrument giving or granting to the holder the power to vote at a meeting of shareholders of a person for or against the election of directors or any other matter involving the direction of the management and policies of such person, or any other security or instrument which the State Board of Insurance deems to be of similar nature including, but not limited to, those described in such rules and regulations as the State Board of Insurance may prescribe in the public interest as a voting security.

(b) (No change.)

#### §7.203. Registration of Insurers.

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

(f) Material changes. The following occurrences shall, without limitation on the meaning of the phrase "material changes," be deemed to be material changes for the purposes of filing an amendment to the registration statement:

(1) any acquisition of a voting security of a domestic insurer, directly or indirectly, by a person in control of such domestic insurer if, after such acquisition, such person, directly or indirectly, owns or controls less than 50% of the then issued and outstanding voting securities of such domestic insurer, in which case §7.210(b) and (c) of this title (relating to Form B) shall be made current;

(2) any acquisition of a voting security of a domestic insurer, directly or indirectly, by a person that, prior thereto, directly or indirectly, owns or controls more than 50% of the then issued and outstanding voting securities of such domestic insurer, in which case §7.210(b) and (c) of this title (relating to Form B) shall be made current;

(3) a change in the control of the registrant, in which case the entire registra-

tion statement shall be made current (this paragraph is effective notwithstanding any other provision of this subchapter);

(4) a change in the information required by §7.210(f) and (g) of this title (relating to Form B), in which case the respective subsection shall be made current;

(5) a change of the chief executive officer, president, or more than one-third of the directors reported in §7.210(e) of this title (relating to Form B), in which case the respective subsection shall be made current;

(6) any transaction with an affiliate or affiliates which, when taken together with all other transactions with affiliates (excluding those transactions approved under §7.204(a)(1) of this title (relating to Commissioner's Approval Required) and those transactions for which notification is given under §7.204(a)(2) of this title (relating to Commissioner's Approval Required)) occurring within 12 months next preceding, in the aggregate or cumulatively involve either of 1.0% or more of an insurer's admitted assets, or 5.0% or more of an insurer's surplus, determined by whichever is the lesser, as of the 31st day of December next preceding. In such case, §7.210(c) and (f) of this title (relating to Form B) shall be made current together with a report of all transactions with affiliates regardless of size within 12 months next preceding. After such transactions are reported and the filings pursuant to §7.210(c) and (f) of this title (relating to Form B) are made current, each subsequent transaction with an affiliate which, when taken together with those transactions which occurred within the 12 months next preceding, were reported pursuant to this subsection and which aggregately or cumulatively involve either B of 1.0% or more of an insurer's admitted assets, or 5.0% or more of an insurer's surplus, determined by whichever is the lesser, as of the 31st day of December next preceding, shall be reported pursuant to §7.203(e) of this title (relating to Registration of Insurers).

(g)-(k) (No change.)

(1) Disclaimer. Any person may file with the commissioner a disclaimer of control or affiliation with any insurer, or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall be in accordance with §7.211 of this title (relating to Form C) and shall disclose all material relationships and bases for affiliation between such persons and such insurer as well as the basis for disclaiming such affiliation. A copy of any disclaimer filed with the commissioner, if the affected insurer is not a party thereto, shall also be furnished by the applicant to the insurer at the same time it is filed with the commissioner. The insurer shall, within 15 business days after receipt thereof, unless the time is extended by the commissioner for good

cause, respond to the matters raised in the disclaimer if it does not have a current registration statement on file with the commissioner. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under subsection (a) of this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance. After a disclaimer of control or affiliation has been filed by any person, any acquisition, in any manner, directly or indirectly, of a voting security of the domestic insurer by such person shall be subject to the Act, §5, in absence of the filing, within five business days, of an amendment which shall make current the disclaimer of control or affiliation previously filed pursuant to this subsection.

(m) (No change.)

§7.205. Acquisition Statements-Filing Requirements. Filing and other regulatory requirements for acquisitions of control and certain other matters as specified in the Act, §5(a), are governed by the Act, §5(a). For purposes of this subsection, a domestic insurer, as defined in the Act, §5(a) (2), shall include any person controlling a domestic insurer unless such person is either directly or through its affiliates primarily engaged in business other than the business of insurance. A failure to file complete and accurate information in all material respects is grounds for a denial by the commissioner under the Act, §5(c).

(b) Form and content of statement. The statement required by subsection (a) of this section (elsewhere referred to as acquisition statement) shall be made in accordance with §7.209 of this title (relating to Form A), the acquisition statement. The acquiring party shall provide additional financial information in the form or substance as required by the commissioner which is material to the finding required by the Act, §5(c)(1)(iii). Any financial information required under the Act, §5(b)(3), may be waived by the commissioner if such information is not deemed material. No statement required by subsection (a) of this section shall be deemed filed with the commissioner until on the date all such material required and sufficient to constitute a full statement has been provided.

(c) Partnerships and corporate filings. If the person required to file the acquisition statement is a partnership, limited partnership, syndicate, or other group, the commissioner may require that the information called for by §7.209 of this title (relating to Form A) be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such part-

ner, member, or person is a corporation or if the person required to file the statement referred to in subsection (a) of this section is a corporation, the commissioner may require that the information called for by §7.209 of this title (relating to Form A) be given with respect to such corporation and by each executive officer and director of such corporation, and each person who is directly or indirectly the beneficial owner of more than 10% of the outstanding voting securities of such corporation.

(d) Amendment. If any material change occurs in the facts set forth in the acquisition statement filed with the commissioner, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the commissioner and sent to the domestic insurer within two business days after the person learns of such change.

(e) (No change.)

(f) Approval by commissioner; hearings. All mergers, acquisitions of control, and other matters as specified in the Act, §5(a), are subject to the Act, §5(c). The acquiring party shall have the burden of providing sufficient competent evidence for the commissioner to make the determinations required under the Act, §5(c)(1).

(g) Notices; payment of expenses.

(1) Notices, payments of expenses, and other matters as specified in the Act, §5(d), shall comport with that subsection.

(2) All provisions of the Insurance Code, Article 21.49-1, and of this subchapter relating to the timely mailing of a copy of the acquisition statement, and relating to the timely mailing of a copy of the notice of hearing thereon before the commissioner to an insurer, may be waived by the written unanimous consent of the insurer and the person or persons filing such acquisition statement. Such written waiver shall acknowledge receipt of a copy of the acquisition statement.

(h) Exemptions. The provisions of this section shall not apply to transactions and other matters exempted under the Act, §5(e). An acquisition of a voting security of a domestic insurer specified in the Act, §5(e)(4) and (6), shall be disclosed by amendment to the registration statement as provided in §7.203(f) of this title (relating to Registration of Insurers). The written application for exemption in the acquisition of a voting security specified in the Act, §5(e)(5), shall be made in accordance with §7.213 of this title (relating to Form E), the exemption statement. The approval of an application under §7.213 of this title (relating to Form E) shall be deemed an amendment under §7.203 of this title (relating to Registration of Insurers) to an insurer's registration statement without further filing. An acquisition of a voting security of a domes-

tic insurer by a security holder controlling, directly and indirectly, 50% of the then issued and outstanding voting securities of such domestic insurer, shall be subject to the Act, §5(e)(5). An acquisition of a voting security of an insurer domiciled in this state which is not subject to the Act, §5(a)(1), by virtue of the Act, §5(a)(2), shall be subject to the Act, §5(e)(3).

(i) Retention of control.

(1) For certain matters relating to certain violations of the Act, see the Act, §5(f)(1).

(2) For certain matters relating to retention of control, see the Act, §5(f)(2).

(j) Duty of insurer. Authorized insurers are under a duty to notify the commissioner of control of, or of actions to acquire control of, an insurer as required by the Act, §5(g).

(k) Preliminary filings. Any acquisition statement may, at the discretion of the person or persons filing the same, be preliminarily the commissioner for the purpose of obtaining a preliminary review by the commissioner. Any such filing shall be clearly marked or designated as a preliminary filing. Such preliminary filing shall not invoke the requirements of this subchapter or the Insurance Code, Article 21.49-1, requiring that notice thereof be given to such affected insurer involved. Such preliminary filing shall have no legal effect and shall not constitute compliance with the Insurance Code, Article 21.49-1, and this subchapter. The commissioner shall not be bound by the preliminary review nor deemed to have in any manner approved such filing.

(l) Violations. The following shall be violations of this section:

(1) (No change.)

(2) the effectuation of, or any attempt to effectuate, an acquisition of control of, or merger with, a domestic insurer unless the commissioner has given his approval thereto.

§7.209. Form A

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

(c) Identity and background of the applicant.

(1) (No change.)

(2) If the applicant is not an individual, state the nature of its business operations for the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence and fully describe any business which such person and any of its affiliates intend to commence.

(3) (No change.)

(d) (No change.)

(e) Nature, source, and amount of funds or other consideration.

(1) Describe the nature, source, and amount of funds or other consideration used or to be used in effecting the acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading securities, furnish a description of the transaction, the names of the parties thereto, the nature and existence of all relationships, if any, in addition to the arrangements concerning the consideration borrowed between the borrower and the lender, the amounts borrowed, or to be borrowed, and copies of all agreements, promissory notes, and security arrangements relating thereto and to such other relationships.

(2) (No change.)

(3) If the source of the consideration is provided by a commercial lender in the ordinary course of business and if the applicant wishes the identity to remain confidential, he must specifically request that the identity be kept confidential. When confidentiality is requested such identity shall be provided by a separate instrument filed with, but not forming a part of, the acquisition statement.

(4) (No change.)

(f) Future plans for insurer.

(1) Describe any plans or proposals which the applicant may have or may contemplate making to cause the insurer to pay dividends or make other distributions, to liquidate such insurer, to sell any of its assets, to merge or consolidate it with any person or persons, to make any other material change in its business operations or corporate structure or management, or to cause the insurer to enter into material agreements, arrangements, or transactions of any kind with any party, and describe any financial or employment guarantees given to present and contemplated management.

(2) Describe applicant's operational plans for the domestic insurer covering the succeeding 24 months, including, but not limited to, change of location, change of name, increase in capital and/or surplus, reinsurance activity, type business to be written, and anticipated premium volume.

(3) For the domestic insurer, provide the full name of each individual, if known, who will be responsible for major areas of operations of the domestic insurer, including but not limited to, supervision of agents, underwriting, advertising, production of business through agents and through reinsurance, policyholder services, premium accounting, claims processing and litigation, reinsurance cessions, investments, and financial accounting and reporting. For each area, evidence such individual's ability and experience to perform same.

(4) Describe any other arrange-



ment or agreement, oral or written, entered into by an acquiring party or any of its affiliates and the domestic insurer during the immediately preceding 12 months.

(g) Voting securities to be acquired. State the number of shares of the insurer's voting securities and the amount or number of shares convertible into voting securities which the applicant, its affiliates, and any person listed in subsection (d) of this section plan to acquire, and the terms of the offer, request, invitation, agreement, or acquisition.

(h) Ownership of voting securities. State the amount of each class of any voting security of the insurer which is legally, directly, indirectly, or beneficially owned or of which the acquiring party or any of its affiliates or any person listed in subsection (d) of this section has a right to acquire legal, direct, indirect, or beneficial ownership.

(i) Contracts, arrangements, or understandings with respect to voting securities of the insurer. Provide a copy of any written, or a confirmed description of any oral, agreements, arrangements, or understandings with respect to any voting security of the insurer in which the applicant, any of its affiliates, or any persons listed in subsection (d) of this section is involved, including without limitation any such agreement, arrangement, or understanding relating to the transfer of any of the voting securities, joint ventures, loan or option agreements, puts or calls, guarantees of loans, guarantees against loss, guarantees of profits, division of losses or profits, or the giving or withholding of proxies.

(j) Recent purchases of voting securities. Describe any purchases of any voting securities of the insurer by the applicant, any of its affiliates, or any person listed in subsection (d) of this section during the 12 calendar months preceding the filing of this statement. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid therefore. State whether any such shares so purchased are hypothecated.

(k) Recent recommendations to purchase. Provide a copy of any written, or a confirmed description of any oral, recommendations to purchase any voting security of the insurer made by the applicant, any of its affiliates, or any person listed in subsection (d) of this section, or by anyone based upon interviews with or at the suggestion of the applicant, any of its affiliates, or any person listed in subsection (d) of this section during the 12 calendar months preceding the filing of this statement.

(l) Agreements with broker-dealers. Provide a copy of any written, or a confirmed description of any oral, agreement, arrangement, or understanding made with any broker-dealer as to the solicitation of voting securities of the insurer for tender, and the amount of any fees, commissions,

or other compensation to be paid to broker-dealers with regard thereto.

(m) Financial statements and exhibits.

(1) (No change.)

(2) Subject to §7.201(e) of this title (relating to Forms Filings), the financial statements shall include the annual financial statements of the persons identified in subsection (c)(3) of this section for the preceding three fiscal years (or for such lesser period as such applicant and its affiliates and any predecessors thereof shall have been in existence), and similar unaudited financial information as of a date not earlier than 120 days prior to the filing of the statement, accompanied by affidavit or certification of the chief financial officer of the applicant that such unaudited financial statement is true and correct, as of its date, and that there has been no material change in financial condition, as defined by the Act, §3, from the date of the financial statement to the date of the affidavit or certification. Such statements may be prepared on either an individual basis, or, unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business. Unless exempted by the commissioner, the annual financial statements of the applicant shall be made in accordance with generally accepted auditing standards and accompanied by the certificate of an independent certified public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If such certificate is not available, then such financial statement shall be sworn to by the applicant as correctly reflecting its financial condition, and in such case, the commissioner of insurance at the commissioner's discretion may require such financial statement to be certified by an independent public accountant. If the applicant is an insurer which is actively engaged in the business of insurance and licensed to do business in this state, it may provide financial statements which conform to the annual statements of the insurer filed with the insurance department of the insurer's domiciliary state and which are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of the domiciliary state. If the applicant is an individual person, such person shall provide a reviewed financial statement accompanied by the certificate of an independent public accountant that he is not aware of any material modifications that should be made to the accompanying financial statement in order for it to be in conformity with generally accepted accounting principles and shall provide a balance sheet as of a date not

earlier than 120 days prior to the filing of the statement and balance sheets for the second and third fiscal years preceding the filing of the statement accompanied by affidavit or certification that each balance sheet is true and correct as of its date.

(3) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting material relating thereto; any proposed employment, consultation, advisory, or management contracts concerning the insurer; budget projections of the domestic insurer and the applicant for the succeeding length of time of debt service required by applicant in its acquisition of control; and any additional document or papers required by regulation.

(4) In addition to the other material required to be filed by this section, a person as described in §7.205(a) of this title (relating to Acquisition Statements-Filing Requirements) shall file, as an exhibit, annual reports to the stockholders of the insurer and the applicant for the last two fiscal years; these reports are for review of the State Board of Insurance, and are not a part of the material required to be submitted under the Act, §5(b) (12). However, the materials shall be open for public inspection at the offices of the State Board of Insurance during the pendency of the application.

(n) (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 April 8, 1988.

TRD-8803629      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: April 29, 1988

Proposal publication date: February 9, 1988

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

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**TITLE 31. NATURAL  
RESOURCES AND  
CONSERVATION**

**Part IX. Texas Water  
Commission**

**Chapter 285. Private Sewage  
Facilities**

**Subchapter F. Lake Limestone**

The Texas Water Commission adopts new §§285.101-285.115, 285.121-285.135, 285.161-285.174, 285.181-285.192, 285.201-285.216, 285.221-285.237, 285.261-285.274, 285.281-285.294, 285.311-285.326, 285.341-285.356, 285.371-285.386, 285.401-285.414, 285.421-285.434, 285.451-285.464, 285.481-285.496, 285.511-285.523, 285.531-

285.543, 285.551-285.560 and 285.562-285.564 and 285.581-285.604, concerning private sewage facilities. Sections 285.102, 285.105, 285.316, 285.346, 285.376, 285.486, 285.586, 285.590, and 285.593 are adopted with changes to the proposed text published in the February 23, 1988, issue of the *Texas Register* (13 TexReg 967). All other sections are adopted without changes and will not be republished.

Although these regulations are adopted as new sections, the regulations, with the exception of Subchapters L, T, U, V, W and X, have been in effect in Chapter 371 of this title (relating to Private Sewage Facilities) under the jurisdiction of the Texas Department of Water Resources, the predecessor agency to the Texas Water Commission.

Chapter 285 has been divided into 22 subchapters. Subchapters A-E were proposed in the June 5, 1987, issue of the *Texas Register*, and the adopted rules were published in the September 4, 1987, issue of the *Texas Register*.

Subchapter F, §§285.101-285.115, is primarily a recodification of regulations formerly found in §§371.101-371.115 of this title (relating to Lake Limestone). Subchapter G, §§285.121-285.135, is primarily a recodification of regulations formerly found in §§371.121-371.135 of this title (relating to Lumberton Municipal Utility District in Hardin County). Subchapter H is reserved for future rulemaking. Subchapter I, §§285.161-285.174, is primarily a recodification of regulations formerly found in §§371.161-371.174 of this title (relating to Lake Crook Watershed). Subchapter J, §§285.181-285.192, is primarily a recodification of regulations formerly found in §§371.181-371.192 (relating to Lake Palestine). Subchapter K, §§285.201-285.216, is primarily a recodification of regulations formerly found in §§371.201-371.216 of this title (relating to Livingston Reservoir). Subchapter L, §§285.221-285.237, is primarily a recodification of regulations formerly found in Texas Water Quality Board Order 71-0917-12 (relating to Lake Ray Hubbard). Subchapter M, §§285.261-285.274, is primarily a recodification of regulations formerly found in §§371.261-371.273 of this title (relating to Greenbelt Reservoir). Subchapter N, §§285.281-285.294, is primarily a recodification of regulations formerly found in §§371.281-371.294 of this title (relating to Cedar Creek Reservoir). Subchapter O, §§285.311-285.326, is primarily a recodification of regulations formerly found in §§371.311-371.326 of this title (relating to Lake Granbury). Subchapter P, §§285.341-285.356, is primarily a recodification of regulations formerly found in §§371.341-371.356 of this title (relating to Somerville Reservoir). Subchapter Q, §§285.371-385.386, is primarily a recodification of regulations formerly found in §§371.371-371.386 of this title (relating to Possum Kingdom Lake). Subchapter R, §§285.401-285.414, is primarily a recodification of regulations formerly found in §§371.401-371.414 of this title (relating to Richland Creek Reservoir). Subchapter S, §§285.421-285.434, is primarily a recodification of regulations formerly found in §§371.81-371.94 of this title (relating to MacKenzie Reservoir). Subchapter T, §§285.451-285.464, is primarily a recodification of regulations formerly found in Texas Water Quality Board Order 75-0129-5 (relating to Lavon

Reservoir). Subchapter U, §§285.481-285.496, is primarily a recodification of the regulations formerly found in Texas Water Quality Board Order 76-1216-4 (relating to Lake Conroe). Subchapter V, §§285.511-285.523, is primarily a recodification of regulations formerly found in Texas Water Quality Board Order 76-0427-4 (relating to Lake Bob Sandlin). Subchapter W, §§285.531-285.543, is a new set of regulations providing for licensing of private sewage facilities around Eagle Mountain Lake, and designating the Tarrant County Water Control and Improvement District 1 to perform the licensing, regulation, and enforcement functions related to the rules set forth herein. Subchapter X, §§285.551-285.560 and 285.562-285.564, is a new set of regulations providing for licensing of private sewage facilities around Lake Bridgeport, and designating the Tarrant County Water Control and Improvement District 1 to perform the licensing, regulation, and enforcement functions related to the rules set forth herein. Subchapter Y, §§285.581-285.604, is primarily a recodification of regulations formerly found in §§371.141-371.154 of this title (relating to Highland Lakes). Provisions in this subchapter require that only a licensed installer may commence or proceed in any manner with the supervision, construction, repair or modification of a private sewage facility. Procedures to secure an installer license are also established.

Subchapters L, T, U and V are recodifications of rules which were enacted by the Texas Water Quality Board, predecessor agency to the Texas Department of Water Resources and Texas Water Commission. The 65th Legislature, 1977, Chapter 870, effective September 1, 1977, abolished the Texas Water Quality Board and transferred jurisdiction under the Texas Water Code and other statutes to the Texas Department of Water Resources.

These sections concern the establishment of regulated areas around certain lakes and reservoirs, provide a licensing mechanism for private sewage facilities, designate licensing authorities for each of the regulated areas, specify minimum lot sizes for use of private sewage facilities, and provide for collection of fees by the respective authorities for administering the programs. Minor revisions of pre-existing subchapters have been made to clarify the sections and correct references to other rules. Additionally, the rules no longer specify the authorized fee schedule. The licensing authorities are required to adopt fee schedules to cover the reasonable costs of administering the program. All of the subchapters reflect the new lot size requirements required by the construction standards for private sewage facilities adopted by the Texas Board of Health and effective January 1, 1988.

Senate Bill 249, passed by the 69th Texas Legislature and effective on September 1, 1985, abolished the Texas Department of Water Resources and transferred jurisdiction under the Texas Water Code and other statutes to the Texas Water Commission.

Under both acts of legislation, the rules enacted by the Texas Water Quality Board were to remain in effect until replaced, amended or abolished. Rules were enacted by the Texas Department of Water Resources replacing rules of the Texas Water Quality

Board relating to private sewage facilities except for those pertaining to Lake Ray Hubbard, Lavon Reservoir, Lake Conroe and Lake Bob Sandlin. The Texas Water Commission now adopts Subchapters L, T, U and V to replace the rules enacted by the Texas Water Quality Board but not replaced by rules of the Texas Department of Water Resources.

The regulations of the Texas Water Quality Board and the Texas Department of Water Resources relating to private sewage facilities will cease to be effective when these new sections are adopted by the Texas Water Commission. The Lower Colorado River Authority, Brazos River Authority, and San Jacinto River Authority provided comments on the proposed sections.

The Lower Colorado River Authority (LCRA) provided comments concerning §§285.581-285.604, Subchapter Y, concerning Highland Lakes. The LCRA expressed concern that the LCRA Supplements to the Texas Department of Health standards be consistently referenced throughout the subchapter. The commission agrees with the LCRA and recommends that the words "and LCRA Supplement standards" be added in §285.586(g)(1), and the words "and the LCRA Supplements" be added in §285.590(a).

The LCRA also expressed a concern with the requirements of §285.593(a), which requires the LCRA to provide an applicant with all state laws applicable to the installation of on-site sewage disposal facilities in the Highland Lakes region. The commission agrees that this requirement could become burdensome and therefore has removed the word "all" from §285.593(a).

The Brazos River Authority (BRA) provided comments concerning §§285.101-285.115, Subchapter F, Lake Limestone; §§285.311-285.326, Subchapter O, Lake Granbury; §§285.341-285.356, Subchapter P, Somerville Reservoir; and §§285.371-285.386, Subchapter Q, Possum Kingdom Lake.

The comments of the BRA urged the commission to designate a restricted zone at Lake Limestone in order to facilitate the enforcement of the rules at that location. The commission agrees with the BRA and has added to §285.102 a subsection (b) designating the Lake Limestone restricted zone. The title of §285.102 has been changed accordingly.

The BRA also expressed concern that §§285.105(a)(3), 285.316(a)(3), 285.346(a)(3), and 285.376(a)(3), which deal with lot size requirements, would require small recreational camper lots to meet the larger lot size requirement when such lots are frequently serviced by holding tanks. The commission agrees that only individual subsurface methods of sewage disposal require the larger lot size requirements; and holding tanks can be used on smaller lots. Proposed paragraph (3) is deleted and new paragraphs (3) and (4) have been added to these sections to allow for this difference. The other paragraphs have been renumbered to allow for the addition of new paragraph (4). In response to comments from BRA, the commission has made additional nonsubstantial changes to §285.102(a) and §285.105(a)(1) and (3) for purposes of clarification and con-

sistency throughout the chapter. Section 285.105(c)(1) was changed in response to comments from BRA to limit the availability of application forms for licenses to offices of the authority only.

The San Jacinto River Authority (SJRA) provided comments concerning §§285.481-285.496, Subchapter U, concerning Lake Conroe. The SJRA expressed a concern that the lot size requirement expressed in §285.486(d) would allow subdivision lots which would be too small considering the soil conditions in Montgomery County. The commission agrees that the lot size requirement of §285.486(d), which requires lots located in subdivisions created subsequent to the effective date of the subchapter to meet the lot size requirements of the latest edition of the standards, should be changed to reflect the fact that larger lot sizes than those required by the standards can be required when soil conditions in a particular area justify larger lot sizes. The commission has incorporated this change in §285.486.

#### • 31 TAC §§285.101-285.115

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provide the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

#### §285.102. Regulated Area and Restricted Zone.

(a) Regulated area. The commission designates the Lake Limestone regulated area as being all the area in the Lake Limestone watershed situated between the normal lake shoreline, which is the 363-foot msl contour line, and a line located parallel to and 2,000 feet horizontally away from the 363-foot msl contour line. If any part of a subdivision lies within the regulated area, the entire subdivision is included within the regulated area for purposes of this subchapter.

#### (b) Restricted zone.

(1) Within the regulated area, the commission designates the Lake Limestone restricted zone as being all of the area situated between the normal lake shoreline, which is the 363-foot msl contour line, and a parallel line which is located a distance of 75 feet from the 363-foot msl contour line, measured horizontally away from the lake shore line.

(2) The construction of soil absorption systems, or parts thereof, is not allowed within any portion of the restricted zone. Septic tanks, holding tanks, tile, or concrete sanitary sewer lines, sewer manholes, or other such sewerage facilities which are constructed in such manner that an interchange of sewage with lake water might possibly occur may not be constructed within the restricted zone.

#### §285.105. Licensing Requirements for New

#### Private Sewage Facilities.

(a) Private sewage facilities that are installed or substantially altered within the regulated area after the effective date of this subchapter must meet the following requirements.

(1) All private sewage facilities to be installed or constructed after the effective date of this subchapter shall be built in accordance with the applicable standards and criteria established by the latest edition of the standards.

(2) A license for the private sewage facility must be obtained from the authority.

(3) Lots or tracts which will be served by private sewage facilities that utilize either soil absorption systems or evapotranspiration systems for the disposal of septic tank effluent and which are located in a subdivision that is created subsequent to the effective date of this subchapter must meet the requirements of the latest editions of the standards.

(4) Lots or tracts which will be served by private sewage facilities that utilize either soil absorption systems or evapotranspiration systems for the disposal of septic tank effluent and which are located in a subdivision that is created after June 7, 1978, and before the effective date of this subchapter, must average no less than one-half acre in size, considering all lot sizes in the particular subdivision, with the minimum size being 15,000 square feet for lots served by a public water supply and 20,000 square feet for lots served by individual water supply wells.

(5) A lot or tract that is not located in a subdivision or that is located in a subdivision that was created prior to June 7, 1978, must be large enough, considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of the type of private sewage facility proposed without causing nuisance conditions, pollution, or a threat to public health.

(6) Approval for construction of private sewage facilities issued hereunder will expire unless the facilities are built within one year of the date that the approval is issued by the authority.

(b) Any developer or other interested person desiring to create a subdivision which will lie wholly or partially in the regulated area and on which private sewage facilities will be utilized must fulfill the following requirements.

(1) A plat of the proposed subdivision must be filed with and approved by the county commissioners courts having jurisdiction in the area, and it must then be recorded with the appropriate county clerks.

(2) An appropriate application for evaluation as to the type of private sewage facilities that may be licensed and

used in the subdivision, together with the required fee, shall be filed with the authority.

(3) The authority will perform the necessary tests and inspections and advise the applicant as to the types of private sewage facilities that may be suitable for use in the subdivision.

(4) Advice by the authority as to types of private sewage facilities that may be suitable for use in the subdivision shall not constitute a license for a specific private sewage facility, but shall be a prerequisite for obtaining licenses for such facilities within the subdivision. Each private sewage facility installed within the subdivision must be licensed individually in accordance with the terms of this subchapter.

(5) Notice of this subchapter and its terms and conditions, as well as its applicability to the subdivision and each lot therein, must be given to every lot buyer by the developer, their agent, or assigns prior to the sale or transfer of any lot.

(c) License for a new private sewage facility shall be obtained as follows.

(1) Application forms for licenses may be obtained from the offices of the authority. In order to initiate an application for a license, the completed application form, together with the appropriate fee, shall be filed with the authority.

(2) The authority will, as soon as practicable after filing of an application, perform such inspections and tests as may be deemed necessary.

(3) Upon a finding that the proposed private sewage facility can meet the requirements of this subchapter and that there is no evidence that it will cause nuisance conditions, pollution, or a threat to public health, the authority will issue an authorization to proceed with its construction.

(4) The applicant shall notify the authority when the completed facility can be inspected prior to being backfilled with earth or otherwise covered. If the authority finds, on the basis of a field inspection, that the facility has been constructed in accordance with the authorization, a five-year license will be issued for its operation.

(d) The license issued by the authority for the new private sewage facility may be renewed for successive terms of five years if there is no evidence that the continued use of the private sewage facility will be in conflict with this subchapter or that continued use may cause nuisance conditions, pollution, or a threat to public health.

(e) Upon a finding by the authority that a license for the new private sewage facility cannot be issued or renewed under the terms of this subchapter, the applicant shall be notified in writing of that finding and of the defects which prevent licensing.

(f) The owner of a properly licensed private sewage facility shall be solely responsible for its operation and maintenance. Any licensed facility found by the authority at any time to be functioning improperly or not in accordance with the applicable standards of the Texas Department of Health or in such a manner as to cause nuisance conditions, pollution, or a threat to public health must be serviced, repaired, or replaced by the owner. If the required maintenance or corrective work cannot be accomplished immediately, the owner of such malfunctioning facility must stop discharging sewage into the facility until it has been satisfactorily serviced, repaired, modified, or replaced. All substantial modifications or expansions of a licensed private sewage facility or the construction of a replacement facility must be authorized and approved by the authority.

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

Issued in Austin, Texas, on April 6, 1988.

TRD-8803529 William G. Newchurch  
Director, Legal Division  
Texas Water Commission

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

### Subchapter G. Lumberton Municipal Utility District in Hardin County

#### • 31 TAC §§285.121-285.135

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations 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, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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.

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### Subchapter I. Lake Crook Watershed

#### • 31 TAC §§285.161-285.174

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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.

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### Subchapter J. Lake Palestine

#### • 31 TAC §§285.181-285.192

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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.

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### Subchapter K. Livingston Reservoir

#### • 31 TAC §§285.201-285.216

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all

general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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.

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

### Subchapter L. Lake Ray Hubbard

#### • 31 TAC §§285.221-285.236

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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.

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Director, Legal Division  
Texas Water Commission

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

### Subchapter M. Greenbelt Reservoir

#### • 31 TAC §§285.261-285.274

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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.

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◆ ◆ ◆  
**Subchapter N. Cedar Creek  
Reservoir**

• 31 TAC §§285.281-285.294

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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

◆ ◆ ◆  
**Subchapter O. Lake Granbury**

• 31 TAC §§285.311-285.326

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

§285.316. *Licensing Requirements for New Private Sewage Facilities.*

(a) Private sewage facilities installed, or substantially altered, within the regulated area after the effective date of this subchapter must meet the following requirements.

(1) All private sewage facilities to be installed or constructed after the effective date of this subchapter shall be built in accordance with the applicable standards and criteria established by the latest edition of the "Standards".

(2) A license for the private sewage facility must be obtained from the authority.

(3) Lots or tracts which will be

served by private sewage facilities that utilize either soil absorption systems or evapotranspiration systems for the disposal of septic tank effluent and which are located in a subdivision that is created subsequent to the effective date of this subchapter must meet the requirements of the latest edition of the standards.

(4) Lots or tracts which will be served by private sewage facilities that utilize either soil absorption systems or evapotranspiration systems for the disposal of septic tank effluent and which are located in a subdivision that is created after April 13, 1982, and before the effective date of this subchapter, must average no less than one-half acre in size, considering all lot sizes in the particular subdivision, with the minimum size being 15,000 square feet for lots served by a public water supply and 20,000 square feet for lots served by individual water supply wells.

(5) A lot or tract that is not located in a subdivision or that is located in a subdivision that was created prior to April 13, 1982, must be large enough, considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of the type of private sewage facility proposed without causing nuisance conditions, pollution, or a threat to public health.

(6) Approval for construction of private sewage facilities issued hereunder will expire unless the facilities are built within one year of the date that the approval is issued by the authority.

(b) Any developer or other interested person desiring to create a subdivision which will lie wholly or partially in the regulated area and on which private sewage facilities will be utilized must fulfill the following requirements.

(1) A plat of the proposed subdivision must be filed with and approved by the county commissioners courts having jurisdiction in the area, and it must then be recorded with the appropriate county clerks.

(2) An appropriate application for evaluation as to the type of private sewage facilities that may be licensed and used in the subdivision, together with the required fee, shall be filed with the authority.

(3) The authority will perform the necessary tests and inspections and advise the applicant as to the types of private sewage facilities that may be suitable for use in the subdivision.

(4) Advice by the authority as to types of private sewage facilities that may be suitable for use in the subdivision shall not constitute a license for a specific private sewage facility but shall be a prerequisite for obtaining licenses for such facilities within the subdivision. Each private sewage facility installed within the subdivision must be licensed individually in accordance

with the terms of this subchapter.

(5) Notice of this subchapter and its terms and conditions, as well as its applicability to the subdivision and each lot therein, must be given to every lot buyer by the developer, their agent or assigns, prior to the sale or transfer of any lot.

(c) License for a new private sewage facility shall be obtained as follows.

(1) Application forms for a license may be obtained from the offices of the authority. In order to initiate an application for a license, the completed application form, together with the appropriate fee, shall be filed with the authority.

(2) The authority will, as soon as practicable after filing of an application, perform such inspections and tests as may be deemed necessary.

(3) Upon a finding that the proposed private sewage facility can meet the requirements of this subchapter and that there is no evidence that it will cause nuisance conditions, pollution, or a threat to public health, the authority will issue an authorization to proceed with its construction.

(4) The applicant shall notify the authority when the completed facility can be inspected prior to being backfilled with earth or otherwise covered. If the authority finds, on the basis of a field inspection, that the facility has been constructed in accordance with the authorization, a one-year license will be issued for its operation.

(d) The license issued by the authority for the new private sewage facility may be renewed for successive terms of one year if there is no evidence that the continued use of the private sewage facility will be in conflict with this subchapter or that continued use may cause nuisance conditions, pollution, or a threat to public health.

(e) Upon a finding by the authority that a license for the new private sewage facility cannot be issued or renewed under the terms of this subchapter, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

(f) The owner of a properly licensed private sewage facility shall be solely responsible for its operation and maintenance. Any licensed facility found by the authority at any time to be functioning improperly or not in accordance with the applicable standards of the Texas Department of Health or in such a manner as to cause nuisance conditions, pollution, or a threat to public health must be serviced, repaired, or replaced by the owner. If the required maintenance or corrective work cannot be accomplished immediately, the owner of such malfunctioning facility must stop discharging sewage into the facility until it has been satisfactorily serviced, repaired, modified, or replaced. All substantial modifications or expansions of a li-

censed private sewage facility or the construction of a replacement facility must be authorized and approved by the authority.

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.

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Director, Legal Division  
Texas Water Commission

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◆ ◆ ◆  
**Subchapter P. Somerville  
Reservoir**

• **31 TAC §§285.341-285.356**

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.  
**§285.346. Licensing Requirements for New Private Sewage Facilities.**

(a) Private sewage facilities installed or substantially altered within the regulated area after the effective date of this subchapter must meet the following requirements.

(1) All private sewage facilities to be installed or constructed after the effective date of this subchapter shall be built in accordance with the then applicable standards and criteria established by the latest edition of the "Standards".

(2) A license for the private sewage facility must be obtained from the authority.

(3) Lots or tracts which will be served by private sewage facilities that utilize either soil absorption systems or evapotranspiration systems for the disposal of septic tank effluent and which are located in a subdivision that is created subsequent to the effective date of this subchapter must meet the requirements of the latest edition of the standards.

(4) Lots or tracts which will be served by private sewage facilities that utilize either soil absorption systems or evapotranspiration systems for the disposal of septic tank effluent and which are located in a subdivision that is created after April 13, 1982, and before the effective date of this subchapter, must average no less than one-half acre in size, considering

all lot sizes in the particular subdivision, with the minimum size being 15,000 square feet for lots served by a public water supply and 20,000 square feet for lots served by individual water supply wells.

(5) A lot or tract that is not located in a subdivision or that is located in a subdivision that was created prior to April 13, 1982, must be large enough considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of the type of private sewage facility proposed without causing nuisance conditions, pollution, or a threat to public health.

(6) Approval for construction of private sewage facilities issued hereunder will expire unless the facilities are built within one year of the date that the approval is issued by the authority.

(b) Any developer or other interested person desiring to create a subdivision which will lie wholly or partially in the regulated area and on which private sewage facilities will be utilized must fulfill the following requirements.

(1) A plat of the proposed subdivision must be filed with and approved by the county commissioners courts having jurisdiction in the area, and it must then be recorded with the appropriate county clerks.

(2) An appropriate application for evaluation as to the type of private sewage facilities that may be licensed and used in the subdivision, together with the required fee, shall be filed with the authority.

(3) The authority will perform the necessary tests and inspections and advise the applicant as to the types of private sewage facilities that may be suitable for use in the subdivision.

(4) Advice by the authority as to types of private sewage facilities that may be suitable for use in the subdivision shall not constitute a license for a specific private sewage facility but shall be a prerequisite for obtaining licenses for such facilities within the subdivision. Each private sewage facility installed within the subdivision must be licensed individually in accordance with the terms of this subchapter.

(5) Notice of this subchapter and its terms and conditions, as well as its applicability to the subdivision and each lot therein, must be given to every lot buyer by the developer, their agent or assigns, prior to the sale or transfer of any lot.

(c) License for a new private sewage facility shall be obtained as follows.

(1) Application forms for a license may be obtained from the offices of the authority. In order to initiate an application for a license, the completed application form, together with the appropriate fee, shall be filed with the authority.

(2) The authority will, as soon as practicable after filing of an application, perform such inspections and tests as may be deemed necessary.

(3) Upon a finding that the proposed private sewage facility can meet the requirements of this subchapter and that there is no evidence that it will cause nuisance conditions, pollution, or a threat to public health, the authority will issue an authorization to proceed with its construction.

(4) The applicant shall notify the authority when the completed facility can be inspected prior to being backfilled with earth or otherwise covered. If the authority finds, on the basis of a field inspection, that the facility has been constructed in accordance with the authorization, a five-year license will be issued for its operation.

(d) The license issued by the authority for the new private sewage facility may be renewed for successive terms of five years if there is no evidence that the continued use of the private sewage facility will be in conflict with this subchapter or that continued use may cause nuisance conditions, pollution, or a threat to public health.

(e) Upon a finding by the authority that a license for the new private sewage facility cannot be issued or renewed under the terms of this subchapter, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

(f) The owner of a properly licensed private sewage facility shall be solely responsible for its operation and maintenance. Any licensed facility found by the authority at any time to be functioning improperly or not in accordance with the applicable standards of the Texas Department of Health or in such a manner as to cause nuisance conditions, pollution, or a threat to public health must be serviced, repaired, or replaced by the owner. If the required maintenance or corrective work cannot be accomplished immediately, the owner of such malfunctioning facility must stop discharging sewage into the facility until it has been satisfactorily serviced, repaired, modified, or replaced. All substantial modifications or expansions of a licensed private sewage facility or the construction of a replacement facility must be authorized and approved by the authority.

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

Issued in Austin, Texas, on April 6, 1988.

TRD-8803538 William G. Newchurch  
Director, Legal Division  
Texas Water Commission

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◆ ◆ ◆  
**Subchapter Q. Possum  
Kingdom Lake**

• 31 TAC §§285.371-285.396

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health. §285.376. *Licensing Requirements for New Private Sewage Facilities.*

(a) Private sewage facilities that are installed or substantially altered within the regulated area after the effective date of this subchapter must meet the following requirements.

(1) All private sewage facilities to be installed or constructed after the effective date of this subchapter shall be built in accordance with the latest edition of the "Standards".

(2) A license for the private sewage facility must be obtained from the authority.

(3) Lots or tracts which will be served by private sewage facilities that utilize either soil absorption systems or evapotranspiration systems for the disposal of septic tank effluent and which are located in a subdivision that is created subsequent to the effective date of this subchapter must meet the requirements of the latest edition of the standards.

(4) Lots or tracts which will be served by private sewage facilities that utilize either soil absorption systems or evapotranspiration systems for the disposal of septic tank effluent and which are located in a subdivision that is created after April 13, 1982, and before the effective date of this subchapter, must average no less than one-half acre in size, considering all lot sizes in the particular subdivision, with the minimum size being 15,000 square feet for lots served by a public water supply and 20,000 square feet for lots served by individual water supply wells.

(5) A lot or tract that is not located in a subdivision or that is located in a subdivision that was created prior to April 13, 1982, must be large enough, considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of the type of private sewage facility proposed without causing nuisance conditions, pollution, or a threat to public health.

(6) Approval for construction of

private sewage facilities issued hereunder will expire unless the facilities are built within one year of the date that the approval is issued by the authority.

(b) Any developer or other interested person desiring to create a subdivision which will lie wholly or partially in the regulated area and on which private sewage facilities will be utilized must fulfill the following requirements.

(1) A plat of the proposed subdivision must be filed with and approved by the county commissioners courts having jurisdiction in the area, and it must then be recorded with the appropriate county clerks.

(2) An appropriate application for evaluation as to the type of private sewage facilities that may be licensed and used in the subdivision, together with the required fee, shall be filed with the authority.

(3) The authority will perform the necessary tests and inspections and advise the applicant as to the types of private sewage facilities that may be suitable for use in the subdivision.

(4) Advice by the authority as to types of private sewage facilities that may be suitable for use in the subdivision shall not constitute a license for a specific private sewage facility but shall be a prerequisite for obtaining licenses for such facilities within the subdivision. Each private sewage facility installed within the subdivision must be licensed individually in accordance with the terms of this subchapter.

(5) Notice of this subchapter and its terms and conditions, as well as its applicability to the subdivision and each lot therein, must be given to every lot buyer by the developer, their agent or assigns, prior to the sale or transfer of any lot.

(c) License for a new private sewage facility shall be obtained as follows.

(1) Application forms for a license may be obtained from the offices of the authority. In order to initiate an application for a license, the completed application form, together with the appropriate fee, shall be filed with the authority.

(2) The authority will, as soon as practicable after filing of an application, perform such inspections and tests as may be deemed necessary.

(3) Upon a finding that the proposed private sewage facility can meet the requirements of this subchapter and that there is no evidence that it will cause nuisance conditions, pollution, or a threat to public health, the authority will issue an authorization to proceed with its construction.

(4) The applicant shall notify the authority when the completed facility can be inspected prior to being backfilled with earth or otherwise covered. If the au-

thority finds, on the basis of a field inspection, that the facility has been constructed in accordance with the authorization, a five-year license will be issued for its operation.

(d) The license issued by the authority for the new private sewage facility may be renewed for successive terms of five years if there is no evidence that the continued use of the private sewage facility will be in conflict with this subchapter or that continued use may cause nuisance conditions, pollution, or a threat to public health.

(e) Upon a finding by the authority that a license for the new private sewage facility cannot be issued or renewed under the terms of this subchapter, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

(f) The owner of a properly licensed private sewage facility shall be solely responsible for its operation and maintenance. Any licensed facility found by the authority at any time to be functioning improperly or not in accordance with the applicable standards of the Texas Department of Health or in such a manner as to cause nuisance conditions, pollution, or a threat to public health must be serviced, repaired, or replaced by the owner. If the required maintenance or corrective work cannot be accomplished immediately, the owner of such malfunctioning facility must stop discharging sewage into the facility until it has been satisfactorily serviced, repaired, modified, or replaced. All substantial modifications or expansions of a licensed private sewage facility or the construction of a replacement facility must be authorized and approved by the authority.

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.

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TRD-8803539 William G. Newchurch  
Director, Legal Division  
Texas Water Commission

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Proposal publication date: February 23, 1988

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

◆ ◆ ◆  
**Subchapter R. Richland Creek  
Reservoir**

• 31 TAC §§285.401-285.414

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate pri-

vate sewage facilities in order to prevent pollution and to protect public health.

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.

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### Subchapter S. Mackenzie Reservoir

#### • 31 TAC §§285.421-285.434

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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.

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### Subchapter T. Lake Lavon

#### • 31 TAC §§285.451-285.464

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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.

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### Subchapter U. Lake Conroe

#### • 31 TAC §§285.481-285.496

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations 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, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

§285.486. *Licenses for Private Sewage Facilities in Water Quality Zone.*

(a) No private sewage facility or part thereof may be constructed in the water quality zone unless a license therefore has been issued in accordance with this subchapter.

(b) Lots or tracts which will be served by private sewage facilities and which are located in a subdivision that is created subsequent to December 16, 1976 and prior to the effective date of this subchapter must average no less than one-half acre in size, considering all lot sizes in the particular subdivision, with the minimum size of any lot being one-fourth acre.

(c) A lot or tract that is not located in a subdivision or that is located in a subdivision that was created prior to December 16, 1976, must be large enough, considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of the type of private sewage facility proposed without causing nuisance conditions, pollution, or a threat to public health.

(d) Lots or tracts which will be served by a public water supply, but utilizing private sewage facilities for sewage disposal, must provide for individual lots having surface areas of at least 43,560 square feet (1.0 acres), exclusive of roadways and ditches. Lots or tracts which will be served by an individual water system and utilizing private sewage facilities for sewage disposal must provide for individual lots having surface areas of at least 65,340 square feet (1.5 acres), exclusive of roadways and ditches. Mobile homes permanently located on lots or tracts must comply with these regulations. A plat shall be furnished that shows all areas of the subdivision where the ground-water table is less than six feet below the surface as the surface exists or as it will be after the grading and filling that may be required in the subdivision development.

(e) No license shall be issued for

any private sewage facility, and connection, to an organized disposal system will be required when any part of the private sewage facility is closer than 300 feet in horizontal distance to an organized disposal system, unless it is shown to the satisfaction of the authority that it is not feasible for the organized disposal system to provide service to the tract or lot in question.

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.

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William G. Newchurch  
Director, Legal Division  
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For further information, please call: (512) 463-8087

### Subchapter V. Lake Bob Sandlin

#### • 31 TAC §§285.511-285.523

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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.

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Texas Water Commission

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### Subchapter W. Eagle Mountain Lake

#### • 31 TAC §§285.531-285.543

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.



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.

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## Subchapter X. Lake Bridgeport

### • 31 TAC §§285.551-285.560, 285.562-285.564

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

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.

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## Subchapter Y. Highland Lakes

### • 31 TAC §§285.581-285.604

The new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Code and other laws of this state and to establish and approve all general policies of the commission, and the Texas Water Code, §26.031, which provides the commission with authority to regulate private sewage facilities in order to prevent pollution and to protect public health.

*§285.586. Licenses for Septic Tanks in Restricted and Water Quality Zones.*

(a) Restricted zones. While §285.585 of this title (relating to Sewerage Facilities) states that no septic tank systems shall be constructed, placed, or used in the restricted zones, the LCRA may issue a license for a septic tank system if:

(1) it finds that the existence of any system installed before September 17,

1971, will not cause pollution of the lakes, or injury to public health, subject to subsection (e) of this section. The LCRA may cancel such licenses whenever the collection system of an approved organized disposal system is located within 300 feet, if, in the opinion of LCRA it is feasible to connect; and

(2) facilities described in §285.585(a)(2)-(4) of this title (relating to Sewerage Facilities) have been allowed.

(b) Water quality zones. No part of a septic tank system may be installed or used in the water quality zones unless a license therefor has been issued in accordance with this subchapter.

(1) A subdivision lot which lies wholly or partially within the zone and which has a minimum lot size of less than one-half acre must be connected to an organized disposal system operating under a valid permit issued by the commission and may not be served by a septic tank system. A subdivision lot which has a minimum lot size of at least one-half acre may be served by a septic tank system. The minimum lot size established by this subchapter pertains to single-family housing units and does not apply to those subdivisions which have been platted and properly recorded prior to September 17, 1971. Tracts of land of less than one-half acre in size as of September 17, 1971, which were not at that time located in a platted subdivision, are also not affected by the minimum lot size requirements of this subchapter. These exceptions to the requirement of a minimum one-half acre lot size do not apply when an excepted lot or tract is subdivided after September 17, 1971. Tracts of land of less than one-half acre size after September 17, 1971, which are not located in a platted subdivision must be connected to an organized disposal system operating under a valid permit issued by the commission and may not be served by a septic tank system.

(2) Where multiple family units are involved, LCRA shall determine the increased lot size necessary for a septic tank system to function properly.

(3) Where steep and hilly lots or other special circumstances are involved, LCRA may increase the minimum lot size or may require special precautions be taken in order that the septic tank system on such sites is capable of functioning properly.

(4) Each 400 gallons per day of potential sewage discharge from a nonresidential facility shall require the land area or lot size needed for a single family residence.

(c) Conditional license. LCRA may issue a conditional license for a septic tank system in either zone under circumstances otherwise prohibited herein if LCRA finds that the installation of such a septic tank system will not cause pollution of the adjacent lake, or injury to public health.

(d) Transfer of licenses. Any license issued under this subchapter can be reissued to a succeeding owner of the property only after:

(1) an application is made to LCRA;

(2) LCRA performs a reinspection of the system in accordance with §285.590(b) of this title (relating to Operation and Maintenance); and

(3) LCRA declares the system satisfactory for any anticipated changes of system loading created by the change of ownership of the property.

(e) Replacement of systems upon failure or obsolescence. Any drainfield installed before September 17, 1971, and licensed under this section which fails and which does not, or cannot be expected to, resume normal and safe operation following a repair, must be modified with a system upgraded to meet all current standards of the LCRA, Texas Department of Health, and Texas Water Commission. A modification of an absorption type system installed prior to September 17, 1971, within the restricted zones on Lakes Buchanan, Inks, Lyndon B. Johnson and Marble Falls shall be modified with lined evapotranspiration type systems, or a technology approved by the LCRA.

(1) Owners of failing absorption type systems built before September 17, 1971, located closer to a well or lake than the current Texas Department of Health or Texas Water Commission setback distances allow shall be required to relocate the drainfield in order to meet the setbacks, or shall install a lined evapotranspiration system. The lined evapotranspiration system must be installed to meet the Texas Department of Health setback distance if possible; if not, installation may be approved as far from the well and/or lake as is feasible, as determined by LCRA.

(2) Change in the composition of the residence served by an on-site sewage disposal system installed prior to September 17, 1971, which cause the total number of bedrooms in the residence to exceed by one bedroom the number for which the system is licensed, shall require the property owner to either retrofit all toilets and showerheads with ultra-low-flow water conserving devices and receive a conditional license or modify the entire sewage disposal system, and receive a regular license.

(3) Alterations to a residence served by an on-site sewage disposal system installed prior to September 17, 1971, which cause the total number of bedrooms in the residence to exceed by two or more bedrooms the number for which the system is licensed, shall require the property owner to modify the entire sewage disposal system.

(f) Increased use of nonresidential

sewage facilities. Nonresidential institutions served by a soil absorption system installed prior to September 17, 1971, which increase or potentially increase the wastewater loading to the disposal system over the licensed amount, will be reviewed individually by LCRA. LCRA shall either require the owner to retrofit all toilets, showerheads, and other applicable non-water-conserving devices with ultra-low-flow water conserving devices in order to prevent the wastewater loading from exceeding the licensed amount, or modify the entire wastewater disposal system.

(g) Certain repairs allowed for systems installed prior to September 17, 1971.

(1) In the event only the septic tank is found to be defective, replacement of the tank shall be with a tank meeting current Texas Department of Health requirements and LCRA supplement standards for new systems.

(2) Replacement of damaged or root-choked pipes, gravel media, damaged tank lids, or replacement of other similar materials shall continue to be allowed.

(3) An exception to the requirements of full system modification shall be allowed should the property be within two years of connection to a central treatment system, and a letter from the central treatment system manager to that effect is submitted to LCRA. It shall be the responsibility of the owner to maintain or enlarge the system as necessary to prevent surfacing effluent during the period prior to central treatment system connection.  
*§285.590. Operation and Maintenance.*

(a) Septic tank systems licensed under this subchapter shall be operated and maintained in accordance with standards developed by the Texas Department of Health and the LCRA supplements. All wastes removed from septic tank systems must be disposed of only in an organized disposal system operated in accordance with a valid permit issued by the commission. All septic tank systems licensed under this subchapter shall be subject to inspection by LCRA and its agents at all reasonable times for the purpose of determining compliance with the terms of the license and this subchapter.

(b) The following procedures shall govern the inspection of sewage disposal systems.

(1) A visual inspection of the on-site sewage disposal system tank interior shall be required whenever LCRA is performing an inspection or reinspection of the private sewage disposal facility. This requirement shall apply to initial system inspections, transfer of ownership inspections, regular five-year inspections of systems serving multi-family units and commercial establishments, and at those times when drainfield work is being inspected.

(2) Tanks shall be uncovered and access to the tank interior shall be provided by the owner to LCRA. LCRA shall inspect the tank for watertightness, proper inlet and outlet devices, proper design, sound construction, and excessive sludge and scum build-up. Aerobic treatment unit tanks will be inspected for proper mechanical operation.

(3) Inspection will not be required more often than once every two years unless it is believed the tank has been damaged. LCRA may uncover a tank or additional inspections during this two-year period at its own expense.

(c) Inspected tanks which are found to be leaking around the outlet device shall be repaired; tanks leaking from the body, tanks of poor design, and all metal tanks shall be replaced with a new tank or tanks meeting current LCRA and Texas Department of Health sizing criteria for that particular house or commercial establishment. Owners of tanks in need of pumping out due to excessive sludge or scum build-up shall provide a receipt to the LCRA from a Texas Department of Health licensed septic tank pumper following that service.

*§285.593. Procedures To Secure an Installer's License.*

(a) In order to obtain an installer's license, an individual shall make application to the Lower Colorado River Authority, the licensing authority. The licensing authority shall provide the applicant with a copy of the Highland Lakes Regulations along with current amendments and state laws applicable to the installation of on-site sewage disposal facilities in the Highland Lakes region.

(b) An installer's license fee of \$150 shall be submitted for consideration of an application.

(c) The individual, upon taking a written examination under conditions prescribed by the licensing authority and demonstrating on the exam knowledge of the regulatory requirements applicable to the installation and repair of on-site sewage disposal facilities, shall be issued an installer's license.

(d) An applicant may take the exam three times each year to score a passing grade.

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.

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TRD-8803547 William G. Newchurch  
Director, Legal Division  
Texas Water Commission

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

## Chapter 305. Consolidated Permits

The Texas Water Commission (TWC) adopts the repeal of §§305.501-305.506 and new §§305.501-305.506. New §305.502 and §305.503 are adopted with changes to the proposed text published in the February 9, 1988, issue of the *Texas Register* (13 TexReg 692). The other sections are adopted without changes and will not be republished. These sections implement House Bill 1327, 70th Legislature, 1987, which amended the Texas Water Code, §26.0291(b), by allowing the commission to consider permitting factors such as flow volume, toxic pollutant potential, level of traditional pollutants, and heat load in determining the amount of the fee. The commission may also consider the designated uses and segment ranking classification of water affected by discharges from the permitted facility.

New §§305.501, 305.505, and 305.506 have the same text as the sections that are repealed. As a matter of expediency, the TWC repeals the existing subchapter and adopts the new subchapter. New §305.501 states that the purpose of the subchapter is to establish and maintain the waste treatment inspection fee pro gram.

New §305.502 adds the definitions of flow volume, heat load parameter, inactive permit, parameter, and traditional pollutants. Also included are the abbreviations of biochemical oxygen demand (BOD), chemical oxygen demand (COD), million gallons per day (MGD), milligrams per liter (mg/l), standard industrial classification (SIC), total organic carbon (TOC), and total suspended solids (TSS). The definition of the phrase "annual waste treatment inspection fee" includes the new range in fees. The phrase "daily average flow" is replaced with the term "flow" and may include daily average flow, daily maximum flow, or an annual average or annual maximum.

New §305.503 is a new fee schedule. New §305.504 requires payment of fees within 30 days of the billing with all fee assessments to be based on permitted parameters. New §305.505 directs fees collected under the waste treatment inspection fee program to be deposited in a waste treatment facility inspection fund. New §305.506 provides that cancellation, revocation or transfer of a permit are not grounds for refund of payment of a waste treatment inspection fee and that a transferee of a permit is liable for inspection fee payment on the same basis as the transferor.

Houston Lighting and Power Company, Electric Reliability Counsel of Texas, Central and South West Services, Inc., Lower Colorado River Authority (LCRA), and Texas Utilities Electric Company submitted comments in support of the proposed repeals and new sections because the new sections assess a fee which reflects the complexity and effort in actual wastewater inspection and actual environmental effect of noncompliant discharges. Texas Poultry Federation, Texas Pork Producers Association, Inc., and Texas Cattle Feeders Association submitted comments in opposition to the proposed repeals and new sections, centering their argument on the size of the proposed inspection fee for concentrated animal feeding operation (CAFO) per-

mits, which are no-discharge permits. They maintain that the proposed fee as applied to CAFO permits has no relationship to the protection of ground and surface waters because safeguards are built in to these systems to avoid discharges into the water in the state. Furthermore, the Texas Pork Producers Association, Inc. argues that the proposed inspection fee, in conjunction with other charges, will discourage new production in the state. In response, the commission respects the concerns of the commenters, but believes that these fees are appropriate for these permits and that the proposed new inspection fee, which will be \$200 for no-discharge permits, is necessary to allow the commission to recover approximately 50% of the actual cost of inspecting a no-discharge system.

Commission staff made the following clarifying changes to proposed §305.502 and §305.503. First, in §305.502(a)(5)(A), the term "sanitary wastewater" was added and the phrase "or containing more than one million gallons per day of processed wastewater" was deleted in order to specify more clearly the type of contaminated wastewaters defined in this section. Second, in §305.503(d), in the schedule describing the method of calculating fees for set point permits, the asterisked note concerning stormwater/reports permits has been revised to reference permitted parameters, rather than permitted flow parameters, in order to fully address the types of permitted parameters covered by this provision. Third, in §305.502(a)(10), the abbreviations of the parameters were spelled out to describe more clearly the type of parameter considered under the waste treatment facility inspection fee.

## Subchapter M. Waste Treatment Inspection Fee Program

### • 31 TAC §§305.501-305.506

The repeal of these sections is adopted pursuant to Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission 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 general policy of the commission; and §26.0291 which establishes the waste treatment inspection fee program.

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.

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William G. Newchurch  
Director, Legal Division  
Texas Water Commission

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These new sections are adopted pursuant to the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission 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 general policy of the commission; and §26.0291 which establishes the waste treatment inspection fee program.

### §305.502. Definitions and Abbreviations.

(a) Definitions. The definitions contained in the Texas Water Code, §26.001, shall apply herein. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Annual waste treatment inspection fee—A fee charged to each permittee holding a permit under the Texas Water Code, Chapter 26, and assessed once per year, ranging from \$150 to \$11,000.

(2) Commission—The Texas Water Commission.

(3) Final flow limit—The maximum amount of wastewater discharge authorized during any term of the permit, expressed as a daily average flow, a daily maximum flow, an annual average or an annual maximum.

(4) Flow—The total by volume of all waste-water discharges authorized under a permit expressed as an average flow per day, a maximum flow per day, an annual average, or an annual maximum, exclusive of variable or occasional stormwater discharges. Generally, the flow is based on the sum of the volumes of discharge for all outfalls of a facility, but excludes internal outfalls. However, for those facilities for which permit limitations on the volumes of discharge apply only to internal outfalls, the flow is based on the sum of the volumes of discharge for all internal outfalls of the facility, exclusive of variable or occasional stormwater discharges.

(5) Flow volume—

#### (A) Type

I—contaminated—these wastewaters include sanitary wastewater, process wastewater flows, or any mixed wastewaters containing more than 10% process wastewaters;

#### (B) Type

II—uncontaminated—these wastewaters are relatively uncontaminated. They include noncontact cooling water, or mixed flows which contain at least 90% noncontact cooling water and not more than one million gallons per day of process wastewater.

(6) Fund—The waste treatment facility inspection fund.

(7) Heat load parameter—The temperature limitation specified in a permit. For purposes of assessing the waste treatment inspection fee, points are assigned ac-

ording to the existence of a temperature limitation within a waste discharge permit.

(8) Inactive permit—A permit which authorizes a waste treatment facility, but where the facility itself is not yet operational or where operation has been suspended.

(9) No-discharge permit—A permit which does not authorize the discharge of wastewaters into waters in the state, including, but not limited to permits for evaporation ponds and irrigation systems.

(10) Parameter—A variable which acts as a set of physical properties whose values determine the characteristics of a waste discharge. Those parameters to be considered under the waste treatment facility inspection fee are: Standard Industrial Classification (SIC) group, flow volume, biochemical oxygen demand (BOD)/chemical oxygen demand (COD)/total organic compound (TOC) value, total suspended solids (TSS) value, ammonia value, heat load, and major/minor designation.

(11) Payment—Payment is effective upon receipt by the commission of the full amount of the annual waste treatment inspection fee.

(12) Permit—Any permit issued by the Texas Water Commission under authority of the Texas Water Code, Chapter 26, including those permits issued under the authority of both the Texas Water Code, Chapter 26, and other statutory provisions (such as the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7).

(13) Report discharge permit—A permit which authorizes the variable or occasional discharge of waste waters with a requirement that the volume of discharge be reported, but without any limitation on the volume of discharge.

(14) Stormwater discharge permit—A permit which authorizes the variable or occasional discharge of accumulated stormwater and stormwater runoff, but without any specified limitation on the volume of discharge.

(15) Traditional pollutants—The wastewater parameters typically found in wastewater discharge permits, specifically, BOD/COD/TOC, TSS and ammonia. For purposes of assessing the waste treatment inspection fee, points are assigned to these parameters if they are allowed in a permit.

(b) Abbreviations. The following abbreviations apply to these sections.

(1) BOD—Five-day biochemical oxygen demand.

(2) COD—Chemical oxygen demand.

(3) MGD—Million gallons per day.

(4) mg/l—Milligrams per liter—all

limits measured in mg/l are converted to pounds per day (lb/day) using the following conversion: mg/l by flow volume in MGD by 8.34 equals lb/day.

(5) SIC-Standard industrial classification assigned to a waste discharger.

(6) TOC-Total organic carbon.

(7) TSS-Total suspended solids. §305.503. Fee Assessment.

(a) An annual waste treatment inspection fee is hereby assessed each permit for deposit in the fund. The amount assessed is determined by the parameters for which the facility is authorized as of each October 1. Where the permitted facility has not been constructed, or is inactive, the set point value of three points is assessed. Those permits authorizing only stormwater or report discharges as of each October 1 are assessed a set point value of 12 points for such discharges. The set point value for a nodischarge permit is four points. The maximum fee which may be assessed each permit is \$11,000. In assessing a fee, the commission considers the following parameters:

- (1) pollutant potential/SIC group;
- (2) flow volume;
- (3) traditional pollutants;
- (4) heat load; and
- (5) major/minor designation.

(b) The commission assigns a point value to each of the parameters in subsection (a)(1)-(5) of this section. The assigned value is weighted according to the permitted limits. The rating points are summed and multiplied by a rate factor of \$50.

(c) For the purpose of fee calculation, COD and TOC are converted to BOD values and the higher value is assessed points. The conversion for TOC is: three pounds of TOC is equal to one pound of BOD (3:1). The conversion for COD is eight pounds of COD is equal to one pound of BOD (8:1).

(d) For the purpose of fee calculation, a permit which authorizes a secondary treatment system consisting of ponds or lagoons at limits of 30 mg/l BOD and 90 mg/l TSS shall be assumed to be equivalent to 20 mg/l BOD and 20 mg/l TSS. This equivalency is based on treatment provided by different types of secondary treatment systems. The following schedule describes the method of calculating the fee:

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

Issued in Austin, Texas, on April 6, 1988.

TRD-8803511

William G. Newchurch  
Director, Legal Division  
Texas Water Commission

Effective date: April 27, 1988

Proposal publication date: February 9, 1988

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

## Chapter 307. Supplemental Surface Water Quality Standards

The Texas Water Commission (TWC or commission) adopts the repeal of existing §§307.1-307.3 and new §§307.1-307.10. Section 307.1 and §307.2 are adopted without changes and will not be republished. Sections 307.3-307.10 are adopted with changes to the proposed text published in the October 9, 1987, issue of the *Texas Register* (12 TexReg 3642). The previous surface water quality standards were set forth in §§333.11-333.21 and §§307.1-307.3. The standards that appear in §§333.11-333.21 no longer exist under the terms of Senate Bill 249, 69th Legislature (1985) subsequent to the adoption of new §§307.1-307.10, which replace those previous Texas Water Development Board rules.

The Texas Water Commission has the sole and exclusive authority to establish and revise water quality standards for the State of Texas. These standards are established and reviewed on a periodic basis pursuant to the Texas Water Code, §26.023, as amended, and the federal Water Pollution Control Act, §303(c), as amended. Previous state-wide surface water quality standards were adopted by the Texas Water Development Board for the Texas Department of Water Resources, predecessor agency to the Texas Water Commission, on December 20, 1984, and subsequently approved by the United States Environmental Protection Agency (EPA) on February 28, 1985. The Texas Water Commission adopted amendments to the water quality standards on December 17, 1986, (§§307.1-307.3) which were approved by EPA on April 11, 1987.

In the application of surface water quality standards, the hydrologic and geologic diversity of the State of Texas is given consideration by dividing major river basins, bays and estuaries into defined segments (referred to as classified or designated segments). The standards contain both general standards which apply to all surface water in the state, and segment-specific standards which identify appropriate uses (aquatic life, contact or noncontact recreation, drinking water, etc.) and list upper and lower limits for common indicators (criteria) of water quality—such as dissolved oxygen, temperature, pH, dissolved minerals, and fecal coliform bacteria.

The revisions to the previous standards include editorial revisions, substantive changes, and changes deemed warranted in response to directives from the EPA. The new sections also comply with the provisions of the federal Water Pollution Control Act, as amended through 1987 (33 United States Code 1251 et seq.)

Editorial changes include grammatical corrections, reformatting intended to promote consistency, and deletions of nonoperational and duplicative language. The major editorial changes are a reordering of sections, provision of a table of contents for the standards in the general description, the movement of maximum temperature differentials from the numerical criteria section to the general criteria section, the division of the antidegradation section into subsections on policy and implementation, the combination of the water uses and numerical criteria sections into one section entitled site-specific uses and criteria, and the removal of application provisions in the application of standards section and placement of those provisions within the respective sections to which they pertain. The new application of standards section now addresses only two exceptions to the standards (critical low-flows and mixing zones). Segment descriptions have also been virtually all reworded to include counties and many descriptions have also been changed to provide more definitive boundary landmarks.

Several substantive changes to the previous standards have been incorporated, based on recommendations and analysis of additional data, to conform with previous Texas Water Commission actions and to address EPA directives and the requirements of the federal Water Pollution Control Act of 1987. These new provisions include the incorporation of implementation procedures for the antidegradation policy, intermittent stream policy, and portions of the toxic materials policy to reflect previous commission action with regard to the commission's continuing planning process document, in accordance with the federal Water Pollution Control Act and 40 Code of Federal Regulations Part 131. Numerous added definitions, e.g. toxicity, acute toxicity, chronic toxicity, intermittent streams, total toxicity, have been included so that commission policy with regard to the terms is expressly stated. The applicability of mixing zones is explained and a commitment is made to specify mixing zones in all discharge permits except for domestic discharges. The general criteria section (§307.4) has been revised to more adequately protect currently unclassified water bodies. General criteria changes include provisions for reviewing use determinations for all permit actions, and the establishment of a fecal coliform criterion of 200 colonies per 100 milliliters (ml) for unclassified water bodies (in lieu of the previous criterion of 2,000 colonies per 100 ml). The new section on toxic materials (§307.6) includes the implementation of specific numerical chronic and acute criteria for 30 toxic materials in fresh and marine waters, and the initiation of biomonitoring of permitted discharges as an additional toxicity control measure. A new policy is established for designating virtually all classified waters for contact recreation with a warning that this designation does not preclude all human health risk. Aquatic life use subcategories are now defined in biological terms, and the associated dissolved oxygen criteria are established as 24-hour means and also absolute minima.

Segment revisions include 17 additional segments which have been designated or subdivided resulting from reservoir construction, subdivision of existing segments, and new segment selection. The majority of these new

1. POLLUTANT POTENTIAL  
Primary SIC Code

Group _____	I	( 0 points)
_____	II	( 10 points)
_____	III	( 15 points)
_____	IV	( 20 points)
_____	V	( 30 points)
_____	VI	( 40 points)

Points Assigned = \_\_\_\_\_

2. FLOW VOLUME

<u>Wastewater Type</u>	<u>Flow</u>	<u>Points</u>
Type I - Contaminated Flow = _____	≤ .05 mgd	3 points
	>.05 but ≤.25	5 points
	>.25 but ≤2.0	10 points
	>2.0 but ≤4.0	20 points
	>4.0 but ≤6.0	30 points
	>6.0 but ≤8.0	40 points
Type II - Uncontaminated Flow = _____	>8.0 but ≤10.0	50 points
	> 10.0 mgd	60 points
	≤1.0 mgd	3 points
	>1.0 but ≤5.	10 points
	>5.0 but ≤10.	20 points
	>10. but ≤50.	30 points
>50. but ≤500.	40 points	
> 500. mgd	50 points	

Points Assigned = \_\_\_\_\_ (Maximum 60 points)

3. TRADITIONAL POLLUTANTS

(a) OXYGEN DEMAND (\*)

Daily Average Load = _____ (BOD, COD, or TOC Value)	≤ 50 lb/day	1 point
	>50 but ≤100	5 points
	>100 but ≤250	10 points
	>250 but ≤500	20 points
	>500 but ≤750	30 points
	>750 but ≤1000	40 points
	>1000 but ≤3000	60 points
>3000 lb/day	80 points	

Points Assigned = \_\_\_\_\_

(\* COD and TOC limits are converted to BOD values and the higher value is used.)

(b) TSS

Daily Average Load = _____	≤ 50 lb/day	1 point
	>50 but ≤100	5 points
	>100 but ≤250	10 points
	>250 but ≤500	20 points
	>500 but ≤750	30 points
	>750 but ≤1000	40 points
	>1000 but ≤3000	60 points
	> 3000 lb day	80 points

Points Assigned = \_\_\_\_\_

(c) AMMONIA

Daily Average Load = _____	≤250 lb/day	0 points
	>250 but ≤500	10 points
	>500 but ≤1000	20 points
	>1000 but ≤3000	30 points
	>3000 lb/day	40 points

Points Assigned = \_\_\_\_\_

4. HEAT LOAD

If heat loading parameter is not present	0 points
If heat loading parameter is present	10 points

Points Assigned = \_\_\_\_\_

5. MAJOR/MINOR DESIGNATION

If facility is rated as EPA minor facility	0 points
If facility is rated as EPA major facility	10 points

Points Assigned = \_\_\_\_\_

SET POINT PERMITS

(a) Inactive Permits.....	3 POINTS.....	\$150.00
(b) No Discharge Permits.....	4 POINTS.....	\$200.00
(c) Stormwater*/Reports Permits....	12 POINTS.....	\$600.00

\*For stormwater permits which have permitted parameters, a fee will be calculated upon those values using the point system.

TOTAL POINTS ASSIGNED = \_\_\_\_\_

RATE = \_\_\_\_\_ /POINT

TOTAL FEE ASSESSED = \$ \_\_\_\_\_

segments will be classified as effluent-limited water bodies. Segment description revisions are adopted for the upper boundary of Segment 1244-Brushy Creek, the lower boundary of Segment 1245-Upper Oyster Creek, and the boundary between Segment 1601-Lavaca River Tidal and Segment 1602-Lavaca River Above Tidal. Segment 1603-Navidad River Below Lake Texana has been changed to Navidad River Tidal. Segment 1226-North Bosque River has been designated as a public water supply and Segments 1427-Onion Creek and 1430-Barton Creek have been designated for aquifer protection. Aquatic life use subcategory designations have been elevated from high aquatic life habitat to exceptional aquatic life habitat for Segment 1806-Guadalupe River Above Canyon Lake, Segment 1813-Upper Blanco River, Segment 1905-Medina River Above Medina Lake, and Segment 2113-Upper Frio River. Analysis of additional data has resulted in criteria modifications to chloride, sulfate, total dissolved solids, or temperature for many segments.

In the preamble to the proposed standards published in the October 9, 1987, *Texas Register* (12 TexReg 3642), an estimate was presented of the potential magnitude of the costs related to the proposed sections. The implementation of statewide biomonitoring in the next four-year period will be approximately \$450,000 each year for 50 major domestic dischargers per year. These costs will be borne by domestic dischargers regardless of the adoption of these sections because of EPA implementation of biomonitoring through the National Pollutant Discharge Elimination System (NPDES). The new provisions for toxic regulation, antidegradation, and general criteria may also require additional costs by local governments in order to upgrade existing wastewater treatment facilities. Preliminary cost estimates indicate that capital costs to upgrade existing domestic treatment facilities to meet the general criteria could range from \$1.8 billion to \$3.5 billion depending upon the aquatic life subcategory determined to exist in the waters where the discharge occurs. Annual operating costs for existing facilities could increase \$13.7 million to \$74.3 million in order to comply with the general criteria. Capital costs for new facilities required to comply with the general criteria and antidegradation requirements are dependent upon the number of new facilities constructed and the effluent limits required to maintain the aquatic life use determined to exist. Capital costs for any new facilities required to meet effluent limitations more restrictive than secondary treatment could increase from 15% to 90% over the cost for secondary treatment. The extent of upgrade costs required to comply with the new regulations for toxic materials cannot be accurately estimated until monitoring procedures have been implemented and the resultant data is analyzed. The additional costs to small businesses and individuals served by the affected major domestic dischargers will be commensurate with any rate increases charged to individuals based on the rate policies of those dischargers. Significant potential costs to industrial dischargers to meet the new toxic regulations, antidegradation provisions, and general criteria revisions are also anticipated.

The potential benefits of the revised standards cannot be precisely calculated, but the increased protection of water quality is ex-

pected to be substantial. New procedures in §307.4(h) and §307.4(j) of the general criteria to implement dissolved oxygen requirements for unclassified perennial waters and unclassified intermittent streams explicitly provide for the protection of existing uses for the approximately 60,000 miles of small, undesignated streams throughout the state. The new antidegradation procedures in §307.5 contain additional explicit protection of existing uses in all waters and provide for maintenance of water quality in high quality waters. The elevation of dissolved oxygen criteria during the spring in §307.7 is designed to insure sufficient dissolved oxygen for sensitive young fish during the spring spawning season. The biomonitoring requirements, specific numerical criteria, and additional procedures to regulate toxic materials in §307.6 assure that waters of the state will not be toxic to aquatic life, and that the drinking water quality specified in the federal Safe Drinking Water Act will be maintained. Although the site-specific adaptability of these provisions precludes an exact assessment of both costs and benefits, this adaptability to specific waters is the best overall approach to protect water quality and appropriate water uses, and to minimize economic costs to the regulated community.

A public hearing on the proposed standards (§§307.1-307.10) was conducted by the commission on November 24, 1987, in Austin. Over 40 oral presentations were made at the hearing, and the following organizations were represented: Trinity River Authority Ten Mile Creek Wastewater System; City of Cedar Hill; Environmental Defense Fund; Printing Industries of the Gulf Coast; H. C. Norris & Associates, Inc., Consulting Engineers; Harris County; Trinity Improvement Association; Dallas Chamber of Commerce; Greater Dallas Planning Council; Texas Water Pollution Control Association; City of Odessa; City of Houston; Guadalupe River Association; Texas Water Alliance; El Paso County Water Improvement District #1; Sierra Club; Sabine River Authority; City of Plano; Texas Municipal League; Electric Reliability Council of Texas; 5p Photographic Processing; Texas Association of Metal Finishers; Dallas Water Utilities; City of Tyler; City of Abilene; Texas Parks and Wildlife Department; Texas Department of Agriculture; City of Fort Worth; Texas Association of Municipal Health Officials; City of Laredo; City of El Paso; City of Victoria; National Audubon Society; City of McKinney; City of Port Arthur; Protect Lake Travis Association; Texas Chemical Council; Texas Water Utilities Association; Red Oak Creek Wastewater System; Trinity River Authority Central Regional Wastewater System Advisory Committee; and Upper Trinity Basin Water Quality Compact. Over 90 sets of written comments were received on the proposed standards from the following organizations and individuals: City of Abilene; Gary L. Ames; Aluminum Company of America; Chocolate Bayou Water Company; City of Arlington; City of Austin; BASF Chemical Division; Bayou Preservation Association; City of Beaumont; Bell County Health District; City of Brownwood; Clear Air & Water, Inc.; Celanese Chemical Company, Inc.; Cole, McManus, Cole, Easley and Bell, P.C.; City of Corpus Christi; City of Corsicana; City of Dallas; The Dallas Chamber Board of Directors; Dallas Safari Club; Dow Chemical, USA; El Paso County Water Improvement District No. 1; E.I. DuPont DeNemours and Compa-

ny; Electric Reliability Council of Texas; Environmental Defense Fund; Exxon Chemical Americas; City of Farmers Branch; Fina; 5p Photographic Processing; City of Fort Worth; City of Glenn Heights; Greater Dallas Planning Council; City of Groves; Guadalupe River Association, Inc.; Harris County Precinct One; Heart of Texas Bassmasters; City of Houston; Arthur V. Hull; International Boundary and Water Commission; City of Irving; Johnson and Bowen, Attorneys at Law; City of Kaufman; City of Kenedy; Kodak; City of LaFeria; League of Women Voters; Lloyd, Gosselink, Ryan & Fowler, P.C., Attorneys at Law; Lower Colorado River Authority; City of Lubbock; Marathon Oil Company; John C. and Lina Miller; Monsanto; City of Munday; Arthur W. Nagel; National Association of Photographic Manufacturers; National Audubon Society; North Central Texas Council of Governments; Phillips Petroleum Company; Irene Pickhardt; City of Plainview; Printing Industries of the Gulf Coast; Protect Lakes Buchanan & Inks Association; Protect Lake Travis Association; Protect LBJ-Marble Falls Lakes Association; Railroad Commission of Texas; Sabine River Authority of Texas; San Antonio Manufacturers Association; Save Eagle Mountain Lake; Sierra Club; Sportsmen's Clubs of Texas; Sportsmen's Clubs of Texas, Sierra Club and Environmental Defense Fund (joint comments); Standard Industries; Ed Stedman, Jr.; Tapley-Lunow Architects; Texaco Refining and Marketing, Inc.; Texas Association of Metal Finishers; Texas B.A.S.S. Chapter Federation; Texas Chemical Council; Texas Committee on Natural Resources; Texas Department of Agriculture; Texas Mid-Continent Oil & Gas Association; Texas Municipal League; Texas Parks & Wildlife Department; Texas Utilities Generating Company; West Texas Utilities Company; Central Power and Light Company; Southwest Electric Power Company; Houston Light and Power Company; Texas Water Alliance; Texas Water Development Board; Texas Water Pollution Control Association; Texas Water Utilities Association; Trinity Improvement Association; Tyler Water Utilities; Union Carbide Corporation; United States Department of the Air Force; United States Department of Interior; United States Environmental Protection Agency; The University of Texas Health Science Center at Houston; City of Waco; and City of Yoakum.

Some comments addressed general concerns about the standard setting process rather than specific items in the proposed sections. One major concern was the potential cost of standards revisions to domestic and industrial dischargers. The commission was advised by a wide variety of commenters to carefully consider the costs required of permitted dischargers in order to implement the numerical criteria for toxic materials, toxicity biomonitoring procedures, and revised procedures for applying dissolved oxygen criteria in unclassified waters. These commenters urged the commission to be certain that these costs were justified by sufficient gains in water quality. Conversely, one commenter stated that cost per household to maintain high dissolved oxygen in unclassified streams were not excessive, and others noted the serious economic and social costs of not maintaining clean water. The commission responds that economic costs were a major concern during development of the revised standards. As previously discussed in

this preamble, there are no universally accepted cost/benefit procedures which can be applied to environmental regulations, and the commission is certainly aware that any such cost estimates are only approximate. With these difficulties in mind, the commission will continue to consider costs to the regulated community as the newly adopted standards are implemented. In particular, the commission intends to devote substantial effort to the determination of appropriate uses for specific waters and to the establishment of reasonable discharge permit limitations to maintain those uses.

One commenter stated that a specific section containing procedures to control nonpoint source pollution should be added to the standards. The commission responds that these standards are applicable to all sources of pollution, as stated in §307.4(a) and §307.5(a), even though some of the implementation procedures explicitly address point source discharges. Specific nonpoint source impacts are also being considered in other programs. An example is the ongoing development of a statewide assessment of potential nonpoint source problems and recommended control procedures, as specified by the 1987 amendments to the federal Water Pollution Control Act. One commenter requested that tables and charts be identified by an alpha-numeric system. In response, the commission has sequentially numbered the tables in the text of the standards (§§307.1-307.9).

Requests for specific changes in the proposed standards begin with the general policy statement in §307.1. It was suggested that the phrase "maintain the quality of water" be changed to "maintain and enhance the quality of water" in order to encourage preventative action prior to the occurrence of a problem. The commission responds that the agency agrees with this approach, but no explicit change is made since the wording of §307.1 is taken directly from the Texas Water Code, §26.003.

One commenter requested that definitions of effluent limited streams and water quality limited streams be provided in the definitions and abbreviations section (§307.3). The commission responds that these definitions are not included in the adopted section because the terms are not used in the standards, and these terms are defined in the commission's Texas Water Quality Inventory and in the wasteload evaluation reports published by the commission. Several commenters noted that acute toxicity should be defined as a short-term toxic impact rather than a lethal effect. The commission agrees that the suggested definition is valid for many contexts. For purposes of standards application, however, the proposed definition which specifies lethal impacts is more reflective of normal biomonitoring tests for measuring and controlling acute toxicity, and this part of the definition is adopted as proposed. EPA and other commenters indicated that the exposure time applicable to acute toxicity should be specified. The proposed definition of acute toxicity has therefore been changed to indicate that acute toxicity is normally associated with exposure times of 96 hours or less.

One commenter requested that the term "most practicable", which is used in the definition of best management practice, also be

defined. The commission responds that this term cannot be briefly and precisely defined, and the definition of best management practice is adopted as proposed. One group of commenters stated that chronic toxicity should be defined to explicitly include such effects as growth impairment and reduced reproduction. The commission responds by changing the proposed definition of chronic toxicity as requested. Several commenters suggested that the term "water quality" should be placed at the beginning of the definition of the word "criteria", and the commission responds by making this change as requested. Comments on the definition of critical low-flow indicated that a sentence should be added to note that the impacts of permitted discharges are analyzed at critical low-flow. The commission responds by changing the proposed definition of "critical low-flow" in accordance with this suggestion.

One commenter suggested that the definition of "critical low-flow" should indicate that critical low-flows for unclassified waters are assumed to be at least one cubic foot per second. The commission responds that the establishment of a rigid minimum critical low-flow for all unclassified waters may be inappropriate for some very small perennial streams, and this suggestion is not included in the definition. Two commenters noted that some discharge permits may not require treatment processes to achieve acceptable effluent quality. The commission responds by changing the term "treated effluent" to "effluent" in the definition of discharge permit.

Several commenters indicated that the definition of intermittent stream was too ambiguous and did not include a number of streams which should be considered intermittent. Other commenters supported the proposed definition. The commission responds by changing the proposed definition of intermittent stream, so that a stream with a 7Q2 flow of less than 0.1 cubic feet per second is considered intermittent. EPA and others requested that streams with perennial pools which create significant aquatic life uses be explicitly excluded from the definition of intermittent stream. The commission responds by adding a sentence to this effect in the definition.

One commenter suggested that the definition of salinity should note that measurements of salinity are normally expressed in parts per thousand, and the commission responds by making this addition to the definition. Another commenter requested that in the definition of total toxicity, the phrase "aquatic organisms" be changed to "representative aquatic organisms". The commission responds that the definition of total toxicity is adopted as proposed, but concerns about representative aquatic organisms are addressed in §307.6(d)(2) (D).

EPA suggested that definitions of toxicity should clearly exclude adverse effects due to low dissolved oxygen. The commission responds by adding toxicity as a new term in the definition, and toxicity is defined to exclude adverse effects due to temperature, nontoxic dissolved substances, or dissolved oxygen. This new definition becomes §307.3(a)(35), and the remaining three definitions are renumbered appropriately. Several commenters objected to the inclusion of a zone of initial dilution in the definitions. The definition is adopted as proposed, and these

comments will be addressed in conjunction with §307.8 concerning the application of standards.

With respect to the general criteria in §307.4, one comment suggested that the applicability of the general criteria should be further defined. The commission responds by adding a sentence to §307.4(a) to indicate that the general criteria are applicable in mixing zones and below low-flow conditions. EPA commented that the first and third sentences in §307.4(a) seemed incompatible, and in response the phrase "at all times" is deleted from the first sentence. In response to another comment, the word "occasionally" is omitted in §307.4(a), in reference to the exemption of general criteria due to natural phenomena which "occasionally exhibit characteristics beyond the limits established..." In §307.4(b) concerning aesthetic parameters, one commenter asked for a definition of reasonable with respect to control of taste and odor by reasonable water treatment methods. The commission responds that a precise definition of reasonable in terms of water treatment processes is inappropriate in the general criteria, and §307.4(b)(1) is adopted as proposed. In §307.4(b)(2), a commenter requested that the provision for maintaining surface waters "essentially free of floating debris and suspended solids that adversely effect aquatic organisms..." be changed to "completely free..." The commission responds that the proposed provision is sufficiently stringent as worded. One commenter stated that §307.4(b)(2) has no validity until responsibility for alleviating problems from floating debris and suspended solids is determined. The commission acknowledges that this provision can be difficult to enforce, but the general concept is valid and can sometimes be specifically applied. Therefore §307.4(b)(2) is adopted as proposed. In §307.4(b)(3), concerning settleable solids, a request was made that the words "essentially free" be changed to the words "completely free." The commission again responds that the provision is sufficiently stringent and §307.4(b)(3) is adopted as proposed. Section 307.4(b)(4), concerning aesthetics, is also adopted as proposed, and the commission responds that a definition of aesthetically attractive conditions, as requested by one commenter, cannot be precisely established for the wide variety of Texas waters. In §307.4(b)(5), concerning turbidity and color, one commenter asked that the word "substantially" be removed from the requirement that turbidity and color shall not be substantially changed. The commission responds that a degree of localized color change from waste discharges is inevitable, so that the reference to substantial change is retained. Another commenter stated that the platinum-cobalt scale could be used to determine a substantial color change. The commission responds that the application of a color scale may eventually be useful, particularly on a site-specific basis. At the present time, however, the implementation of a single color scale requirement for all waters of the state is not justified. One commenter suggested that turbidity and color requirements be restricted to "persistent" changes, and the commission responds by adding this qualifier to §307.4(b)(5). In §307.4(b)(6), which prohibits foaming or floating of a persistent nature, one commenter requested a definition of persistent nature. The commission again re-



sponds that single, precise definitions of requirements for aesthetic parameters in the general criteria cannot be established for all waters across the state, and §307.4(b)(6) is adopted as proposed.

In §307.4(d), concerning toxic parameters, one commenter stated that substances which are metabolically concentrated should be explicitly included in the general statement prohibiting toxicity. The commission responds that the statement is adequately broad, general, and inclusive, and §307.4(d) is adopted as proposed. In §307.4(e), concerning nutrient parameters, several commenters recommended that nutrient criteria be adopted for selected waters. The commission responds that the proposed criteria allow for site-specific nutrient criteria, but the difficulties of developing these criteria are also stated. At the present time, the most effective controls on excessive nutrient loadings are site-specific watershed rules. Several commenters requested that excessive growth of aquatic vegetation be defined, but the commission again responds that a single definition cannot adequately be applied statewide. One commenter suggested that nutrient data be required from discharge permit holders. The commission responds that data on effluent and instream nutrient concentrations is already required in some permits. Section 307.4(e) is adopted as proposed, and the commission will continue to investigate appropriate nutrient control strategies on a site-specific basis.

In §307.4(f), concerning temperature, one commenter stated comments that the reasonable use of waters with respect to the maintenance of appropriate temperatures should be defined. The commission responds that reasonable uses may be any of the uses described in §307.7, and no change to the proposed language is needed. The same commenter also suggested that the five degrees Fahrenheit temperature differential allowed in freshwater streams (rise over ambient) may be too high. The commission responds that in studies of thermal impact, this magnitude of temperature elevation does not appear to normally impair stream uses. Several commenters suggested that cooling water impoundments should not be exempted from the restrictions on temperature elevations. The commission responds that cooling water impoundments, which were constructed primarily for the purpose of providing cooling water, may legitimately have higher temperature elevations than the limits specified for other waters. Section 307.4(f) is therefore adopted as proposed.

In 307.4(g), concerning salinity, a variety of commenters argued that specific salinity limits were needed for Texas bays and estuaries. The commission responds that the questions of appropriate salinities for bays and estuaries and the required freshwater inflows to maintain these salinities are major policy issues of the natural resource agencies of the state. The resolution of these issues will require a substantial cooperative effort which is presently beyond the scope of the standards rules of the commission, and §307.4(g) is adopted as proposed.

Uses and associated dissolved oxygen criteria for unclassified waters in §307.4(h) were a major concern for many commenters. One stated that no waters in the state should lack

classification and site-specific standards. The commission responds that investigation and classification of additional small streams is continuing. The total number of small streams in the state (over 80,000 stream miles) is formidable, however, and a general policy is currently required to regulate the quality of unclassified waters. A large number of commenters expressed strong opposition to the preliminary assumption of limited aquatic life use and associated dissolved oxygen criteria of 3.0 mg/L for unclassified waters. These commenters indicated that higher uses and dissolved oxygen criteria should be initially presumed, and lower uses assigned as needed. Other commenters expressed support for the proposed provisions for unclassified waters. In response, the commission agrees that some perennial unclassified waters in the state probably have existing uses above the limited aquatic life use category. In order to emphasize the protection of any higher existing uses, the provisions for the determination and protection of existing uses are moved to the beginning of §307.4(h) and slightly reworded. In addition, the proposed minimum dissolved oxygen criterion associated with limited aquatic life use in §307.7 is elevated, and higher seasonal dissolved oxygen criteria in the spring are added. The proposed antidegradation policy in §307.5 provides additional protection of existing uses and existing water quality for all waters. An additional change in §307.4(h) is made to clarify that the determination of instances where little or no information is available to assess uses will be made by the executive director of the commission.

A major obstacle to the presumption of higher aquatic life uses and dissolved oxygen criteria for unclassified waters is the requirement by EPA that an EPA-approved use-attainability analysis is required for every stream in which the general criteria for dissolved oxygen is inappropriately high. If a dissolved oxygen criterion of 5.0 mg/L were imposed over most of the unclassified waters in the state, then a use-attainability analysis would be necessary for an unacceptably high number of cases when permit actions occurred. The past difficulty of obtaining EPA approval for lowering improperly designated stream uses indicates that the use-attainability process is not a viable avenue for standards revision on a large number of streams. Conversely, EPA approval for upgrading uses as needed from a presumed limited aquatic life use is much easier to obtain and the permitting process can continue to operate. The initial presumption of limited aquatic life use for unclassified waters where little or no information is available therefore remains as proposed.

In §307.4(j), concerning unclassified intermittent streams and dead-end barge and ship canals, one commenter stated that variances for intermittent streams must not impair existing uses. Others commented that the proposed dissolved oxygen concentrations for intermittent streams are too low, and another was concerned that uses assigned to specific intermittent streams could be based on degraded conditions. In response to these comments, the commission calls attention to the emphasis on the protection of appropriate uses in the proposed intermittent stream policy, and the commission notes that appropriate uses can be higher than existing uses

observed in degraded waters. One commenter requested a definition of the extraordinary circumstances under which mean dissolved oxygen concentrations below 2.0 mg/L might be allowed in intermittent streams. The commission responds that a brief, all-inclusive definition cannot be applied statewide, but the application of this provision cannot result in the impairment of a use. One commenter suggested that the required dissolved oxygen concentrations in intermittent streams should be based on the natural ecosystems in these waters, and critical low-flow values should be set at the point when flow rates limit habitat quality. This commenter further stated that pools which remain during periods of no flow probably exhibit very low water quality due to natural environmental stresses. The commission responds that these factors will be considered in the application of the intermittent stream provisions. One commenter stated that dischargers should not be required to maintain a particular minimum dissolved oxygen level at non-existent flows. The commission responds that a minimum of 1.5 mg/L when water is present in intermittent streams is not an unreasonable presumption. EPA and other commenters expressed concern that the intermittent stream provisions may not adequately protect existing uses, particularly any uses higher than limited quality aquatic life. The commission responds that these provisions already indicate that uses higher than limited aquatic life are to be protected in seasons when such uses occur. To facilitate protection of higher existing uses, the possible aquatic life uses listed for intermittent streams are changed from "limited aquatic life habitat" to "aquatic life uses," and a phrase is added to indicate that existing uses can include those created by perennial pools. EPA commented that dead-end ship and barge canals should also have aquatic life as a possible use, and this change is made as requested. One commenter suggested that intermittent streams which recharge critical groundwater areas be specifically addressed in the standards to ensure groundwater protection. The commission responds that this is a valid concern, which is best addressed by separate and specific groundwater protection rules of the commission.

In §307.4(k), concerning bacteria, several commenters stated that the same sampling methodology should be applied as specified for bacteria in §307.7. In response, a sentence to this effect is added to §307.4(k).

In §307.5(b), concerning the antidegradation policy, one commenter indicated that §307.5(b)(1), which contains a commitment to protect existing uses, should also explicitly protect water quality. The commission responds that this is the purpose of §307.5(b)(2). EPA commented that the reference to permit action in §307.5(b)(2) should be expanded to include any activities subject to regulatory action, and §307.5(b)(2) has been reworded to incorporate this change. A number of commenters requested that the term "significant degradation" be more clearly defined, and that a definition for the term "de minimis" be provided. Two commenters also requested additional definition of waters exceeding fishable/swimmable quality. The commission responds that the purpose of excluding de minimis degradation from the provisions of §307.5(b)(2) is to avoid the

administrative burden of determining economic and social justification for very small or nonexistent degrees of degradation. Additional definitions have been explored, but the difficulty of applying any such definitions statewide indicates that the determination of significant degradation must be developed through site-specific procedural application of the antidegradation policy. This approach will also be used with respect to the determination of waters which exceed fishable/swimmable quality. In response to a commenter's request, the word "indigenous" is inserted in front of the word "fish" in §307.5(b)(2). EPA and others expressed additional concern over the use of the term "significant degradation" with respect to outstanding national resource waters. In response, the phrase "and the commission will allow no significant degradation of these waters" is omitted from §307.5(b)(3), so that the provision simply states that "the quality of outstanding national resource waters will be maintained and protected"

In §307.5(c), concerning the antidegradation implementation procedures, one commenter stated that existing uses should include drinking water supply for all waters upstream of public water supplies. The commission responds that domestic water supply is considered a major use in the application of antidegradation provisions. EPA and several others recommended that a specific date, such as November 28, 1975, as indicated in 40 Code of Federal Regulations Part 131, be established for the implementation of baseline conditions. In response, the last sentence in §307.5(c)(3) is reworded to specify this date. One commenter noted that critical conditions for determining significant degradation may not always be at 7Q2 flows. In response, the parenthetical reference to 7Q2 flows and maximum summer temperatures in §307.5(c)(3) is deleted. A number of commenters suggested that the initial determination of baseline conditions should be considered preliminary. In response, "baseline conditions" are added to those issues subject to comment by interested parties in §307.5(c)(5). Two commenters suggested that criteria for defining "important economic or social development" should be specified. The commission responds that the allowance of significant degradation due to important economic or social development is at present a qualitative decision, and additional guidelines for making this decision remain under investigation by EPA and the state. Regarding §307.5(c)(6), two commenters stated that permits which are consistent with an approved waste load evaluation should still be separately subjected to antidegradation provisions. The commission responds that §307.5(c)(6) does provide for additional imposition of antidegradation provisions to such permits if the permitted discharge may cause impacts which were not addressed by the waste load evaluation.

In §307.6, relating to toxic materials, general comments included a concern that modifications to toxic criteria will negate the effects of effective permit control. The commission responds that such modifications may be necessary when establishing new state-wide numerical criteria and biomonitoring requirements to accommodate site-specific permit conditions. Two commenters stated that unless nonpoint sources of toxic pollutants are

controlled and treated, large additional investments for point source toxic control will be wasted. The commission agrees that nonpoint sources of toxics are a potential problem in some areas of the state, but the new procedures in the revised standards are needed to control instream concentrations of toxic materials during dry periods when nonpoint sources have less direct impact. One commenter suggested that effluent toxicity could be effectively regulated by either specific numerical limits or total toxicity limits rather than simultaneous implementation of both requirements. The commission responds that a dual approach is the best method to provide both immediate control of specific toxicants and to provide an overall indication of the cumulative toxic impacts of discharges with numerous pollutants.

In §307.6(b), concerning general provisions, one commenter noted that the general prohibition of acute toxicity in §307.6(b)(1) is in contradiction with later sections which allow acute toxicity in a small zone of initial dilution. The commission resolves this contradiction by explicitly allowing acute toxicity in small zones of initial dilution in §307.6(b)(1). Another commenter recommended that the occurrence of acute toxicity due to natural phenomena should be excepted from the requirements of §307.6(b)(1). The commission responds that the exception in §307.4(a) of natural phenomena from the general criteria, including general narrative toxic criteria in §307.4(d), constitutes adequate exemption due to natural conditions.

EPA commented that the generic prohibitions against acute toxicity in §307.6(b)(1) and against chronic toxicity in §307.6(b)(2) are in contradiction with both §307.6(c)(3)(I) and §307.6(d)(2)(E)(v), which allow consideration of aquatic life uses in establishing permit requirements. In response, prohibition of chronic toxicity in §307.6(b)(2), and also in §307.6(c)(8) (as renumbered) and §307.6(d)(1)(B), is limited to waters with existing or designated aquatic life uses. As an additional clarification, a phrase is added to both §307.6(c)(3)(I) and §307.6(d)(2)(E)(v) to limit the consideration of aquatic life uses in establishing permit requirements to the application of chronic toxicity (or chronic numerical criteria) only, not acute toxicity (or acute numerical criteria).

Two commenters stated that the allowance in §307.6(b)(2) of chronic toxicity within the mixing zone and below critical low-flow conditions should be deleted. The commission responds that the EPA 1983 *Water Quality Standards Handbook* and the "1985 EPA Technical Support Document for Water Quality-based Toxics Control" (TSD) indicate that chronic toxic criteria can be exceeded in mixing zones and below critical low-flow conditions. Additional discussion on the application of mixing zones, critical low-flows, and zones of initial dilution is included in the comments and responses on §307.8.

In §307.6(b)(3), concerning protection of human health, one commenter suggested that instream criteria for toxics should meet EPA maximum contaminant levels (MCLs) in the federal Safe Drinking Water Act, so that removal of such toxics is performed at the discharge point rather than at water supply treatment plants. The commission responds that the assumption of reasonable treatment

by water supply treatment plants in §307.6(b)(3) is an appropriate modification of the suggested approach. The same commenter also stated that numerical criteria for known or possible carcinogens should be set at zero. The commission responds that protection of drinking water MCLs is the best strategy at the present time.

One commenter noted that the general provisions of §307.6(b)(3) should not in any way limit any other provisions of §307.6. In response, the phrase "in addition to other provisions of this section" is added to the second sentence in §307.6(b)(3). EPA commented that the reference in §307.6(b)(3) to maximum concentration limits should be corrected to maximum contaminant levels, and in response this correction is made as requested. In §307.6(b)(4), EPA and others objected to the general consideration of exceptions to the permitting procedures for toxic materials when permit limits would be technologically or economically infeasible, although other commenters supported this provision. In response, §307.6(b)(4) is deleted from the adopted section.

In the specific numerical criteria for toxics in §307.6(c), several commenters requested that the commission adopt specific criteria for additional toxic materials-up to all of the EPA priority pollutants. The commission responds that the 30 numerical toxic criteria which were adopted were those supported by updated and improved EPA guidance criteria for the protection of aquatic life. The commission will rely on total toxicity testing procedures to control sources of other toxic materials, and additional specific numerical criteria will be considered as updated EPA guidance criteria become available.

Several commenters suggested that numerical criteria be adopted for chlorine, ammonia, and oil and grease. The commission responds that ammonia toxicity will be addressed by total toxicity (whole effluent) testing, and chlorine toxicity will be controlled by the development of generic permit limits, as indicated in §307.6(c)(4). The variability of chemical composition of the general oil and grease category precludes accurate numerical criteria, and toxicity due to various chemical compounds in this category is best controlled by total toxicity testing procedures. Two commenters stated that numerical criteria should be adopted now for those pollutants for which EPA has developed health-based criteria. The commission responds that the provisions in §307.6(b)(3) are appropriate to protect human health at the present time, particularly in light of the ongoing re-evaluation of human health criteria by EPA.

Several commenters suggested that numerical criteria should be considered as indicators rather than proof of potential toxicity in the receiving waters and toxicity reduction evaluations (TRE) should not be required until toxicity is demonstrated. The commission responds that discharge permit limits based on numerical criteria will be established with consideration of site-specific factors, including other measures of toxicity, as indicated in §307.6(c)(3). Various commenters acknowledged the need as well as the federal mandate for developing specific numerical toxic criteria, but these commenters suggested a more careful and gradual schedule for implementation. The commission responds that

rapid implementation is mandated by the requirements of the 1987 amendments to the federal Water Pollution Control Act and statewide concerns about potential toxic impacts. The numerical criteria adopted are based on adequate data sets, and the consideration of additional factors in the application of criteria, as listed in §307.6(c)(3), provides site-specific flexibility. Several commenters stated that the numerical freshwater chronic criteria for silver were not supported by the available data set. In response, the commission has utilized new additional data on silver toxicity from EPA and recalculated the freshwater chronic criterion for silver. Based on this reanalysis, the freshwater chronic criteria for silver in Table 1 of §307.6(c)(1) is changed from 0.12 to 0.49 micrograms per liter.

One commenter asked how specific numerical criteria will be applied to a small discharge into a normally dry tributary. The commission responds that specific permitting procedures based on numerical toxic criteria are being developed in accordance with §307.6(c)(3). Another commenter requested information on the availability of instream monitoring data for toxic metals. The commission responds that the Statewide Monitoring Network of the commission, in conjunction with data from other agencies, provides an adequate long-term data base to assess standards attainment for numerical toxic criteria in most classified waters. Several commenters disagreed with the recalculation of EPA guidance criteria. The commission responds that the numerical criteria presented in Table 1 were recalculated in accordance with EPA procedures to eliminate data from cold-water species which do not occur naturally in Texas. The criteria resulting from these recalculations are not substantially different from the original EPA guidance criteria.

A variety of comments addressed §307.6(c)(3), concerning the implementation of permit limits based upon the numerical criteria for toxics. Two commenters stated that the specific numerical criteria can affect pretreatment programs, and the provisions for establishing permit limits in §307.6(c)(3) should also apply to pretreatment limits. In response, the applicability of §307.6(c)(3) is changed to include "pretreatment requirements". One commenter suggested that references to modifications of criteria in §307.6(c)(3) and also in §307.6(d)(2)(E) on total toxicity requirements should be referred to as establishment of discharge permit limits, and in response these changes are incorporated as suggested.

Several commenters stated that consideration of site-specific modifications of the numerical toxic criteria, as described in §307.6(c)(3), is not provided for in the federal Water Pollution Control Act or in EPA regulations, and any modifications of criteria must be made through the amendment process to allow review by the public and by EPA. Another stated that modifications should only be allowed when it means equivalent or stricter regulations. The commission responds that consideration of site-specific factors will be implemented through the permitting process, which provides public notice and opportunity for hearing. Permit limits may also be stricter than numerical criteria if potential synergistic or additive effects are noted, or if a toxic material is of particular concern.

One commenter listed the following additional concerns about §307.6(c)(3): ambient concentrations may not always be controlled, and the commission should not allow any further toxicity if ambient levels are high; little is known about bioavailability, persistence, degradation rate, or synergistic interactions; standards need to have an adequate margin of safety; and a schedule is needed to list sensitive indigenous aquatic life, including all life stages. The commission responds that the consideration of ambient concentrations of toxics in receiving waters has the following two purposes: if other sources of pollution have already resulted in elevated concentrations of a specific toxic material in the receiving waters, then further discharges of that toxic material might be unacceptable; and if the natural background concentrations of a toxic material exceed specific numerical criteria, then the validity of those criteria for that specific site should be reconsidered. The commission agrees that much is not known about bioavailability, persistence, degradation rate, or synergistic interactions, but the information on these processes is increasing, and this data can be considered when available for a particular toxic material. With respect to allowance of a margin of safety, the commission notes that the EPA guidance criteria upon which the numerical criteria in Table 1 are based do have a safety margin incorporated, and the application of the criteria to all flows above critical low-flow conditions provides additional protection. With respect to determination of sensitive organisms, the commission has already identified those indigenous organisms which were included in the EPA data base for developing guideline criteria. The relative sensitivity of these organisms to specific toxic materials is included in this data base.

Several commenters requested further definition of practical quantitation levels (PQLs) in §307.6(c)(3)(A) and recommended that effluent limits be set no lower than PQLs. In response, procedures for the application of PQLs are added as new §307.6(c)(6), and the remainder of §307.6(c) is renumbered accordingly. These procedures indicate that effluent limits will normally be set no lower than PQLs, except for toxic materials of particular concern in receiving waters. Three commenters also recommended that specific numerical criteria be set no lower than PQLs. Conversely, others commented that numerical criteria below PQLs can be implemented to regulate individual discharges by calculating, rather than measuring, the expected instream concentration resulting from the discharge. The commission responds that specific numerical criteria will not be raised to PQL levels. One commenter asked how assimilative capacity in §307.6(c)(3)(G) would be determined. The commission responds that a review of the applicability of assimilative capacity indicated that other factors listed under §307.6(c)(3) provided more defined measures of environmental sensitivity, and the reference to assimilative capacity is deleted. In §307.6(c)(3)(J), several commenters stated that the federal Water Pollution Control Act and EPA policy do not allow for consideration of the economic limits of treatability in establishing water-quality based permit limits for toxic materials. The commission responds that the February 1988 draft *EPA Guidance for State Implementation of Water Quality Standards* indicates that states may need to

adopt procedures to consider "substantial and widespread economic and social impact" when establishing water-quality based permit limits for specific toxic materials.

A number of commenters questioned the applicability of the acid-soluble analysis for metals in §307.6(c)(7) (as renumbered). In response, the reference to the acid-soluble analysis is deleted, and new procedures for using dissolved concentrations for comparison to numerical criteria are added to §307.6(c)(7). Comments and responses on the application of mixing zones and zones of initial dilution in §307.6(c)(8) (as renumbered) are deferred to later discussion on §307.8 concerning the application of standards. In §307.6(c)(9) (as renumbered), concerning sampling periodicity, one commenter stated that criteria should be applied as maximum, instantaneous measurements rather than 24 hour averages for acute criteria and four day averages for chronic criteria. The commission responds that these time periods approximate the duration of exposure in the toxicity tests used by EPA to determine numerical criteria. Effluent sampling of toxic materials is also based on composite sampling over a specified time period. A variety of commenters suggested that the four day average specified for chronic criteria in §307.6(c)(9) should be a seven day average, in order to correspond with the seven day period used for critical low-flows. The commission responds by changing the reference in §307.6(c)(9) from four-day averages to seven-day averages. This change is also consistent with the application of chronic total toxicity tests, which are normally conducted over a seven day period.

In §307.6(c)(10) (as renumbered), concerning provisions for toxic materials which are not listed in Table 1, one commenter objected to the inclusion of mixing zone and critical low-flow exceptions. Another commented that the provisions of §307.6(c)(10) are unnecessary, and another commenter requested clarification on the procedures to be used in applying criteria developed in accordance with these provisions. The commission responds that the provisions of §307.6(c)(10) are a potentially useful addition to this section. Any criteria developed through these provisions is subject to all the procedures for the application of numerical criteria in §307.6, and this is clarified by omitting the reference to mixing zones and critical low-flow in §307.6(c)(10), and by inserting a more general statement to indicate that the provisions of §307.6(c)(10) shall be in accordance with the application procedures of specific numerical criteria, as established in §307.6 and §307.8.

In §307.6(c)(11) (as renumbered), several comments were received on the average values presented in Table 2 for pH and hardness, which are needed to calculate some of the specific numerical criteria in Table 1. Some commenters noted that hardness and pH at a particular location could differ substantially from the basin-wide averages listed in Table 2. Other commenters expressed agreement with the provision which allows site-specific data to be used to determine pH and hardness. In response, the commission acknowledges the potential shortcomings of basin-wide averages, and site-specific data to determine pH and hardness will be utilized whenever possible.

In §307.6(d)(1), concerning general regula-

tions on total ("whole-effluent") toxicity, several commenters reiterated objections to the allowance of acute toxicity in small zones of initial dilution; one commenter expressed general opposition to any exceptions to standards in mixing zones and below critical low-flow conditions; and others again recommended the use of 7Q10 flows to define critical conditions. Responses to these comments are included in the discussion on §307.8, concerning the application of standards.

In §307.6(d)(2), concerning implementation procedures for total toxicity testing, one commenter stated that total toxicity testing should only be used as an indicator of the possible need for a toxicity reduction evaluation, and requirements for total toxicity testing should not be incorporated directly into discharge permits. This commenter also noted the potential difficulty or impossibility of determining specific sources of toxicity in municipal effluents. Another commenter suggested that instream chemical and biological monitoring could be conducted in lieu of effluent toxicity testing, and this commenter further suggested that toxicity testing in this triennium should be used to verify the relationship between total effluent toxicity and instream toxicity. One commenter suggested that toxicity testing should only be required of discharges with flows greater than five million gallons per day, and toxicity testing should only be performed on a quarterly basis. The commission responds that the staff is aware of the relatively high costs of total toxicity testing and potential expense of toxicity reduction evaluations, and expenses to permittees will be kept as low as possible without compromising the regulatory intent of this section. Procedural details of total toxicity (biomonitoring) requirements are being developed in cooperation with EPA, in order to insure that total toxicity testing procedures for federal NPDES permits and commission discharge permits are identical. The above comments will be considered in the development of these procedures.

In §307.6(d)(2)(B), concerning the implementation schedule for total toxicity testing, one commenter stated that total toxicity testing requirements should be implemented statewide immediately, rather than initially implemented on the nine priority segments listed. Another commented that the Houston ship channel should be included as a priority segment with immediate implementation of total toxicity testing requirements. The commission responds that the initial implementation of toxicity testing requirements on nine priority segments will provide an opportunity to fully develop and refine procedures for total toxicity testing. The Houston ship channel has a tremendous number of permitted discharges and this area is therefore inappropriate for inclusion in an initial implementation phase. The commission also notes that the delay until statewide implementation is only approximately six months.

In §307.6(d)(2)(D), EPA requested that documents on EPA methodologies be referred to as latest revisions. In response, this change is made as requested, and a reference to these documents as guidelines is corrected to methods. One commenter stated that the most sensitive organisms should be used for total toxicity testing. The commission responds that standard lab organisms of appro-

appropriate sensitivity will normally be specified for toxicity tests, and organisms selected will also be congruent with EPA permit requirements for total toxicity testing. One commenter suggested that the reference to appropriate, sensitive aquatic organisms in §307.6(d)(2)(D) be changed to representative, sensitive aquatic organisms, since the latter phrase is used in definitions of toxicity in §307.3. In response, this change is made as suggested. In §307.6(d)(2)(E), several commenters objected to the consideration of the additional factors listed when establishing permit limits under toxicity testing procedures. The response of the commission is the same as previously presented in the discussion on §307.6(c)(3) concerning the establishment of permit limits for specific numerical criteria. In §307.6(d)(2)(E), a reference to discharge permit is changed to discharge permit limits to correct a clerical error.

In §307.7, concerning site-specific uses and criteria, the first two paragraphs are labeled (a) and (b) respectively in order to correct a clerical error. One commenter requested that reasonable control of fecal coliform bacteria concentrations should be defined. The commission responds that a precise definition cannot be applied statewide, but an example of elevated bacterial densities which cannot be reasonably controlled might occur when such densities were attributable to widespread, diffuse sources of undetermined origin throughout a major watershed. The commission also notes that the number of recreational designations restricted to non-contact recreation have been greatly reduced in this revision of the standards. In response to EPA comments a sentence is added to §307.7(b)(1) which indicates that in classified segments where contact recreation is considered unsafe for reasons unrelated to water quality, a designated use of noncontact recreation may be assigned to fecal coliform criteria normally associated with contact recreation.

In §307.7(2)(A)(ii), concerning aquifer protection, several commenters indicated that areas other than the Edwards Aquifer should be considered for aquifer protection designation. The commission responds that expansion of the aquifer protection designation will be given future consideration when the implementation procedures of the Edwards Aquifer watershed programs have been further developed. In §307.7(b)(2)(B)(i), concerning radioactivity, one commenter stated that actions should be taken if natural levels of radioactivity in drinking water are above the federal Safe Drinking Water Act limits. The commission responds that actions to be taken in such cases are specified in 25 TAC §§289.1-289.126 (relating to Texas Regulations for Control of Radiation).

In §307.7(3)(b)(A)(Table 3), concerning aquatic life subcategories, a variety of changes were requested. EPA and others commented that the minimum dissolved oxygen criteria were too low for most of the aquatic life subcategories, especially during spawning seasons. Several commenters asked for clarification on the application and relationship of daily mean and minimum criteria. Two others recommended that procedures for site-specific determination of the aquatic life subcategories be further defined. EPA and others recommended various modi-

fications in the narrative characteristics of aquatic life subcategories, particularly the incorporation of additional factors related to aquatic habitat. In response to these comments, the commission has revised Table 3 on aquatic life subcategories to incorporate the following changes. Minimum dissolved oxygen concentrations are elevated from the proposed concentrations for intermediate and limited freshwater aquatic life uses, and for all saltwater aquatic life uses. Because some specific waters have greater natural daily variations in dissolved oxygen than is indicated by these new criteria, the possible applicability of lower dissolved oxygen minima on a site-specific basis is footnoted. As a further addition, dissolved oxygen minima are specified not to extend beyond eight hours per 24 hour day. Seasonal freshwater criteria are added which elevate dissolved oxygen criteria during the spring at water temperatures of 63 degrees-73 degrees Fahrenheit. During this period, the dissolved oxygen means and minima for limited and intermediate aquatic life are elevated by 1.0 mg/L, the mean for high aquatic life is elevated by 0.5 mg/L and the minimum by 1.5 mg/L, and the minimum for exceptional aquatic life is elevated by 1.0 mg/L. The application of dissolved oxygen models to mean criteria at steady-state, critical conditions is described in an added footnote to Table 3. The narrative descriptions of aquatic life characteristics are revised and presented in a simplified matrix format which facilitates the development of additional procedures to assign site-specific aquatic life uses. The commission is currently investigating more detailed methods for determining aquatic life uses, and these methods will be subject to EPA approval and public review. One commenter also suggested separate aquatic life subcategories for intermittent and ephemeral streams. The commission responds that the proposed subcategories and the separate intermittent stream policy in §307.4(j) provide for an adequate range of stream types, at least until the ongoing studies are completed.

In response to a request for clarification, the reference to average annual values for chemical parameters in §307.7(b)(4) is changed to averages over an annual period. EPA and others commented that instantaneous maximum criteria for chlorides, sulfate, and total dissolved solids should be considered in addition to the proposed criteria which are based on annual average values. The commission responds that the high temporal and spatial variability of these constituents creates difficulties in establishing accurate instantaneous maximum criteria, but the eventual feasibility of such criteria will remain under investigation. In §307.7(b)(5), one commenter suggested that sodium should be a criterion for the protection of agricultural water supply. The commission responds that the chloride and total dissolved solids criteria adequately represent the suitability of water for this use, but the possibility of sodium criteria may need reconsideration in the future.

In §307.8, concerning the application of standards, several commenters expressed opposition to the suspension of certain standards below critical low-flows. Others commented that critical low-flow should be at 7Q10 rather than 7Q2 conditions. The commission responds that the application of standards

above 7Q2 flows provides an appropriate level of water quality protection for a state in which so many streams have very low or zero flows at 7Q2 conditions. In order to further clarify the applicability of the general criteria, as recommended by commenters, those subsections of the general criteria which consist of site-specific numerical criteria are added to the list of standards in §307.8(a) that do not apply below low-flow conditions, and to the list of standards in §307.8(b) that do not apply in mixing zones. The new additions to each of these two subsections are the dissolved oxygen criteria for unclassified waters, the dissolved oxygen criteria for intermittent streams, and the fecal coliform criteria for unclassified waters.

In §307.8(b), concerning mixing zones, EPA and others requested specific definitions of mixing zone sizes. One commenter also noted that it may not always be appropriate to allow a mixing zone. The commission responds that the determination of mixing zone sizes (including consideration of negligible or zero mixing zone sizes in sensitive environments) is being developed as permit implementation procedures of the commission. Several commenters stated that the allowance of acute toxicity in a zone of initial dilution is inconsistent with EPA policy. The commission responds that zones of initial dilution are allowable under EPA guidance, and the proposed language in §307.8(b)(2) effectively limits zones of initial dilution to a small portion of the mixing zone. One commenter requested that turbidity and color criteria be exempted in the mixing zone as long as use is not impaired. The commission responds that the allowance of increases in turbidity and color which are not substantial or persistent in §307.4(b)(5) of the general criteria provides sufficient consideration for mixing of the discharge with ambient waters. One commenter stated that long series of overlapping mixing zones should be prohibited. In response, a sentence which prohibits impairment of existing and designated uses by the combined impact of a series of contiguous mixing zones is added to §307.8(b)(7). In response to another comment, the exclusion of mixing zones from "public water supply intakes" is changed to "domestic water supply intakes" in §307.8(b)(8). Several utility companies suggested that mixing zones should be allowed to encompass a drinking water supply if it can be demonstrated that MCL's for that drinking water supply will not be exceeded after treatment. The commission responds that the protection afforded drinking water supply intakes in §307.8(b)(8) is not expected to be unduly burdensome to permitted dischargers. In §307.9, concerning the determination of standards attainment, one commenter suggested that permitted dischargers should be required to conduct instream as well as effluent sampling. The commission responds that instream sampling is already required in selected discharge permits as needed. In response to a request from EPA, the title of §307.9(b) is changed from "Sample collection and preservation" to "Collection and preservation of water samples". Several commenters suggested that sampling for standards attainment should include bottom layers in stratified waters. The commission responds that selected parameters in bottom waters are sampled at many of the commission's monitoring stations around the state, but the use of these samples to

determine standards attainment is not generally feasible, particularly with respect to dissolved oxygen. EPA requested clarification on which criteria are subject to the sampling depths described in §307.9(b). In response, §307.9(b)(2) is changed to clearly indicate the depth collection procedures for chloride, sulfate, total dissolved solids, dissolved oxygen, and pH; and new §307.9(b)(3) is added to indicate that numerical criteria for toxic materials are applicable to water samples collected at any depth. One commenter suggested that samples for determining water quality standards attainment in tidal streams such as the Houston ship channel should be taken at the one-foot level instead of a composite of the mixed surface layer as indicated in §307.9(b)(2)(d). The commission responds that the use of composite samples of the mixed surface layer for determining standards attainment are a better reflection of actual water quality conditions, but the criteria used to determine the depth of the mixed surface layer is under review.

EPA commented that procedures for radioactivity measurements should also be applied to tidal waters, and in response the qualifying phrase "in nontidal waters" in §307.9(c)(2) is removed. Several commenters requested clarification on the time frames used to determine standards attainment for various criteria. In response, the following changes are incorporated in §307.9(d). The title is changed from "Interpretation of results" to "Sampling periodicity and evaluation". In §307.9(d)(1), the term "chemical parameters" is changed to "chloride, sulfate, and total dissolved solids", and the procedures for averaging samples taken at different times and sampling sites are reworded. Specific sampling periodicities for standards attainment are added to §307.9(d) for bacteria, toxic materials, temperature and pH, and dissolved oxygen.

Numerous comments were received on segment specific uses and criteria contained in §307.10-Appendix A. Several of these comments concerned segments that did not have proposed changes from the previous 1984 water quality standards. One commenter requested that aquatic life uses and criteria be upgraded for the following segments: 0304-Days Creek; 0404-Big Cypress Creek Below Lake Bob Sandlin; 0406-Black Bayou; 0805-Upper Trinity River/Lower West Fork Trinity River; 0819-East Fork Trinity River; 1013-Buffalo Bayou Tidal; 1014-Buffalo Bayou Above Tidal; 1432-Upper Pecan Bayou; 1902-Lower Cibolo Creek; and 2308-Rio Grande Below International Dam. Another commented that the special exception for Segment 0805 which reduces the dissolved oxygen criterion to 1.0 mg/L when flows in Fort Worth are less than 80 cfs should be deleted. The commission responds that the aquatic life uses and associated criteria for these segments, as previously adopted in the 1984 water quality standards and unchanged in the proposed water quality standards, are correct as proposed based on EPA approval of use attainability analyses on each referenced segment with the exception of Segments 0805, 1013, and 1014. With respect to these three segments, a detailed analysis of Segment 0805 is scheduled for completion by May 1989 and use attainability analyses are currently being revised for Segments 1013 and 1014. Should the results of these use

attainability analyses recommend changes in the designated uses for the segments, appropriate revisions will be made to the water quality standards by amendment.

Numerous comments, both in support and in opposition, were received on the proposed changes from noncontact recreation to contact recreation for 45 designated segments. Many commenters were specifically opposed to the new designation of contact recreation in one or more of the following segments: 0804-Trinity River Above Lake Livingston; 0805-Upper Trinity River/Lower West Fork Trinity River and 0819-East Fork Trinity River. The commission responds that the proposed standards are in accordance with 40 Code Federal Regulations §131.10 and EPA policy, which requires an EPA-approved use attainability analysis for any waters not designated for contact recreation. In response to EPA comments, the fecal coliform criterion for several ship channel segments (1005-Houston Ship Channel/San Jacinto River, 1701-Victoria Barge Canal, 2437-Texas City Ship Channel, 2438-Bayport Channel, 2484-Corpus Christi Inner Harbor and 2494-Brownsville Ship Channel) designated for noncontact recreation is changed from 2,000 per 100 ml to 200 per 100 ml. Should a use attainability analysis on any of the affected segments demonstrate that contact recreation is unattainable, appropriate revisions to the water quality standards will be made by amendment.

One commenter suggested that the 4.0 mg/L dissolved oxygen criterion for Segment 0701-Taylor Bayou Above Tidal is inappropriately high and that the stream should be classified as intermittent as defined in §307.3(a)(18). The commission responds that a use attainability analysis on Segment 0701 supports the 4.0 mg/L dissolved oxygen criterion and that the proposed intermittent stream policy is not applicable to classified streams.

One commenter suggested that the aquatic life designation for Segment 0801-Trinity River Tidal be changed from high to exceptional. The commission responds that after further development of the aquatic life habitat criteria and characteristics, this segment and others may be considered for aquatic life use modifications in future revisions to the water quality standards. For the same reasons, the requests of several commenters to classify certain currently unclassified streams (e.g., above-tidal portions of Houston Ship Channel tributaries, many streams within the Big Thicket National Preserve in the Trinity and Neches Basins, Palo Duro Creek in Hansford County, and San Fernando Creek in Kleberg County) may be considered for classification with appropriate aquatic life uses in future revisions to the standards. One commenter stated that the 1.0 mg/L dissolved oxygen criterion for Segment 1007-Houston Ship Channel/Buffalo Bayou should be at least 2.0 mg/L. The commission responds that the 1.0 mg/L criterion is appropriate and was approved by EPA.

One commenter indicated that since there are agricultural and industrial water supply rights on Segments 1108-Chocolate Bayou Above Tidal and 1202-Brazos River Below Navasota River these uses should be specifically designated for these segments. The commission responds that although agricultural and industrial water supply uses may not be specifically

delineated, the historical, current, and future use of any state waters suitable for these purposes are not and will not be affected by the lack of such designation in the water quality standards.

One commenter stated that since the downstream relocation of the upper boundary of Segment 1201-Brazos River Tidal there was no longer any public water supply use in the segment. The commission responds that a permit exists to withdraw water from Segment 1201, and a portion of this water is sold for municipal use.

One commenter indicated that the criteria for dissolved substances (total dissolved solids, chloride, and sulfate) should be re-examined for the Colorado River near Austin to reduce inconsistencies with criteria in adjacent segments. Another commenter pointed out the possibility of errors in the large data base for dissolved substances in the Colorado River. Others were concerned with proposed increases in criteria for dissolved substances for some of the Highland Lakes. The commission responds that although the proposed criteria changes were justified based on the existing data and methodologies employed for criteria calculation, the proposed criteria for the entire Colorado River Mainstem (Segments 1402-1410 including 1426, 1428, and 1429) and the four major tributaries to the Highland Lakes (Segments 1414-1417) were recalculated for the adopted sections. Recalculation procedures included the following: utilization of specific conductance instead of total residue to calculate total dissolved solids, in order to expand the available data base; removal of additional outliers from the data base; re-examination of the data for long-term trends, and pooling of data between adjacent mainstem segments when differences were not statistically significant.

One commenter suggested that all numerical criteria for Segment 1806-Guadalupe River Above Canyon Lake should be the same as the new proposed Segments 1817 and 1818, the North Fork Guadalupe River and South Fork Guadalupe River, respectively. In response, the commission has re-evaluated the available data, and as a result the criteria for total dissolved solids, chloride, and sulfate in Segment 1806 are changed to slightly lower values.

One commenter stated that Segment 1911-Upper San Antonio River should be reclassified for noncontact recreation and limited aquatic life. The commission responds that the contact recreation designation is mandated by EPA policy, as previously discussed, and the high quality aquatic life use designated for this segment is supported by an EPA-approved use attainability analysis.

One commenter requested that Segments 2104 and 2107-2109 of the Nueces Basin be classified for public water supply since these segments flow into Choke Canyon Reservoir and Lake Corpus Christi. The same commenter also stated that the criteria for dissolved substances in Segment 2106 can now be lowered to the footnote values of 250 mg/L chloride, 250 mg/L sulfate, and 500 mg/L total dissolved solids, since the anticipated upstream releases of water from Choke Canyon Reservoir are now in effect. The commission concurs and the changes have been made as requested, and the footnote to Segment 2106 in Appendix A is deleted.

Several commenters were concerned with the proposed increases in the criteria for dissolved substances in Segment 2307-Rio Grande Below Riverside Diversion Dam and Segment 2308-Rio Grande Below International Dam. The commission responds that because of the recent, partial failure of the Riverside Diversion Dam and the expressed concerns, the criteria for dissolved substances in 2307 and 2308 are changed back to the previously existing criteria as contained in the 1984 water quality standards.

In the ongoing process of determining appropriate dilution flows for recent permit actions, the commission has recalculated and corrected 7Q2 flows for several segments which are affected by upstream reservoirs, in order to eliminate consideration of any flow data prior to reservoir construction and also to include more recent data. Based on these flow recalculations, the proposed 7Q2 flows are changed for the following segments in §307.10-Appendix B: 0214, 0303, 0305, 0404, 0503, 0505, 0506, 0602, 0604, 0607, 0608, 0611, 0802, 0804, 0805, 0819, 0839, 1009, 1102, 1202, 1209, 1214, 1219, 1242, 1402, 1428, 1803, 1911, and 2112. A gaging station citation has also been corrected in Appendix B for Segment 0409.

In §307.10-Appendix C, the commission makes a clerical correction in the segment description for 0802-Trinity River Below Lake Livingston. Chambers County in the proposed description is changed to Liberty County.

#### • 31 TAC §§307.1-307.3

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

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

Issued in Austin, Texas, on April 8, 1988.

TRD-8803653

William G. Newchurch  
Director  
Texas Water Commission

Effective date: April 29, 1988

Proposal publication date: October 9, 1987

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

#### • 31 TAC §§307.1-307.10

The new sections are proposed under the Texas Water Code, §26.023, which provides the Texas Water Commission with the authority to make rules setting water quality standards for all water in the state. The new sections are also proposed under the Texas Water Code, §5.103, which authorizes the commission to adopt any rules necessary to carry out its powers and duties under the Water Code and other laws of this state.  
*§307.3. Definitions and Abbreviations.*

(a) Definitions. The following words and terms, when used in this chapter,

shall have the following meanings unless the context clearly indicates otherwise.

(1) Acute toxicity—Toxicity which exerts short-term lethal impacts on representative, sensitive organisms. The duration of exposure applicable to acute toxicity is normally 96 hours or less. (Direct thermal impacts are excluded from definitions of toxicity).

(2) Ambient—The natural conditions that would be expected to occur in waters unaffected or not influenced by the activities of man.

(3) Best management practice—A practice or combination of practices determined to be the most practicable means of preventing or reducing, to a level compatible with water quality goals, the amount of pollution generated by nonpoint sources.

(4) Bioaccumulative toxic—A toxic substance which has a tendency to accumulate in organisms.

(5) Chronic toxicity—Toxicity which exerts sublethal negative effects such as growth impairment and reduced reproduction, or which exerts lethality after long-term exposure, on representative, sensitive organisms.

(6) Commission—The Texas Water Commission.

(7) Contact recreation—Recreational activities involving a significant risk of ingestion of water, including wading by children, swimming, water skiing, diving, and surfing.

(8) Continuing planning process—A document that describes the state's planning and management process and procedures for making water quality decisions required by the Clean Water Act, §303(e) (33 United States Code 1313).

(9) Criteria—Water quality conditions which are to be met in order to support and protect desired uses.

(10) Critical low-flow—Low-flow condition (e.g., 7Q2 flow) below which some standards do not apply. The impacts of permitted discharges are analyzed at critical low-flow.

(11) Discharge permit—A permit issued by the state to discharge effluent into waters of the state.

(12) EC50—The concentration of a toxicant that produces sub-lethal impacts on 50% of the organisms tested in a specified time period.

(13) Effluent—Wastewater discharged from any point source prior to entering a water body.

(14) Epilimnion—The upper mixed layer of a lake (including impoundments, ponds, and reservoirs).

(15) Fecal coliform—That por-

tion of the coliform bacteria group which is present in the intestinal tracts and feces of warm-blooded animals.

(16) Freshwaters-Inland waters which exhibit no measurable elevation changes due to normal tides.

(17) Halocline-A vertical gradient in salinity under conditions of density stratification that is usually recognized as the point where salinity exhibits the greatest difference in the vertical direction.

(18) Intermittent stream-A stream which has a period of zero flow for at least one week during most years. Where flow records are available, a stream with a 7Q2 flow of less than 0.1 ft<sup>3</sup>/s is considered intermittent. Streams with perennial pools which create significant aquatic life uses are not intermittent.

(19) LC50-The concentration of a toxicant that is lethal (fatal) to 50% of the organisms tested in a specified time period.

(20) Marine waters-Waters which have measurable elevation changes due to normal tides. Marine waters are considered to be saltwater for purposes of standards application.

(21) Mixing zone-The area contiguous to a discharge where mixing with receiving waters takes place and which may not meet certain criteria applicable to the receiving water.

(22) Noncontact recreation-Recreational pursuits not involving a significant risk of water ingestion, including fishing, commercial and recreational boating, and limited body contact incidental to shoreline activity.

(23) Nonpersistent toxic-A toxic substance that readily degrades in the aquatic environment, exhibits a half-life of less than 96 hours, and does not have a tendency to accumulate in organisms.

(24) Oyster waters-Waters producing edible species of clams, oysters, or mussels.

(25) Persistent toxic-A toxic substance that is not readily degraded and exhibits a half-life of 96 hours or more in an aquatic environment.

(26) Practical quantitation level-The lowest concentration at which a particular substance can be measured by approved laboratory methods.

(27) Salinity-The total dissolved solids in water after all carbonates have been converted to oxides, all bromide and iodide have been replaced by chloride, and all organic matter has been oxidized. For most purposes, salinity is considered equivalent to total dissolved salt content. Salinity is normally expressed in parts per thousand.

(28) Settleable solids-The volume or weight of material which will settle out of a water sample in a specified period

of time.

(29) Seven-day, two-year low flow-The lowest flow that occurs for seven consecutive days during a two-year period as statistically determined from historical data. It is the flow used for determining the allowable discharge load to a stream.

(30) Shellfish-Clams, oysters, mussels, crabs, crayfish, lobsters, and shrimp.

(31) Standards-The designation of water bodies for desirable uses and the narrative and numerical criteria deemed necessary to protect those uses.

(32) Total dissolved solids-The amount of material (inorganic salts and small amounts of organic material) dissolved in water and commonly expressed as a concentration in terms of milligrams per liter. The term is equivalent to the term filtrable residue, as used in the publication entitled, *Standard Methods for the Examination of Water and Wastewater*.

(33) Total suspended solids-Total suspended matter in water, which is equivalent to nonfiltrable residue.

(34) Total toxicity-Toxicity as determined by exposing aquatic organisms to samples or dilutions of instream water or treated effluent. Also referred to as whole-effluent toxicity.

(35) Toxicity-The occurrence of lethal or sublethal adverse effects on representative, sensitive organisms due to exposure to toxic materials. Adverse effects caused by conditions of temperature, dissolved oxygen, or nontoxic dissolved substances are excluded from the definition of toxicity.

(36) Toxicity biomonitoring-The determination of total toxicity.

(37) Water quality management program-The commission's overall program for attaining and maintaining water quality consistent with state standards, as authorized under the Texas Water Code, the Texas Administrative Code, and the Clean Water Act, §§106, 205(j), 208, 303(e), and 314 (33 United States Code 1251 et seq).

(38) Zone of initial dilution-The small area at the immediate point of discharge where initial dilution with receiving waters occurs, and which may not meet certain criteria applicable to the receiving water. A zone of initial dilution is substantially smaller than a mixing zone.

(b) Abbreviations. The following abbreviations apply to this chapter:

- (1) AP-aquifer protection;
- (2) BMP-best management practices;
- (3) AS-agricultural water supply;

(4) CFR-Code of Federal Regulations;

(5) CR-contact recreation;

(6) CPP-continuing planning process;

(7) DO-dissolved oxygen;

(8) E-exceptional quality aquatic habitat;

(9) EPA-United States Environmental Protection Agency;

(10) F-degree(s) Fahrenheit;

(11) ft<sup>3</sup>/s-cubic feet per second;

(12) H-high quality aquatic habitat;

(13) I-intermediate quality aquatic habitat;

(14) IS-industrial water supply;

(15) L-limited quality aquatic habitat;

(16) mg/L-milligrams per liter;

(17) ml-milliliter;

(18) N-navigation;

(19) NCR-noncontact recreation;

(20) NPDES-National Pollutant Discharge Elimination System, as set out in the Clean Water Act, §402 (33 United States Code 1342);

(21) O-oyster waters;

(22) PQL-practical quantitation level;

(23) PS-public water supply;

(24) 7Q2-seven-day, two-year low flow;

(25) TDS-total dissolved solids;

(26) USGS-United States Geological Survey;

(27) WQM-water quality management.

#### §307.4. General Criteria.

(a) Application. The general criteria set forth in this section apply to surface water in the state and specifically apply to substances attributed to waste discharges or the activities of man. General criteria do not apply to those instances in which surface water, as a result of natural phenomena, exhibit characteristics beyond the limits established by this section. General criteria are superseded by specific exemptions stated in this section or in §307.8 of this title (relating to the Application of Standards), or by site-specific water quality standards for classified segments. Provisions of the general criteria remain in effect in mixing zones or below critical low-flow conditions unless specifically exempted in §307.8 of this title (relating to the Application of Standards).

(b) Aesthetic parameters.

(1) 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.

(2) Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms or putrescible sludge deposits or sediment layers which adversely affect benthicbiota or any lawful uses.

(3) Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.

(4) Surface waters shall be maintained in an aesthetically attractive condition.

(5) Waste discharges shall not cause substantial and persistent changes from ambient conditions of turbidity or color.

(6) There shall be no foaming or frothing of a persistent nature.

(7) Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.

(c) Radiological parameters. Radioactive materials shall not be discharged in excess of the amount regulated by 25 TAC §§289.11-289.126 (relating to Texas Regulations for Control of Radiation).

(d) Toxic parameters. Surface waters will not be toxic to man or to terrestrial or aquatic life. Additional standards requirements for toxic materials are specified in §307.6 of this title (relating to Toxic Materials).

(e) Nutrient parameters. Generally applicable criteria for nitrogen, phosphorus, carbon, and trace elements cannot be established because sufficient information on nutrient cycling in Texas waters and cause-effect relationships between nutrient concentrations and water quality is not presently available. Site-specific nutrient criteria and/or permit limitations, where appropriate, will be established as information becomes available and after public participation and proper hearing. Nutrients from permitted discharges or other controllable sources shall not cause excessive growth of aquatic vegetation which impairs an existing or designated use.

(f) Temperature. Consistent with §307.1 of this title (relating to General Policy Statement) and in accordance with state water rights permits, temperature in indus-

trial cooling lake impoundments and all other surface water in the state shall be maintained so as to not interfere with the reasonable use of such waters. Numerical temperature criteria have not been specifically established for industrial cooling lake impoundments, which in most areas of the state contribute to water conservation and water quality objectives. With the exception of industrial cooling impoundments, temperature elevations due to discharges of treated domestic (sanitary) effluent, and designated mixing zones, the following temperature criteria, expressed as a maximum temperature differential (rise over ambient) are established: freshwater streams—5 F; freshwater lakes and impoundments—3 F; tidal river reaches, bay and gulf waters—4 F in fall, winter, and spring, and 1.5 F in summer (June, July, and August). Additional temperature criteria (expressed as maximum temperatures) for classified segments are specified in Appendix A of §307.10 of this title (relating to Appendices A through C).

(g) Salinity

(1) Estuarine salinity criteria have not been established, despite the recognition that proper salinity gradient maintenance is important for the continuation of balanced and desirable populations of estuarine dependent marine life, because weather is the dominant factor influencing salinity gradients.

(2) Absence of numerical salinity criteria shall not preclude evaluations and regulatory actions based on estuarine salinity, and careful consideration will be given to all activities which may detrimentally affect salinity gradients in estuarine waters.

(h) Dissolved oxygen for unclassified waters. Unclassified waters which are perennial or support perennial aquatic life uses are designated for the specific uses that are existing or characteristic of those waters. In instances where the executive director of the commission determines that little or no information is available to assess those uses, the waters will be preliminarily assumed to have a limited aquatic life use and associated criteria, as defined in §307.7 of this title (relating to Site-Specific Uses and Criteria). Upon administrative or regulatory action by the commission which affects a particular unclassified water body, the characteristics of the affected water body will be reviewed to determine which aquatic life uses are appropriate. Additional uses so determined shall be indicated in public notices for discharge applications. Uses which are not applicable throughout the year in a particular unclassified water body will be assigned and protected for the seasons in which such uses occur. Initial determinations of use shall be considered preliminary, and in no way preclude re-determinations of use in public hearings conducted by the commission under the provisions of the Texas Water Code.

(i) Antidegradation. Nothing in this section shall be construed or otherwise utilized to supersede the requirements of §307.5 of this title (relating to Antidegradation).

(j) Intermittent streams and dead-end barge and ship canals. Intermittent, unclassified streams and unclassified dead-end barge and ship canals will maintain a 24-hour mean dissolved oxygen concentration of 3.0 mg/L, unless this level of protection is not technologically achievable with advanced treatment, as defined in the current continuing planning process document, or unless no uses for the waters are expected which would require this concentration. A 24-hour mean of 2.0 mg/L dissolved oxygen will be required except in extraordinary circumstances. Absolute minimum dissolved oxygen concentrations at any time shall be 1.5 mg/L. Existing uses, including significant aquatic life uses created by perennial pools, will be maintained in conformance with the provisions of §307.5 of this title (relating to Antidegradation). Seasonal uses or protection of downstream uses may require a higher dissolved oxygen concentration. In these cases the higher dissolved oxygen level will be maintained in the seasons in which the use occurs, if the higher level can be achieved with advanced treatment, no discharge, or other approved control measure. Uses for intermittent streams may include such seasonal uses as contact and noncontact recreation, navigation, agricultural and industrial raw water supply, and aquatic life uses. Uses for unclassified dead-end barge and ship canals may include navigation, contact (where not prohibited) and noncontact recreation, industrial water supply, and aquatic life uses.

(k) Bacteria. A fecal coliform criterion of not more than 200 bacteria per 100 ml shall apply to all water bodies not specifically listed in Appendix A of §307.10 of this title (relating to Appendices A through C). Application of this criterion shall be in accordance with §307.7(b)(1) of this title (relating to Site-Specific Uses and Criteria). §307.5. Antidegradation.

(a) Application. The antidegradation policy and implementation procedures set forth in this section shall apply to actions before the commission when such actions would increase pollutant loads to the water in the state. Such actions include permit actions, waste load evaluations, and any other miscellaneous actions, such as those related to man-induced nonpoint sources of pollution, which may impact the water in the state.

(a) Antidegradation policy. In accordance with the Texas Water Code, §26.003, it is the policy of the commission that:

(1) existing uses will be maintained and protected. Categories of existing uses are the same as for designated uses, as defined in §307.7 of this title (relating to



## Site-Specific Uses and Criteria);

(2) no activities subject to regulatory action which would cause significant degradation of waters exceeding fishable/swimmable quality will be allowed unless it can be shown to the commission's satisfaction that the lowering of water quality is necessary for important economic or social development. Significant degradation is defined as a lowering of water quality to more than a de minimis extent, but not to the extent that an existing use is impaired. Fishable/swimmable waters are defined as waters which have quality sufficient to support propagation of indigenous fish, shellfish, and wildlife and recreation in and on the water;

(3) outstanding national resource waters are defined as high quality waters within or adjacent to national parks and wildlife refuges, state parks, wild and scenic rivers designated by law, and other designated areas of exceptional recreational or ecological significance. The quality of outstanding national resource waters will be maintained and protected;

(4) the commission will not authorize or approve any waste discharge that will result in the quality of any water being lowered below water quality standards without complying with federal and state laws applicable to water quality standards amendment;

(5) anyone discharging wastewater which would constitute a new source of pollution or an increased source of pollution from any industrial, public, or private project or development will be required to provide a level of wastewater treatment consistent with the provisions of the Texas Water Code and the Clean Water Act (33 United States Code 1251 et seq.). As necessary, cost-effective and reasonable best management practices established through the Texas water quality management program shall be achieved for nonpoint sources of pollution; and

(6) application of antidegradation provisions shall not preclude the commission from establishing modified thermal discharge limitations consistent with the Clean Water Act, §316(a) (33 United States Code 1326).

(c) Antidegradation implementation procedures.

(1) The commission staff will review any wastewater discharge permit application or amendment in accordance with permitting procedures described in the continuing planning process. This review will include a preliminary determination of the existing uses of the receiving water. These existing uses will be maintained and protected.

(2) For proposed permit applications or amendments to discharge into waters exceeding fishable/swimmable quality, the commission staff will preliminarily de-

termine if the discharge is expected to cause a significant degradation of water quality.

(3) All pollutants which could cause significant degradation of waters exceeding fishable/swimmable quality will be considered in the evaluation of waste discharge permits. For dissolved oxygen, analyses of significant degradation will utilize the same critical conditions as are used for permit reviews and waste load evaluations as of November 28, 1975, (in accordance with EPA Standards Regulation 40 Code of Federal Regulations Part 131) define existing conditions for determinations of significant degradation.

(4) When significant degradation of waters exceeding fishable/swimmable quality is anticipated, a statement that the antidegradation policy will be pertinent to the permit action will be included in the public notice for the said permit application or amendment. If no significant degradation is anticipated, the public notice will so state. The determination of existing use and the probability of significant degradation are issues upon which evidence can be introduced in permit hearings.

(5) Interested parties will be given the opportunity to provide comments and additional information concerning the determination of existing uses, anticipated impacts of the discharge, baseline conditions, and necessity of the discharge for important economic or social development if significant degradation of water quality is expected. The commissioners will decide after full satisfaction of the intergovernmental coordination and public participation provisions of the continuing planning process if the economic or social development is important enough to allow the degradation.

(6) Waste load evaluations conducted by the commission will adhere to the provisions of the antidegradation policy. If the waste load evaluation indicates that a significant degradation of waters exceeding fishable/swimmable quality is expected, the public hearing notice will so state. The commission will not approve any waste load evaluation that would allow a significant degradation of waters exceeding fishable/swimmable quality unless and until it has been demonstrated to the commission that the recommended lower water quality is necessary for important economic or social development. Permits which are consistent with an approved waste load evaluation under this anti degradation policy will not be separately subjected to the antidegradation provisions of this section unless the discharge may cause impacts on the receiving water which were not addressed by the waste load evaluation.

(7) Additional implementation procedures for the antidegradation policy

are described in the continuing planning process document.

## §307.6. Toxic Materials.

(a) Application. Standards and procedures set forth in this section apply to all water in the state, except as indicated in §307.8 of this title (relating to Application of Standards) and §307.9 of this title (relating to Determination of Standards Attainment).

(b) General provisions.

(1) Water in the state shall not be acutely toxic to aquatic life except in small zones of initial dilution at discharge points, in accordance with §307.8 (relating to Application of Standards).

(2) Water in the state with designated or existing aquatic life uses shall not be chronically toxic to aquatic life, except in mixing zones and below critical low-flow conditions, in accordance with §307.8 of this title (relating to Application of Standards).

(3) Water in the state shall be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, or consumption of drinking water after reasonable treatment. In addition to other provisions of this section, permitted discharges or other controllable sources shall not cause maximum contaminant levels for public drinking water supplies, as established in the federal Safe Drinking Water Act (42 United States Code 300f et seq.), to be exceeded after reasonable treatment by a water supply treatment plant. The commission will utilize available investigative and regulatory means to identify and control sources of toxic pollutants which cause or could potentially cause the following guidelines to be exceeded:

(A) EPA maximum contaminant levels for drinking water supplies; and

(B) United States Food and Drug Administration Action Levels for toxic concentrations in fish and shellfish tissue.

(c) Specific numerical criteria.

(1) Numerical criteria are established in the following table (Table 1) for those specific toxic substances for which adequate toxicity information is available, and which have the potential for exerting adverse impacts on water in the state.

TABLE 1

Criteria for Specific Toxic Materials  
(All values are listed or calculated in micrograms per liter)

Parameter	Fresh Acute Criteria	Fresh Chronic Criteria	Marine Acute Criteria	Marine Chronic Criteria
drin	3.0	-	1.3	-
senic	360	190	149	78
dmium	$e^{(1.128[\ln(\text{hardness})]-1.6774)}$	$e^{(0.7852[\ln(\text{hardness})]-3.490)}$	45.62	10.02
lordane	2.4	0.0043	0.09	0.004
ic.pyrifos	0.083	0.041	0.011	0.0056
romium (Tri)	$e^{(0.8190[\ln(\text{hardness})]+3.688)}$	$e^{(0.8190[\ln(\text{hardness})]+1.561)}$	-	-
romium (Hex)	16	11	1,100	50
pper	$e^{(0.9422[\ln(\text{hardness})]-1.3844)}$	$e^{(0.8545[\ln(\text{hardness})]-1.386)}$	4.37	4.37
anide	45.78	10.69	5.6	5.6
T	1.1	0.0010	0.13	0.0010
meton	-	0.1	-	0.1
eldrin	2.5	0.0019	0.71	0.0019
dosulfan	0.22	0.056	0.034	0.0087
drin	0.18	0.0023	0.037	0.0023
thion	-	0.01	-	0.01
ptachlor	0.52	0.0038	0.053	0.0036

TABLE 1 (Continued)

Parameter	Fresh Acute Criteria	Fresh Chronic Criteria	Marine Acute Criteria	Marine Chronic Criteria
perchloroethane (Lindane)	2.0	0.08	0.16	-
	$e^{(1.273[\ln(\text{hardness})]-1.460)}$	$e^{(1.273[\ln(\text{hardness})]-4.705)}$	140	5.6
...	-	0.01	-	0.01
	2.4	0.012	2.1	0.025
chloroform	-	0.03	-	0.03
	-	0.001	-	0.001
	$e^{(0.8460[\ln(\text{hardness})]+3.3612)}$	$e^{(0.8460[\ln(\text{hardness})]+1.1645)}$	119	13.2
B's	2.0	0.014	10	0.03
...	0.065	0.013	-	-
propenol	$e^{[1.005(\text{pH})-4.830]}$	$e^{[1.005(\text{pH})-5.290]}$	15.14	9.56
	260	35	410	54
	$e^{(1.72[\ln(\text{hardness})]-6.52)}$	0.49	2.3	-
e	0.78	0.0002	0.21	0.0002
	$e^{(0.8473[\ln(\text{hardness})]+0.8604)}$	$e^{(0.8473[\ln(\text{hardness})]+0.7614)}$	98	89

(2) Numerical criteria are based on ambient water quality criteria documents published by EPA. EPA guidance criteria have been appropriately recalculated to eliminate the effects of toxicity data for aquatic organisms which are not known to occur in Texas, in accordance with procedures in the EPA guidance document entitled "Guidelines for Deriving Site-Specific Water Quality Criteria."

(3) Discharge permit limits and pretreatment requirements based on specific numerical water quality criteria for toxic materials will be established in consideration of additional factors, but the application of such factors shall not result in impairment of an existing or designated use. Discharge permit limits which are expected to cause instream concentrations of specific numerical water criteria to be exceeded will require a demonstration that existing or designated uses will not be impaired, either as a condition for permit issuance or as additional monitoring requirements in the permit. A demonstration that uses are protected may consist of total (whole-effluent) toxicity testing, instream monitoring requirements, and/or other necessary information as determined by the commission. Factors to be considered in establishing discharge permit limits and pretreatment requirements include the following:

(A) practical quantitation levels (PQLs);

(B) ambient concentrations of specific toxics of concern in receiving waters, sediment, and/or indigenous biota;

(C) bioavailability of specific toxics of concern in the effluent;

(D) persistence and degradation rate of specific toxic materials;

(E) synergistic or antagonistic interactions of toxic substances with other toxic or nontoxic materials;

(F) measurements of total effluent toxicity;

(G) local water chemistry and other site-specific variables which may alter the toxicity or impact of specific toxic substances;

(H) indigenous aquatic organisms, which may have different responses to particular concentrations of specific toxic materials;

(I) designated or existing uses of the receiving waters (only with respect to the application of chronic numeri-

cal criteria, not acute criteria); and

(J) technological or economic limits of treatability for specific toxics of concern.

(4) Ammonia toxicity will be addressed by total toxicity biomonitoring requirements in subsection (d) of this section. Chlorine toxicity will be controlled by the development of generic permit limits for final residual chlorine concentration.

(5) Numerical criteria for additional toxic materials will be adopted by the commission as appropriate.

(6) Methods for establishing PQLs are defined in the latest revision of 40 Code of Federal Regulations Parts 141 and 142 and a list of appropriate PQLs for toxic materials with specific numerical criteria is available from the commission. Discharge permit limits for a specific toxic material will not be lower than established PQLs unless that toxic material is of particular concern in the receiving waters.

(7) Specific numerical criteria for metals and metalloids apply to dissolved concentrations, which can be estimated by filtration of samples prior to analysis, or by converting from total recoverable measurements in accordance with procedures approved by the commission—such as in the latest revision of the EPA document, *Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants in Surface and Ground Water* (Revised 1985) (EPA/600/6-85/002a and b).

(8) Specific numerical acute criteria for toxic substances are applicable to all waters in the state except for small zones of initial dilution at discharge points. Specific numerical chronic criteria are applicable to all waters in the state with designated or existing aquatic life uses, except inside mixing zones and below critical low-flow conditions, in accordance with §307.8 of this title (relating to Application of Standards).

(9) In establishing permit limits, specific numerical acute criteria are applied as 24-hour averages, and specific numerical chronic criteria are applied as seven-day averages.

(10) For toxic materials for which specific numerical criteria are not listed in the table in §307.6(c)(1) of this title (relating to Toxic Materials), the following provisions shall be applied in accordance with the application procedures of specific numerical criteria, as established in this section and in §307.8 (relating to Application of Standards):

(A) concentrations of non-persistent toxic materials shall not exceed concentrations which are chronically toxic (as determined from appropriate chronic

toxicity data or calculated as 0.1 of LC50 values) to representative, sensitive aquatic organisms;

(B) concentrations of persistent toxic materials that do not bioaccumulate shall not exceed concentrations which are chronically toxic (as determined from appropriate chronic toxicity data or calculated as 0.05 of LCs50 values) to representative, sensitive aquatic organisms; and

(C) concentrations of toxic materials that bioaccumulate shall not exceed concentrations that are chronically toxic (as determined from appropriate chronic toxicity data or calculated as 0.01 of LCs50 values) to representative, sensitive aquatic organisms.

(11) For toxic substances where the relationship of toxicity is defined as a function of pH or hardness, numerical criteria are presented as an equation based on this relationship. Appropriate pH or hardness values for such criteria are listed for each basin in the following table (Table 2). The indicated pH and hardness values for each basin will be assumed unless appropriate site-specific hardness and pH values are determined from available data.

**TABLE 2**

**Basin pH and Total Hardness Values  
to be Used for Evaluation of  
Selected Toxic Parameters**

pH and hardness are 15th percentile values of  
long-term statewide monitoring network data

Basin Name	Number	pH	Hardness mg/L as CaCO <sub>3</sub>
Canadian River Basin	01	7.6	170
Red River Basin	02	7.4	170
Sulphur River Basin	03	6.9	98
Cypress Creek Basin	04	6.2	45
Sabine River Basin	05	6.6	40
Neches River Basin	06	6.4	32
Neches-Trinity Coastal Basin	07	6.7	64*
Trinity River Basin	08	7.3	96
Trinity-San Jacinto Coastal Basin	09	7.0	96*
San Jacinto River Basin	10	6.8	152*
San Jacinto-Brazos Coastal Basin	11	7.1	152
Brazos River Basin	12	7.4	150
Brazos-Colorado Coastal Basin	13	7.0	69
Colorado River Basin	14	7.5	192
Colorado-Lavaca Coastal Basin	15	7.5	110*
Lavaca River Basin	16	7.5	110*
Lavaca-Guadalupe Coastal Basin	17	7.5*	110*
Guadalupe River Basin	18	7.6	150
San Antonio River Basin	19	7.3	158
San Antonio-Nueces Coastal Basin	20	7.3	97
Nueces River Basin	21	7.6	156
Nueces-Rio Grande Coastal Basin	22	7.3	127*
Rio Grande Basin	23	7.6	250

\* insufficient data--values of adjacent basin, or average values of adjacent basins are assumed.

(d) Total toxicity.

(1) Total (whole-effluent) toxicity of permitted discharges, as determined from biomonitoring of effluent samples at appropriate dilutions, will be sufficiently controlled to achieve the following:

(A) preclusion of acute total toxicity in all water in the state, with the exception of small zones of initial dilution at discharge points; and

(B) preclusion of chronic total toxicity in all water in the state with existing or designated aquatic life uses except in mixing zones and at flows less than critical low-flows, in accordance with §307.8 of this title (relating to Application of Standards).

(2) Procedures for testing and regulating total toxicity are described in the toxic pollutant control strategy of the commission's continuing planning process document. General provisions for controlling total toxicity are established as follows.

(A) Total toxicity control requirements will initially be implemented on nine high priority classified segments--Neches River tidal (0601), Sabine River tidal (0501), Sabine Lake (2412), Arroyo Colorado tidal (2201), Arroyo Colorado above tidal (2202), Sabine River (0505), Corpus Christi Inner Harbor (2484), Corpus Christi Bay (2481), and San Antonio River (1911).

(B) In addition to the nine priority segments, initial regulatory efforts will address any additional significant problem areas and individual permits as necessary. By September 1988 the established total toxicity control procedures will be expanded to include statewide consideration of discharge permits issued and administered by the commission.

(C) Dischargers which have significant potential for exerting toxicity in receiving waters will be required to conduct effluent toxicity biomonitoring. Toxicity biomonitoring requirements for permitted discharges will be imposed upon permit renewal, application, or amendment; and requirements for proposed discharges will be imposed during the permit application process.

(D) The latest revisions of the following EPA publications provide methods for appropriate biomonitoring procedures: *Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and*

*Receiving Waters to Marine and Estuarine Organisms, and Technical Support Document for Water Quality-Based Toxics Control.* The use of other procedures approved by the commission is also acceptable. Toxicity tests must be conducted using representative, sensitive aquatic organisms, and any such testing must adequately determine if toxicity standards are being attained.

(E) Discharge permit limits based on total toxicity will be established in consideration of other factors, but the application of such factors shall not result in impairment of an existing or designated use. Discharge permit limits which are expected to cause instream toxicity criteria to be exceeded will require a demonstration that existing or designated uses will not be impaired (either as a condition for permit issuance or as additional monitoring requirements in the permit). A demonstration that uses are protected may consist of additional effluent toxicity testing, instream monitoring requirements, and/or other necessary information as determined by the commission. Factors to be considered in establishing discharge permit limits include the following:

(i) ambient toxicity of receiving waters;

(ii) persistence and degradation rate of principal toxic materials which are contributing to the total toxicity of the discharge;

(iii) site-specific variables which may alter the impact of toxicity in the discharge;

(iv) indigenous aquatic organisms, which may have different levels of tolerance than the species used for total toxicity testing; and

(v) designated or existing uses of the receiving waters (only with respect to the application of chronic toxicity, not acute toxicity).

**§307.7. Site-specific Uses and Criteria.**

(a) Uses and numerical criteria are established on a site-specific basis for classified segments in Appendix A of §307.10 of this title (relating to Appendices A-C). Site-specific uses and numerical criteria may also be applied to unclassified waters in accordance with §307.4(h) of this title (relating to General Criteria) and §307.5(c) of this title (relating to Antidegradation). Site-specific criteria apply specifically to substances attributed to waste discharges or the activities of man. Site-specific criteria do not apply to those instances in which surface waters exceed criteria limits due to natural phenomena. The application of site-specific uses and criteria is described in §307.8 of this title (relating to the Application of Standards) and §307.9 of this title (relating to the Determination of Standards Attainment).

(b) Appropriate uses and criteria for site-specific standards are defined as follows:

(1) Recreation. Recreational use consists of two subcategories--contact recreation waters and noncontact recreation waters. Classified segments will be designated for contact recreation unless elevated fecal coliform bacteria concentrations frequently occur due to sources of pollution which cannot be reasonably controlled by the existing regulations or contact recreation is considered unsafe for other reasons such as ship or barge traffic. A designation of contact recreation is not a guarantee that the water so designated is completely free of disease-causing organisms. In a classified segment where contact recreation is considered unsafe for reasons unrelated to water quality, a designated use of noncontact recreation may be assigned the fecal coliform criteria normally associated with contact recreation.

(A) Contact recreation waters.

(i) Fecal coliform content shall not exceed 200 colonies per 100 ml as a geometric mean based on a representative sampling of not less than five samples collected over not more than 30 days.

(ii) Fecal coliform content shall not equal or exceed 400 colonies per 100 ml in more than 10% of all samples, but based on at least five samples, taken during any 30-day period. If ten or fewer samples are analyzed, no more than one sample shall exceed 400 colonies per 100 ml.

(B) Noncontact recreation waters.

(i) Fecal coliform content shall not exceed 2,000 colonies per 100 ml as a geometric mean based on a representative sampling of not less than five samples collected over not more than 30 days.

(ii) Fecal coliform content shall not equal or exceed 4,000 colonies per 100 ml in more than 10% of all samples, but based on at least five samples, taken during any 30-day period. If ten or fewer samples are analyzed, no more than one sample shall exceed 4,000 colonies per 100 ml.

(2) Domestic water supply.

(A) Use categories. Domestic water supply consists of two use subcategories--public water supply and aquifer protection.

(i) Public water supply. Segments designated for public water supply are those known to be used or exhibit characteristics that would allow them to be used as the supply source for community

TABLE 3  
Aquatic Life Subcategories

Aquatic Life Subcategory	Dissolved Oxygen		Habitat Characteristics	Species Assemblage	Aquatic Life Attributes				
	Freshwater mean/minimum	Freshwater in Spring mean/minimum			Saltwater mean/minimum	Sensitive Species	Diversity	Species Richness	Trophic Structure
Exceptional	6.0/4.0	6.0/5.0	5.0/4.0	Outstanding natural variability	Exceptional or unusual	Abundant	Exceptionally high	Exceptionally high	Balanced
High	5.0/3.0	5.5/4.5	4.0/3.0	Highly diverse	Usual association of expected species	Present	High	High	Balanced to slightly imbalanced
Intermediate	4.0/3.0	5.0/4.0	3.0/2.0	Moderately diverse	Some expected species	Very low in abundance	Moderate	Moderate	Moderately imbalanced
Limited	3.0/2.0	4.0/3.0		Uniform	Few expected species	Rare	Low	Low	Severely imbalanced

Dissolved oxygen means are applied as an average over a 24-hour period.

Daily minima are not to extend beyond 8 hours per 24-hour day. Lower dissolved oxygen minima may apply on a site-specific basis, when natural daily fluctuations below the mean are greater than the difference between the mean and minima of the appropriate criteria.

Spring criteria to protect fish spawning periods are applied during that portion of the first half of the year when water temperatures are 63.0°F to 73.0°F. Aquatic life attributes are preliminary and subject to further refinement pending results of studies being conducted by the commission. Quantitative criteria to support aquatic life attributes are being developed in conjunction with the research.

Dissolved oxygen analyses and computer models to establish effluent limits for permitted discharges will normally be applied to mean criteria at steady-state, critical conditions. Determination of standards attainment for dissolved oxygen criteria is specified in §307.9(d)(6) (relating to Determination of Standards Attainment).

and noncommunity water supply systems, as defined by regulations promulgated pursuant to the federal Safe Drinking Water Act (42 United States Code 300f et seq.).

(ii) Aquifer protection. Segments designated for aquifer protection are capable of recharging the Edwards Aquifer. The principal purpose of this use designation is to protect the quality of water infiltrating into and recharging the aquifer.

(B) Use criteria. The following use criteria apply to both domestic water supply use subcategories.

(i) Radioactivity associated with dissolved minerals in the freshwater portions of river basin and coastal basin waters should not exceed levels established by regulations promulgated pursuant to the federal Safe Drinking Water Act unless the conditions are of natural origin.

(ii) Surface waters utilized for domestic water supply shall not exceed toxic material concentrations that prevent them from being treated to meet regulatory requirements promulgated pursuant to the federal Safe Drinking Water Act.

(iii) Chemical and microbiological quality of surface waters used for domestic water supply should conform to regulatory requirements promulgated pursuant to the federal Safe Drinking Water Act. Surface waters that do not meet drinking water standards but that are the only supply source may be designated for public water supply where chemical and microbiological constituents do not pose a potential health hazard.

(3) Aquatic life. The establishment of numerical criteria for aquatic life is highly dependent on desired use, sensitivities of usual aquatic communities, and local physical and chemical characteristics. Five subcategories of aquatic life use are established. They include limited quality, intermediate quality, high quality, and exceptional quality aquatic habitat and oyster waters. Aquatic life subcategories designated for segments listed in Appendix A of §307.10 of this title (relating to Appendices A-C) recognize the natural variability of aquatic community requirements and local environmental conditions.

(A) The definitions and associated dissolved oxygen criteria for limited, intermediate, high, and exceptional quality aquatic life use subcategories are indicated in the following table (Table 3).

(B) Oyster waters.

(i) A 1,000 foot buffer zone, measured from the shoreline at ordinary high tide, is established for all bay and gulf waters, except those contained in river or coastal basins as defined in §307.2 of this title (relating to Description of Standards). Fecal coliform content in buffer zones shall not exceed 200 colonies per 100 ml as a geometric mean of not less than five samples collected over not more than 30 days or equal or exceed 400 colonies per 100 ml in more than 10% of all samples taken during a 30-day period.

(ii) Median fecal coliform concentration in bay and gulf waters, exclusive of buffer zones, shall not exceed 14 colonies per 100 ml, with not more than 10% of all samples exceeding 43 colonies per 100 ml.

(iii) Oyster waters should be maintained so that concentrations of toxic materials do not cause edible species of clams, oysters, and mussels to exceed accepted guidelines for the protection of public health. Guidelines are provided by United States Food and Drug Administration action levels for molluscan shellfish.

(4) Additional criteria.

(A) Chemical parameters. Site-specific criteria for chloride, sulfate, and total dissolved solids are established as averages over an annual period for either a single sampling point or multiple sampling points.

(B) pH. Site-specific numerical criteria for pH are established as absolute minima and maxima.

(C) Temperature. Site-specific temperature criteria are established as absolute maxima.

(D) Toxic materials. Criteria for toxic materials are established in §307.6 of this title (relating to Toxic Materials).

(5) Additional uses. Other basic uses, such as navigation, agricultural water supply, and industrial water will be maintained and protected for all water in the state in which these uses can be achieved. §307.8. *Application of Standards.*

(a) Low-flow conditions.

(1) The following standards do not apply below seven-day, two-year low flows in unclassified waters, or below low-flow conditions specified in Appendix B of §307.10 of this title (relating to Appendices A-C) for designated segments:

(A) site-specific criteria, as defined in §307.7 of this title (relating to Site-specific Criteria and Uses) and listed

for each classified segment in Appendix A of §307.10 of this title (relating to Appendices A-C);

(B) numerical chronic criteria for toxic materials as established in §307.6 of this title (relating to Toxic Materials);

(C) total chronic toxicity restrictions as established in §307.6 of this title (relating to Toxic Materials);

(D) maximum temperature differentials as established in §307.4(f) of this title (relating to General Criteria);

(E) dissolved oxygen criteria for unclassified waters, as established in §307.4(h) of this title (relating to General Criteria);

(F) dissolved oxygen criteria for intermittent streams and barge canals, as established in §307.4(j) of this title (relating to General Criteria); and

(G) fecal coliform criteria for unclassified waters, as established in §307.4(k) of this title (relating to General Criteria).

(2) Numerical acute criteria for toxic materials and preclusion of total acute toxicity as established in §307.6 of this title (relating to Toxic Materials) are applicable at all flow conditions.

(3) Low-flow criteria in Appendix B of §307.10 of this title (relating to Appendices A-C) are solely for the purpose of defining the flow conditions under which water quality standards apply to a given water body. Low-flow criteria listed in Appendix B of §307.10 of this title (relating to Appendices A-C) are not for the purpose of regulating flows in water bodies in any manner or requiring that minimum flows be maintained in classified segments.

(4) Low-flow criteria defined in this section and listed in Appendix B of §307.10 of this title (relating to Appendices A through C) apply only to river basin and coastal basin waters. They do not apply to bay or gulf waters or reservoirs or estuaries.

(5) Seven-day, two-year low flows (7Q2) in Appendix B of §307.10 of this title (relating to Appendices A-C) were calculated from historical United States Geological Survey (USGS) daily streamflow records where available. Where a USGS flow station was not located at a commission monitoring station, the low-flow condition was interpolated/ extrapolated from the nearest comparable USGS stations. The low-flow criterion was set at 0.1 of one cubic foot per second (ft<sup>3</sup>/s) when the calculated 7Q2 was equal to or

less than 0.1 of one ft<sup>3</sup>/s.

(6) Flow values will be periodically recomputed to reflect alterations in the hydrologic characteristics of a segment, including reservoir construction, climatological trends, and other phenomena.

(7) The general criteria are applicable at all flow conditions except as specified in this section or in §307.4 of this title (relating to General Criteria).

(b) Mixing zones. A reasonable mixing zone will be allowed at the discharge point of permitted discharges into surface water in the state, in accordance with the following provisions.

(1) The following portions of the standards do not apply within mixing zones:

(A) site-specific criteria, as defined in §307.7 of this title (relating to Site-Specific Criteria and Uses) and listed for each classified segment in Appendix A of §307.10 of this title (relating to Appendices A-C);

(B) numerical chronic criteria for toxic materials as established in §307.6 of this title (relating to Toxic Materials);

(C) total chronic toxicity restrictions as established in §307.6 of this title (relating to Toxic Materials);

(D) maximum temperature differentials as established in §307.4(f) of this title (relating to General Criteria);

(E) dissolved oxygen criteria for unclassified waters, as established in §307.4(h) of this title (relating to General Criteria);

(F) dissolved oxygen criteria for intermittent streams and barge canals, as established in §307.4(j) of this title (relating to General Criteria); and

(G) fecal coliform criteria for unclassified waters, as established in §307.4(k) of this title (relating to General Criteria).

(2) Numerical acute criteria for toxic materials and preclusion of total acute toxicity as established in §307.6 of this title (relating to Toxic Materials) are applicable even in mixing zones. Numerical acute criteria may be exceeded in small zones of initial dilution at discharge sites. Zones of initial dilution are restricted to the immediate point of discharge and must be substantially smaller than designated mixing zones.



(3) Provisions of the general criteria in §307.4 of this title (relating to General Criteria) remain in effect in mixing zones unless specifically exempted in this section.

(4) Water quality standards do not apply to treated effluents at the immediate point of discharge prior to any contact with either ambient waters or a dry streambed.

(5) Where a mixing zone is defined in a valid commission or National Pollutant Discharge Elimination System (NPDES) permit, the mixing zone defined in the permit will apply.

(6) Mixing zones shall not preclude passage of free swimming or drifting aquatic organisms to the extent that aquatic life use is significantly affected.

(7) Mixing zones will not overlap unless it can be demonstrated that no applicable standards will be violated in the area of overlap. Existing and designated uses will not be impaired by the combined impact of a series of contiguous mixing zones.

(8) Mixing zones will not encompass an intake for a domestic drinking water supply. Thermal mixing zones are excepted from this provision unless elevated temperatures adversely affect drinking water treatment.

(9) Mixing zones will be individually specified for all permitted domestic discharges with a permitted monthly average flow equal to or exceeding one million gallons per day and for all permitted industrial discharges to water in the state (excepting discharges which consist entirely of stormwater runoff). For domestic discharges with permitted monthly average flows less than one million gallons per day, a small mixing zone will be assumed; and the commission may require specified mixing zones as appropriate. For existing permits and pending permit applications as of the date of adoption of this chapter, mixing zones will be defined upon permit renewal or amendment.

#### §307.9. Determination of Standards Attainment.

##### (a) Sampling locations.

(1) Representative samples to determine standards attainment will be collected at locations approved by the commission. To ensure comparability with past sampling data, samples will be collected at established monitoring stations. Monitoring stations may be established or discontinued by the commission.

(2) Field investigation samples may be collected at points not established or approved as standards attainment sampling locations at the discretion of the commission.

(b) Collection and preservation of water samples.

(1) To ensure that representative samples are collected and to minimize alterations prior to analysis, collection and preservation of attainment determination samples will be in accordance with procedures set forth in the most recently published edition of the book entitled *Standard Methods for the Examination of Water and Wastewater*, the most recent version of the quality assurance program plan for the commission, or other reliable procedures acceptable to the commission.

(2) Bacterial and temperature determinations will be conducted on samples or measurements taken within one foot of the surface. Depth collection procedures for chloride, sulfate, total dissolved solids, dissolved oxygen, and pH to determine standards attainment may vary depending on the water body being sampled.

(A) Non-tidal flowing streams. In flowing streams, a profile should be obtained to determine if the water column is uniformly mixed. Samples shall be collected one foot below the water surface in streams exhibiting a vertically mixed water column. A depth-integrated sample shall be used to determine attainment in unmixed streams. Where depth is less than 1.5 feet, the collection depth shall be 1/3 of the water depth measured from the water surface.

(B) Impoundments. Representative samples shall be collected from the entire water column in the absence of thermal stratification. Collection of representative samples shall be confined to the epilimnion when an impoundment is thermally stratified.

(C) Bays. A depth-integrated (vertical composite) sample shall be collected from the surface to the natural bottom. Dredged areas shall not be considered part of the natural bottom.

(D) Tidal streams. A surface to bottom profile of DO, pH, conductivity, and temperature shall be obtained in all cases. Under conditions of density stratification, a composite sample collected from the mixed surface layer shall be used to determine standards attainment.

(3) Numerical criteria for toxic materials are applicable to water samples collected at any depth.

##### (c) Sample analysis.

(1) Numerical values. Numerical values in the water quality standards shall be determined by analytical procedures recommended in the most recently published edition of the book entitled *Stan-*

*ard Methods for the Examination of Water and Wastewater*, the quality assurance program plan for the commission, or other reliable methods acceptable to the commission.

(2) Radioactivity. Measurements will be made on filtered samples to determine radioactivity associated with dissolved minerals.

(3) Toxicity. Bioassay techniques will be selected as testing situations dictate but will generally be conducted using representative sensitive organisms in accordance with §307.6 of this title (relating to Toxic Materials).

(4) Bacteria. Bacteriological levels shall be determined by either multiple-tube fermentation or membrane filter techniques.

(d) Sampling periodicity and evaluation.

(1) Chloride, sulfate, total dissolved solids. Standards attainment determinations shall be based on the average of measurements taken on at least four different dates. Results from all monitoring stations within the segment will be averaged to allow for reasonable parametric gradients. TDS determinations may be based on conductivity observations.

(2) Radioactivity. The impact of radioactive discharges on the surface waters in Texas will be evaluated utilizing information developed by the Sanitary Engineering Research Laboratory at the University of Texas and presented in the June 30, 1960, report entitled, "Report on Radioactivity Levels in Surface Waters-1958-1960".

(3) Bacteria. Standards attainment for fecal coliform bacteria will be determined as described in §307.7(b)(1) of this title (relating to Site-Specific Uses and Criteria).

(4) Toxic materials. Specific numerical acute criteria are applied as 24-hour averages, and specific numerical chronic criteria are applied as seven-day averages.

(5) Temperature pH. Standards attainment will be evaluated for measurements or samples taken at a single point in time.

(6) Dissolved oxygen.

(A) Criteria for daily (24-hour) average concentrations will be compared to a time-weighted average of measurements taken over a 24-hour period.

(B) Criteria for minimum concentrations will be compared to individual measurements taken at night (from sunset until two hours after sunrise).

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

(1) Appendix A water uses and numerical criteria. The following table identifies the water uses and supporting numerical criteria for each of the state's classified segments. The table is ordered by basin with the segment number and segment name given for each classified segment.

(A) Dissolved oxygen criteria

in Appendix A are listed as 24-hour means. Absolute minima and seasonal criteria are listed in §307.7 (relating to Site-specific Uses and Criteria). Dissolved oxygen criteria of 2.0 mg/L in this appendix are allowed a daily variation down to 1.5 mg/L for no more than eight hours per 24-hour day. Dissolved oxygen criteria of 1.0 mg/L in this appendix will be considered minimum values at any time.

(B) Fecal coliform criteria of 200 per 100 ml are applied as specified in §307.7(b)(1)(A) (relating to Site-Specific Uses and Criteria). Fecal coliform criteria of 2,000 per 100 ml are applied as specified in §307.7(b)(1)(B) (relating to Site-Specific Uses and Criteria).

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

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0201	Lower Red River	CR	H	PS		375	250	1,100	5.0	6.5-9.0	200	93
0202	Red River Below Lake Texoma	CR	H	PS		375	250	1,100	5.0	6.5-9.0	200	93
0203	Lake Texoma	CR	H	PS		600	300	1,500	5.0	6.5-9.0	200	92
0204	Red River Above Lake Texoma	CR	H			2,000	1,200	6,000	5.0	6.5-9.0	200	93
0205	Red River Below Pease River	CR	H			5,000	2,000	10,000	5.0	6.5-9.0	200	93
0206	Red River Above Pease River	CR	H			12,000	4,000	25,000	5.0	6.5-9.0	200	93
0207	Prairie Dog Town Fork Red River	CR	H			30,000	4,500	65,000	5.0	6.5-9.0	200	93
0208	Lake Crook	CR	H	PS		75	150	350	5.0	6.5-9.0	200	90
0209	Pat Maye Lake	CR	H	PS		100	175	350	5.0	6.5-9.0	200	90
0210	Farmers Creek Reservoir	CR	H	PS		200	60	550	5.0	6.5-9.0	200	93
0211	Little Wichita River	CR	H	PS		250	50	500	5.0	6.5-9.0	200	91
0212	Lake Arrowhead	CR	H	PS		250	50	500	5.0	6.5-9.0	200	93
0213	Lake Kickapoo	CR	H	PS		100	50	400	5.0	6.5-9.0	200	90
0214	Wichita River Below Diversion Lake	CR	H			1,800	800	5,000	5.0	6.5-9.0	200	90
0215	Diversion Lake	CR	H			1,800	1,100	5,000	5.0	6.5-9.0	200	90
0216	Wichita River Below Lake Kemp	CR	H			1,925	960	5,000	5.0	6.5-9.0	200	90
0217	Lake Kemp*	CR	H			7,000	2,500	15,000	5.0	6.5-9.0	200	93
0218	Wichita/North Fork Wichita River	CR	H			7,500	2,800	16,250	5.0	6.5-9.0	200	93
0219	Lake Wichita	CR	H			1,000	400	1,800	5.0	6.5-9.0	200	90
0220	Pease/North Fork Pease River	CR	H			12,000	3,500	30,000	5.0	6.5-9.0	200	91

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

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0221	Middle Fork Pease River	CR	H			870	1,400	2,800	5.0	6.5-9.0	200	91
0222	Salt Fork Red River	CR	H			400	1,400	3,000	5.0	6.5-9.0	200	93
0223	Greenbelt Lake	CR	H	PS		250	200	750	5.0	6.5-9.0	200	93
0224	North Fork Red River	CR	H			800	1,200	2,500	5.0	6.5-9.0	200	91
0225	McKinney Bayou	CR	L	PS		60	90	400	3.0	6.0-8.5	200	93
0226	South Fork Wichita River *	CR	H			12,000	3,650	31,000	5.0	6.5-9.0	200	93
0227	South Fork Pease River	CR	H			270	200	1,000	5.0	6.5-9.0	200	91
0228	Mackenzie Reservoir	CR	H	PS		20	160	350	5.0	6.5-9.0	200	90

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

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

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

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

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

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



SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0701	Taylor Bayou Above Tidal	CR	I			100	75	600	4.0	6.5-9.0	200	95
0702	Intracoastal Waterway	CR	H						4.0	6.5-9.0	200	95
0703	Sabine-Neches Canal	CR	H						4.0	6.5-9.0	200	95

TRINITY RIVER BASIN		USES				CRITERIA						
SEGMENT NUMBER	SEGMENT NAME	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0801	Trinity River Tidal	CR	H						4.0	6.5-9.0	200	95
0802	Trinity River Below Lake Livingston	CR	H	PS		125	100	600	5.0	6.5-9.0	200	93
0803	Lake Livingston	CR	H	PS		150	50	500	5.0	6.5-9.0	200	93
0804	Trinity River Above Lake Livingston	CR	H			150	150	600	5.0	6.5-9.0	200	93
0805	Upper Trinity River/Lower West Fork Trinity River	CR	L			175	175	850	3.0*	6.5-9.0	200	95
0806	West Fork Trinity River Below Lake Worth	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
0807	Lake Worth	CR	H	PS		100	100	500	5.0	6.5-9.0	200	91
0808	West Fork Trinity River Below Eagle Mountain Reservoir	CR	H	PS		100	100	500	5.0	6.5-9.0	200	91
0809	Eagle Mountain Reservoir	CR	H	PS		75	75	300	5.0	6.5-9.0	200	94
0810	West Fork Trinity River Below Bridgeport Reservoir	CR	H	PS		100	100	500	5.0	6.5-9.0	200	90
0811	Bridgeport Reservoir	CR	H	PS		75	75	300	5.0	6.5-9.0	200	90
0812	West Fork Trinity River Above Bridgeport Reservoir	CR	H	PS		100	100	500	5.0	6.5-9.0	200	88
0813	Houston County Lake	CR	H	PS		75	75	300	5.0	6.5-9.0	200	93
0814	Chambers Creek Above Richland-Chambers Reservoir	CR	H	PS		90	160	500	5.0	6.5-9.0	200	90
0815	Bardwell Reservoir	CR	H	PS		50	50	300	5.0	6.5-9.0	200	91
0816	Lake Waxahatchie	CR	H	PS		50	50	300	5.0	6.5-9.0	200	91
0817	Navarro Mills Lake	CR	H	PS		50	75	300	5.0	6.5-9.0	200	90
0818	Cedar Creek Reservoir	CR	H	PS		50	50	200	5.0	6.0-8.5	200	93
0819	East Fork Trinity River	CR	I			75	50	400	4.0	6.5-9.6	200	91
0820	Lake Ray Hubbard	CR	H	PS		40	50	400	5.0	6.5-9.0	200	93

\* The dissolved oxygen criterion in Segment 0805 shall be 1.0 mg/L when headwater flow at USGS Gaging Station 0804800 (located on the West Fork Trinity River in Fort Worth, Texas) is less than 80.0 ft<sup>3</sup>/s.

TRINITY RIVER BASIN		USES				CRITERIA						
SEGMENT NUMBER	SEGMENT NAME	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0821	Layon Lake	CR	H	PS		40	40	300	5.0	6.5-9.0	200	93
0822	Elm Fork Trinity River Below Lewisville Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0823	Lewisville Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0824	Elm Fork Trinity River Above Ray Roberts Lake	CR	H	PS		110	90	700	5.0	6.5-9.0	200	90
0825	Denton Creek	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0826	Grapevine Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	93
0827	White Rock Lake	CR	H			100	100	400	5.0	6.5-9.0	200	93
0828	Lake Arlington	CR	H	PS		180	100	300	5.0	6.5-9.0	200	95
0829	Clear Fork Trinity River Below Bendbrook Lake	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
0830	Bendbrook Lake	CR	H	PS		75	75	300	5.0	6.5-9.0	200	93
0831	Clear Fork Trinity River Below Lake Weatherford	CR	H	PS		100	100	500	5.0	6.5-9.0	200	90
0832	Lake Weatherford	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
0833	Clear Fork Trinity River Above Lake Weatherford	CR	H	PS		125	125	750	5.0	6.5-9.0	200	95
0834	Lake Amon G. Carter	CR	H	PS		150	150	400	5.0	6.5-9.0	200	93
0835	Richland Creek Below Richland-Chambers Reservoir	CR	H	PS		145	170	500	5.0	6.5-9.0	200	90
0836	Richland-Chambers Reservoir	CR	H	PS		75	110	400	5.0	6.5-9.0	200	91
0837	Richland Creek Above Richland-Chambers Reservoir	CR	H	PS		145	170	500	5.0	6.5-9.0	200	90
0838	Joe Pool Lake	CR	H	PS		100	100	300	5.0	6.5-9.0	200	90
0839	Elm Fork Trinity River Below Ray Roberts Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
0840	Ray Roberts Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90

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

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

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

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

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



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

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

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1401	Colorado River Tidal	CR	H					4.0	6.5-9.0	200	95	
1402	Colorado River Below Smithville	CR	H	PS		90	60	450	5.0	6.5-9.0	200	95
1403	Lake Austin	CR	H	PS		85	60	375	5.0	6.5-9.0	200	90
1404	Lake Travis	CR	E	PS		85	60	375	6.0	6.5-9.0	200	90
1405	Marble Falls Lake	CR	H	PS		115	70	450	5.0	6.5-9.0	200	94
1406	Lake Lyndon B. Johnson	CR	H	PS		115	70	450	5.0	6.5-9.0	200	94
1407	Inks Lake	CR	H	PS		135	95	525	5.0	6.5-9.0	200	90
1408	Lake Buchanan	CR	H	PS		145	95	525	5.0	6.5-9.0	200	90
1409	Colorado River Above Lake Buchanan	CR	H	PS		200	155	875	5.0	6.5-9.0	200	91
1410	Colorado River Below Concho River	CR	H	PS		500	455	1,475	5.0	6.5-9.0	200	91
1411	E. V. Spence Reservoir	CR	H	PS		950	450	1,500	5.0	6.5-9.0	200	93
1412	Colorado River Below Lake J. B. Thomas	CR	H			11,000	2,500	20,000	5.0	6.5-9.0	200	93
1413	Lake J. B. Thomas	CR	H	PS		80	110	500	5.0	6.5-9.0	200	90
1414	Pedernales River	CR	H	PS		105	50	525	5.0	6.5-9.0	200	91
1415	Llano River	CR	H	PS		45	25	300	5.0	6.5-9.0	200	91
1416	San Saba River	CR	H	PS		40	30	425	5.0	6.5-9.0	200	90
1417	Lower Pecan Bayou	CR	H			310	120	1,025	5.0	6.5-9.0	200	90
1418	Lake Brownwood	CR	H	PS		150	100	500	5.0	6.5-9.0	200	90
1419	Lake Coleman	CR	H	PS		150	100	500	5.0	6.5-9.0	200	93
1420	Pecan Bayou Above Lake Brownwood	CR	H	PS		500	500	1,500	5.0	6.5-9.0	200	90

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
COLORADO RIVER BASIN												
1421	Concho River	CR	H	PS		775	425	1,600	5.0	6.5-9.0	200	90
1422	Lake Nasworthy	CR	H	PS		450	400	1,500	5.0	6.5-9.0	200	93
1423	Twin Buttes Reservoir	CR	H	PS		200	100	700	5.0	6.5-9.0	200	90
1424	Middle Concho/South Concho River	CR	H	PS		150	150	700	5.0	6.5-9.0	200	90
1425	O. C. Fisher Lake	CR	H	PS		150	150	700	5.0	6.5-9.0	200	90
1426	Colorado River Below E. V. Spence Reservoir	CR	H	PS		610	980	2,000	5.0	6.5-9.0	200	91
1427	Onton Creek	CR	H	PS/AP		50	50	300	5.0	6.5-9.0	200	90
1428	Colorado River Below Town Lake	CR	H	PS		90	60	425	5.0	6.5-9.0	200	95
1429	Town Lake*	CR	H	PS		75	60	375	5.0	6.5-9.0	200	90
1430	Barton Creek	CR	H	AP		40	40	500	5.0	6.5-9.0	200	90
1431	Mid Pecan Bayou	CR				410	120	1100	2.0	6.5-9.0	200	90
1432	Upper Pecan Bayou	CR	H	PS		190	140	760	5.0	6.5-9.0	200	90

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

SEGMENT NUMBER		SEGMENT NAME	COLORADO-LAVACA COASTAL BASIN			
1501	Tres Palacios Creek Tidal		RECREATION	CR		
1502	Tres Palacios Creek Above Tidal		AQUATIC LIFE	H		
			DOMESTIC WATER SUPPLY			
			OTHER			
			CHLORIDE (mg/L) Annual average not to exceed		250	
			SULFATE (mg/L) Annual average not to exceed		100	
			TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed		600	
			DISSOLVED OXYGEN (mg/L)	5.0	5.0	
			pH RANGE	6.5-9.0	6.5-9.0	
			FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	200	200	
			TEMPERATURE (°F) Not to exceed	90	95	

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

LAVACA-GUADALUPE COASTAL BASIN	SEGMENT NUMBER	1701
RECREATION	SEGMENT NAME	Victoria Barge Canal
AQUATIC LIFE	NCR	H
DOMESTIC WATER SUPPLY	H	
OTHER		
CHLORIDE (mg/L) Annual average not to exceed		
SULFATE (mg/L) Annual average not to exceed		
TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed		
DISSOLVED OXYGEN (mg/L)	4.0	
pH RANGE	6.5-9.0	
FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	200	
TEMPERATURE (°F) Not to exceed	95	

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

GUADALUPE RIVER BASIN



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

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

SAN ANTONIO-NUEGES COASTAL BASIN

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

SEGMENT NUMBER		SEGMENT NAME	USES				CRITERIA						
			RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
2201		Arroyo Colorado Tidal	CR	H						4.0	6.5-9.0	200	95
2202		Arroyo Colorado Above Tidal	CR	I			1,200	1,000	4,000	4.0	6.5-9.0	200	95
2203		Petronilla Creek Tidal	CR	H						4.0	6.5-9.0	200	95
2204		Petronilla Creek Above Tidal *	CR	I			1,500	500	4,000	4.0	6.5-9.0	700	95

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

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

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

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

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

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



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

(2) Appendix B low flow criteria. The flow value listed for each Texas Water Commission stream monitoring net-

work (SMN) station represents the statistically calculated seven-day two-year low flow (7Q2). The 7Q2 is the lowest average flow for seven consecutive days with a recurrence interval of two years. The calculated values are based on United States

Geological Survey (USGS) period of record streamflow data for established gaging stations. Where USGS stream gaging stations are not present, low flow values have been estimated by using data from nearby stations with similar hydrologic characteristics or from the best information available.

SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
0101	0101.0100	0.2
	0101.0200	0.1
	0101.0300	0.1
	0101.0400	0.1
0103	0103.0100	2.3
	0103.0200	0.1
0104	0104.0100	0.3
0201	0201.0100	1803.9
	0201.0200	1460.4
0202	0202.0100	1300.3
	0202.0200	1066.4
	0202.0400	200.0
0204	0204.0100	211.7
	0204.0200	148.2
0205	0205.0100	58.5
0206	0206.0100	0.8
0207	0207.0100	0.4
	0207.0130	0.4
	0207.0300	0.1
0211	0211.0100	0.1
0214	0214.0100	55.0
	0214.0200	26.9
0216	0216.0100	2.5
0218	0218.0100	0.1
	0218.0210	4.4
	0218.0250	5.2
	0218.0300	0.1
0220	0220.0050	0.1
	0220.0100	0.1
	0220.0200	0.1
	0220.0300	0.2
0221	0221.0100	2.7
0222	0222.0100	2.7
0224	0224.0100	0.1
	0224.0200	0.1

SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
0225	0225.0100	0.1
0226	0226.0300	0.1
0227	0227.0200	0.1
0301	0301.0100	6.9
0303	0303.0100	1.1
	0303.0200	0.8
	0303.0500	0.1
0304	0304.0100	0.1
0305	0305.0300	0.1
0306	0306.0580	1.0
0402	0402.0100	29.0
0404	0404.0100	3.8
0406	0406.0100	0.1
0407	0407.0100	0.1
0409	0409.0300	0.4
	0409.0310	0.1
0503	0503.0100	870.6
	0503.0200	545.1
	0503.0300	181.3
	0503.0400	110.9
0505	0505.0160	44.7
0506	0506.0100	30.8
	0506.0180	4.0
	0506.0400	0.7
0513	0513.0605	25.3
0514	0514.1350	15.3
0515	0515.0100	0.4
0602	0602.0100	1299.1
	0602.0200	1097.7

SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
0604	0604.0100	85.3/
	0604.0200	64.9
	0604.0520	50.1
0606	0606.0200	16.0
0607	0607.0100	100.0
	0607.0300	2.4
0608	0608.0100	80.0
	0608.0200	64.7
0609	0609.0100	50.0
0611	0611.0100	45.3
	0611.0200	34.6
0612	0612.0100	24.0
0701	0701.0100	38.4
0802	0802.0100	781.4
	0802.0180	703.5
	0802.0200	565.3
0804	0804.0300	698.3
	0804.0400	565.5
	0804.0600	480.7
0805	0805.0100	460.4
	0805.0300	429.9
	0805.0400	213.6
	0805.0500	106.7
	0805.0700	8.4
0806	0806.0120	4.2
0808	0808.0100	0.5
0810	0810.0100	4.3
0812	0812.0100	0.1
0814	0814.0400	0.1
0819	0819.0100	35.3
	0819.0220	21.0
0822	0822.0100	42.0
	0822.0200	25.0

SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
0824	0824.2700	0.1
0825	0825.0100	9.5
0829	0829.0100	0.6
0831	0831.0100	0.1
0833	0833.0100	0.1
0835	0835.0150	0.1
0837	0837.3630	0.1
0839	0839.0100	1.8
0902	0902.0100	0.3
1003	1003.0100	11.6
1004	1004.0100	20.0
1008	1008.0025	9.8
	1008.0100	5.8
	1008.0750	7.2
1009	1009.0100	13.9
	1009.0370	1.2
	1009.0500	0.1
1010	1010.0100	12.6
1011	1011.0050	7.2
	1011.0100	6.9
1014	1014.2825	20.3
	1014.2850	37.3
	1014.2900	7.9
1015	1015.5150	7.5
1102	1102.0200	0.5
1104	1104.0100	1.5
1108	1108.0100	1.4
1110	1110.0100	29.1
1202	1202.0080	587.5
	1202.0100	724.4

SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
1204	1204.0100	15.7
1206	1206.0050	32.0
	1206.0100	26.2
	1206.0300	23.3
1208	1208.0100	5.2
	1208.0130	4.6
	1208.0150	0.1
	1208.0200	0.1
	1208.0300	0.1
1209	1209.0200	10.7
	1209.0250	1.0
1211	1211.0100	0.1
	1211.0200	0.1
1213	1213.0100	75.1
	1213.0200	57.0
1214	1214.0010	3.3
	1214.0050	0.7
1215	1215.0100	4.3
1217	1217.0100	30.3
	1217.0200	11.4
1218	1218.0050	14.1
	1218.0100	7.5
	1218.0200	2.1
1219	1219.0075	2.4
	1219.0100	1.5
	1219.0200	0.5
1221	1221.0100	2.0
	1221.0300	0.6
1223	1223.0100	0.1
1226	1226.0100	4.8
	1226.0150	2.0
	1226.0300	1.1
	1226.0400	0.1
	1226.0500	0.1
1227	1227.0050	1.2
	1227.0100	0.1

SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
1229	1229.0100	0.8
1232	1232.0100	0.1
	1232.0150	0.1
	1232.0200	0.1
	1232.0300	0.1
	1232.0400	0.2
	1232.0450	0.1
	1232.0600	0.1
1238	1238.0200	0.1
	1238.0300	0.1
	1238.0400	0.1
1239	1239.0100	0.1
1241	1241.0100	0.1
1242	1242.0150	489.0
	1242.0300	179.0
	1242.0600	152.7
	1242.0700	37.7
1243	1243.0100	25.0
1244	1244.0100	5.1
	1244.0200	3.4
1245	1245.0100	29.1
1246	1246.0380	0.1
	1246.0500	0.1
1248	1248.0100	12.9
1250	1250.0200	0.3
1251	1251.0300	0.1
1253	1253.0300	0.1
1302	1302.0100	12.4
1305	1305.0075	10.0
1402	1402.0025	127.0
	1402.0100	355.9
	1402.0250	265.9

SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
1409	1409.0100	38.4
1410	1410.0100	6.8
	1410.0120	5.6
	1410.0125	3.2
	1410.0150	0.2
	1410.0300	0.1
1412	1412.0100	0.1
	1412.0125	0.1
	1412.0150	0.1
	1412.0175	0.1
	1412.0200	0.1
	1412.0300	0.1
1414	1414.0100	3.9
	1414.0200	0.5
1415	1415.0100	30.7
	1415.0200	39.9
	1415.0300	64.9
1416	1416.0100	25.9
	1416.0200	1.6
	1416.0300	0.8
1417	1417.0050	0.4
1420	1420.0100	0.1
1421	1421.0100	0.1
	1421.0175	1.3
	1421.0400	0.1
	1421.0500	0.1
1424	1424.0100	9.1
	1424.0200	0.1
1426	1426.0100	0.3
	1426.0200	0.2
	1426.0400	0.1
1427	1427.0075	0.6
	1427.0100	0.3
1428	1428.0500	199.7
	1428.0560	184.3
	1428.0750	61.7
1430	1430.2020	0.1
	1430.2030	0.1



SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
1431	1431.0100	0.4
1432	1432.0200	0.4
1502	1502.0100	50.0
	1502.0200	5.8
1602	1602.0100	21.6
	1602.0200	1.2
1603	1603.0100	19.0
1605	1605.0150	4.3
	1605.0200	4.3
1803	1803.0110	647.1
	1803.0220	580.1
1804	1804.0100	385.1
1806	1806.0100	66.9
	1806.0200	48.3
	1806.0300	25.2
1807	1807.0100	4.2
	1807.0200	2.9
1808	1808.0100	144.3
1809	1809.0100	13.4
1810	1810.0060	2.0
	1810.0100	1.6
	1810.0200	0.1
1811	1811.0100	246.6
1812	1812.0100	97.3
	1812.0200	51.0
1813	1813.0200	32.0
1814	1814.0300	120.8
1815	1815.0100	5.0
1816	1816.0600	5.5
1817	1817.1525	15.2
1818	1818.1625	10.0

SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
1901	1901.0100	180.3
1902	1902.0100	11.7
1903	1903.0100	54.6
	1903.0200	44.2
1905	1905.0100	24.7
	1905.0200	2.1
1906	1906.0100	10.0
	1906.0300	10.0
1907	1907.0100	0.1
	1907.0300	0.1
1908	1908.0100	0.7
1909	1909.0100	17.9
1910	1910.0100	8.9
	1910.0162	0.1
	1910.0170	0.1
1911	1911.0200	149.6
	1911.0300	149.1
	1911.0650	10.4
1912	1912.0600	10.5
1913	1913.0220	0.1
	1913.0250	0.1
	1913.0260	0.1
	1913.0270	0.1
	1913.0300	0.1
2002	2002.0100	4.9
2004	2004.0100	5.0
	2004.0200	1.0
2102	2102.0100	48.4
	2102.0400	73.4
2104	2104.0200	0.1
	2104.0300	0.1
2105	2105.0050	0.1
	2105.0100	0.1

SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
2106	2106.0025	0.1
	2106.5050	2.4
	2106.5100	0.3
2107	2107.0100	1.0
	2107.0200	0.1
2108	2108.0100	0.1
2109	2109.0100	0.1
	2109.0200	0.1
2110	2110.0100	0.5
2111	2111.0100	6.8
2112	2112.0200	19.7
	2112.0300	35.2
2113	2113.0100	38.7
2114	2114.0100	2.2
2115	2115.0100	0.1
2117	2117.0100	3.6
	2117.0150	0.1
2202	2202.0400	0.1
2204	2204.0300	0.4
2301	2301.0200	60.7
2302	2302.0100	---
	2302.0150	---
	2302.0200	---
	2302.0210	337.9
	2302.0250	---
	2302.0300	---
2304	2304.0050	---
	2304.0075	---
	2304.0097	804.6
	2304.0100	---
	2304.0150	---
	2304.0200	---
	2304.0250	---
	2304.0300	---

SEGMENT	SMN STATION	LOW FLOW (ft <sup>3</sup> /s)
2306	2306.0100	368.1
	2306.0130	257.7
	2306.0160	141.7
	2306.0250	97.8
	2306.0300	52.8
2307	2307.0050	0.1
2308	2308.0050	34.6
2309	2309.0100	116.0
2310	2310.0100	58.0
2311	2311.0100	39.3
	2311.0200	5.7
	2311.0300	4.8
2313	2313.0350	0.1
2314	2314.0100	34.6

(3) Appendix C segment descriptions. The following descriptions define the geographic extent of the state's classified segments. Boundaries of bay and estuary segments have not been precisely defined; however, the approximate bound-

aries are illustrated in the commission publication, *Segment Identification Maps for Texas River and Coastal Basins*.

SEGMENT	DESCRIPTION
0101	<u>Canadian River Below Lake Meredith</u> - from the Oklahoma State Line in Hemphill County to Sanford Dam in Hutchinson County
0102	<u>Lake Meredith</u> - from Sanford Dam in Hutchinson County to a point immediately upstream of the confluence of Camp Creek in Potter County, up to the normal pool elevation of 2936.5 feet (impounds Canadian River)
0103	<u>Canadian River Above Lake Meredith</u> - from a point immediately upstream of the confluence of Camp Creek in Potter County to the New Mexico State Line in Oldham County
0104	<u>Wolf Creek</u> - from the Oklahoma State Line in Lipscomb County to a point 2.0 kilometers (1.2 miles) upstream of FM 3045 in Ochiltree County
0105	<u>Rita Blanca Lake</u> - from Rita Blanca Dam in Hartley County up to the normal pool elevation of 3860 feet (impounds Rita Blanca Creek)
0201	<u>Lower Red River</u> - from the Arkansas State Line in Bowie County to the Arkansas-Oklahoma State Line in Bowie County
0202	<u>Red River Below Lake Texoma</u> - from the Arkansas-Oklahoma State Line in Bowie County to Denison Dam in Grayson County
0203	<u>Lake Texoma</u> - from Denison Dam in Grayson County to a point immediately upstream of the confluence of Sycamore Creek in Cooke County, up to the normal pool elevation of 617 feet (impounds Red River)
0204	<u>Red River Above Lake Texoma</u> - from a point immediately upstream of the confluence of Sycamore Creek in Cooke County to the confluence of the Wichita River in Clay County
0205	<u>Red River Below Pease River</u> - from the confluence of the Wichita River in Clay County to the confluence of the Pease River in Wilbarger County
0206	<u>Red River Above Pease River</u> - from the confluence of the Pease River in Wilbarger County to a point immediately upstream of the confluence of Buck Creek in Hardeman County
0207	<u>Prairie Dog Town Fork Red River</u> - from a point immediately upstream of the confluence of Buck Creek in Hardeman County to the confluence of Palo Duro Creek and Tierra Blanca Creek in Randall County
0208	<u>Lake Crook</u> - from Lake Crook Dam in Lamar County up to the normal pool elevation of 476 feet (impounds Pine Creek)

SEGMENT	DESCRIPTION
0209	<u>Pat Mayse Lake</u> - from Pat Mayse Dam in Lamar County up to the normal pool elevation of 451 feet (impounds Sanders Creek)
0210	<u>Farmers Creek Reservoir</u> - from Farmers Creek Dam in Montague County up to the normal pool elevation of 827 feet (impounds Farmers Creek)
0211	<u>Little Wichita River</u> - from the confluence with the Red River in Clay County to Lake Arrowhead Dam in Clay County
0212	<u>Lake Arrowhead</u> - from Lake Arrowhead Dam in Clay County up to the normal pool elevation of 926 feet (impounds the Little Wichita River)
0213	<u>Lake Kickapoo</u> - from Kickapoo Dam in Archer County up to the normal pool elevation of 1045 feet (impounds North Fork Little Wichita River)
0214	<u>Wichita River Below Diversion Lake</u> - from the confluence with the Red River in Clay County to Diversion Dam in Archer County
0215	<u>Diversion Lake</u> - from Diversion Dam in Archer County to a point 1.5 kilometers (0.9 miles) downstream of the confluence of Cottonwood Creek in Baylor County, up to the normal pool elevation of 1051 feet (impounds Wichita River)
0216	<u>Wichita River Below Lake Kemp</u> - from a point 1.5 kilometers (0.9 miles) downstream of the confluence of Cottonwood Creek in Baylor County to Lake Kemp Dam in Baylor County
0217	<u>Lake Kemp</u> - from Lake Kemp Dam in Baylor County to a point 9.4 kilometers (5.8 miles) downstream of the confluence of Crooked Creek in Baylor County, up to the normal pool elevation of 1144 feet (impounds Wichita River)
0218	<u>Wichita/North Fork Wichita River</u> - from a point 9.4 kilometers (5.8 miles) downstream of the confluence of Crooked Creek in Baylor County to a point 8.5 kilometers (5.3 miles) downstream of the most upstream crossing of FM 193 in Dickens County
0219	<u>Lake Wichita</u> - from Lake Wichita Dam in Wichita County up to the normal pool elevation of 980.5 feet (impounds Holliday Creek)
0220	<u>Pease/North Fork Pease River</u> - from the confluence with the Red River in Wilbarger County to 6.0 kilometers (3.7 miles) upstream of the confluence of Dick Moore Canyon in Floyd County

SEGMENT	DESCRIPTION
0221	<u>Middle Fork Pease River</u> - from the confluence with the North Fork Pease River in Cottle County to the confluence of Boggy Creek and Mott Creek in Motley County
0222	<u>Salt Fork Red River</u> - from the Oklahoma State Line in Collingsworth County to Greenbelt Dam in Donley County
0223	<u>Greenbelt Lake</u> - from Greenbelt Dam in Donley County up to the normal pool elevation of 2664 feet (impounds Salt Fork Red River)
0224	<u>North Fork Red River</u> - from the Oklahoma State Line in Wheeler County to a point 4.0 kilometers (2.5 miles) upstream of FM 2300 in Gray County
0225	<u>McKinney Bayou</u> - from the Arkansas State Line in Bowie County to FM 1397 in Bowie County
0226	<u>South Fork Wichita River</u> - from the confluence with the North Fork Wichita River in Knox County to a point 15.0 kilometers (9.3 miles) upstream of US 82 in Dickens County
0227	<u>South Fork Pease River</u> - from the confluence with the Middle Fork Pease River in Cottle County to the confluence of Wolf Creek and Rustler Creek in Motley County
0228	<u>Mackenzie Reservoir</u> - from Mackenzie Dam in Briscoe County up to the normal pool elevation of 3100 feet (impounds Tule Creek)
0301	<u>Sulphur River Below Wright Patman Lake</u> - from the Arkansas State Line in Bowie/Cass County to Wright Patman Lake Dam in Bowie/Cass County
0302	<u>Wright Patman Lake</u> - from Wright Patman Lake Dam in Bowie/Cass County to a point 1.5 kilometers (0.9 mile) downstream of Bassett Creek in Bowie/Cass County, up to the normal pool elevation of 220.5 feet (impounds the Sulphur River)
0303	<u>Sulphur/South Sulphur River</u> - from a point 1.5 kilometers (0.9 miles) downstream of Bassett Creek in Bowie/Cass County to a point 4.0 kilometers (2.5 miles) upstream of the confluence of Big Creek in Delta County
0304	<u>Days Creek</u> - from the Arkansas State Line in Bowie County to the confluence of Swampoodle Creek and Nix Creek in Bowie County
0305	<u>North Sulphur River</u> - from the confluence with the South Sulphur River in Lamar County to a point 6.7 kilometers (4.2 miles) upstream of FM 68 in Fannin County

SEGMENT	DESCRIPTION
0306	<u>Upper South Sulphur River</u> - from a point 4.0 kilometers (2.5 miles) upstream of the confluence of Big Creek in Delta County to SH 78 in Fannin County
0401	<u>Caddo Lake</u> - from the Louisiana State Line in Harrison/Marion County to a point 12.3 kilometers (7.6 miles) downstream of SH 43 in Harrison/Marion County, up to the normal pool elevation of 168.5 feet (impounds Big Cypress Creek)
0402	<u>Big Cypress Creek Below Lake O' the Pines</u> - from a point 12.3 kilometers (7.6 miles) downstream of SH 43 in Harrison/Marion County to Ferrell's Bridge Dam in Marion County
0403	<u>Lake O' the Pines</u> - from Ferrell's Bridge Dam in Marion County to a point 1.0 kilometer (0.6 mile) downstream of US 259 in Morris/Upshur County, up to the normal pool elevation of 228.5 feet (impounds Big Cypress Creek)
0404	<u>Big Cypress Creek Below Lake Bob Sandlin</u> - from a point 1.0 kilometer (0.6 mile) downstream of US 259 in Morris/Upshur County to Fort Sherman Dam in Camp/Titus County
0405	<u>Lake Cypress Springs</u> - from Franklin County Dam in Franklin County up to the normal pool elevation of 378 feet (impounds Big Cypress Creek)
0406	<u>Black Bayou</u> - from the Louisiana State Line in Cass County to FM 96 in Cass County
0407	<u>James' Bayou</u> - from the Louisiana State Line in Marion County to Club Lake Road northwest of Linden in Cass County
0408	<u>Lake Bob Sandlin</u> - from Fort Sherman Dam in Camp/Titus County to Franklin County Dam in Franklin County, up to the normal pool elevation of 337.5 feet (impounds Big Cypress Creek)
0409	<u>Little Cypress Bayou (Creek)</u> - from the confluence with Big Cypress Creek in Harrison County to a point 1.0 kilometer (0.6 mile) upstream of FM 2088 in Wood County
0501	<u>Sabine River Tidal</u> - from the confluence with Sabine Lake in Orange County to Morgan Bluff in Orange County
0503	<u>Sabine River Below Toledo Bend Reservoir</u> - from Morgan Bluff in Orange County to Toledo Bend Dam in Newton County
0504	<u>Toledo Bend Reservoir</u> - from Toledo Bend Dam in Newton County to a point immediately upstream of the confluence of Murvaul Creek in Panola County, up to the normal pool elevation of 172 feet (impounds Sabine River)



SEGMENT	DESCRIPTION
0505	<u>Sabine River Above Toledo Bend Reservoir</u> - from a point immediately upstream of the confluence of Murvaul Creek in Panola County to a point 100 meters (110 yards) downstream of US 271 in Gregg County
0506	<u>Sabine River Below Lake Tawakoni</u> - from a point 100 meters (110 yards) downstream of US 271 in Gregg County to Iron Bridge Dam in Rains County
0507	<u>Lake Tawakoni</u> - from Iron Bridge Dam in Rains County up to the normal pool elevation of 437.5 feet (impounds Sabine River)
0508	<u>Adams Bayou Tidal</u> - from the confluence with the Sabine River in Orange County to a point 1.1 kilometers (0.7 mile) upstream of IH 10 in Orange County
0509	<u>Murvaul Lake</u> - from Murvaul Dam in Panola County up to the normal pool elevation of 265.3 feet (impounds Murvaul Bayou)
0510	<u>Lake Cherokee</u> - from Cherokee Dam in Gregg/Rusk County up to the normal pool elevation of 280 feet (impounds Cherokee Bayou)
0511	<u>Cow Bayou Tidal</u> - from the confluence with the Sabine River in Orange County to IH 10 in Orange County
0512	<u>Lake Fork Reservoir</u> - from Lake Fork Dam in Wood County up to the normal pool elevation of 403 feet (impounds Lake Fork Creek)
0513	<u>Big Cow Creek</u> - from the confluence with the Sabine River in Newton County to a point 4.6 kilometers (2.9 miles) upstream of R 255 in Newton County
0514	<u>Big Sandy Creek</u> - from the confluence with the Sabine River in Upshur County to a point 2.6 kilometers (1.6 miles) upstream of SH 11 in Hopkins County
0515	<u>Lake Fork Creek</u> - from the confluence with the Sabine River in Wood County to Lake Fork Dam in Wood County
0601	<u>Neches River Tidal</u> - from the confluence with Sabine Lake in Orange County to a point 11.3 kilometers (7.0 miles) upstream of IH 10 in Orange County
0602	<u>Neches River Below B. A. Steinhagen Lake</u> - from a point 11.3 kilometers (7.0 miles) upstream of IH 10 in Orange County to Town Bluff Dam in Jasper/Tyler County

SEGMENT	DESCRIPTION
0603	<u>B. A. Steinhagen Lake</u> - from Town Bluff Dam in Jasper/Tyler County to a point immediately upstream of the confluence of Hopson Mill Creek on the Neches River Arm in Jasper/Tyler County and to a point immediately upstream of the confluence of Indian Creek on the Angelina River Arm in Jasper County, up to the normal pool elevation of 83 feet (impounds Neches River)
0604	<u>Neches River Below Lake Palestine</u> - from a point immediately upstream of the confluence of Hopson Mill Creek in Jasper/Tyler County to Blackburn Crossing Dam in Anderson/Cherokee County
0605	<u>Lake Palestine</u> - from Blackburn Crossing Dam in Anderson/Cherokee County to a point 6.7 kilometers (4.2 miles) downstream of FM 279 in Henderson/Smith County, up to the normal pool elevation of 345 feet (impounds Neches River)
0606	<u>Neches River Above Lake Palestine</u> - from a point 6.7 kilometers (4.2 miles) downstream of FM 279 in Henderson/Smith County to Rhines Lake Dam in Van Zandt County
0607	<u>Pine Island Bayou</u> - from the confluence with the Neches River in Hardin/Jefferson County to FM 787 in Hardin County
0608	<u>Village Creek</u> - from the confluence with the Neches River in Hardin County to Lake Kimble Dam in Hardin County
0609	<u>Angelina River Below Sam Rayburn Reservoir</u> - from a point immediately upstream of the confluence of Indian Creek in Jasper County to Sam Rayburn Dam in Jasper County
0610	<u>Sam Rayburn Reservoir</u> - from Sam Rayburn Dam in Jasper County to the aqueduct crossing 1.0 kilometer (0.6 mile) upstream of the confluence of Paper Mill Creek on the Angelina River Arm in Angelina/Nacogdoches County and to a point 3.9 kilometers (2.4 miles) downstream of Curry Creek on the Attoyac Bayou Arm in Nacogdoches/San Augustine County, up to the normal pool elevation of 164 feet (impounds Angelina River)
0611	<u>Angelina River Above Sam Rayburn Reservoir</u> - from the aqueduct crossing 1.0 kilometer (0.6 mile) upstream of the confluence of Paper Mill Creek in Angelina/Nacogdoches County to the confluence of Barnhardt Creek and Mill Creek at FM 225 in Rusk County
0612	<u>Attoyac Bayou</u> - from a point 3.9 kilometers (2.4 miles) downstream of Curry Creek in Nacogdoches/San Augustine County to FM 95 in Rusk County

SEGMENT	DESCRIPTION
0613	<u>Lake Tyler/Lake Tyler East</u> - from Whitehouse Dam and Mud Creek Dam in Smith County up to the normal pool elevation of 375.38 feet (impounds Prairie Creek and Mud Creek)
0614	<u>Lake Jacksonville</u> - from Buckner Dam in Cherokee County up to the normal pool elevation of 422 feet (impounds Gum Creek)
0701	<u>Taylor Bayou Above Tidal</u> - from the salt water lock 2.7 kilometers (1.7 miles) upstream of SH 87 in Jefferson County to the Lower Neches Valley Authority Canal in Jefferson County
0702	<u>Intracoastal Waterway</u> - from the confluence with Galveston Bay at Port Bolivar in Galveston County to the confluence with the Sabine-Neches/Port Arthur Canal in Jefferson County
0703	<u>Sabine-Neches Canal</u> - from the confluence with Sabine Pass at the southern tip of Pleasure Island in Jefferson County to the Sabine Lake seawall at the northern tip of Pleasure Island in Jefferson County
0801	<u>Trinity River Tidal</u> - from the confluence with Anahuac Channel in Chambers County to a point 3.1 kilometers (1.9 miles) downstream of US 90 in Liberty County
0802	<u>Trinity River Below Lake Livingston</u> - from a point 3.1 kilometers (1.9 miles) downstream of US 90 in Liberty County to Livingston Dam in Polk/San Jacinto County
0803	<u>Lake Livingston</u> - from Livingston Dam in Polk/San Jacinto County to a point 1.8 kilometers (1.1 miles) upstream of Boggy Creek in Houston/Leon County, up to the normal pool elevation of 131 feet (impounds Trinity River)
0804	<u>Trinity River Above Lake Livingston</u> - from a point 1.8 kilometers (1.1 miles) upstream of Boggy Creek in Houston/Leon County to a point 100 meters (109 yards) upstream of SH 31 in Henderson/Navarro County
0805	<u>Upper Trinity River/Lower West Fork Trinity River</u> - from a point 100 meters (110 yards) upstream of SH 31 in Henderson/Navarro County to a point 100 meters (110 yards) upstream of Beach Street at Fort Worth in Tarrant County
0806	<u>West Fork Trinity River Below Lake Worth</u> - from a point 100 meters (110 yards) upstream of Beach Street at Fort Worth in Tarrant County to Lake Worth Dam in Tarrant County
0807	<u>Lake Worth</u> - from Lake Worth Dam in Tarrant County to a point 4.0 kilometers (2.5 miles) downstream of Eagle Mountain Dam in Tarrant County, up to the normal pool elevation of 594.3 feet (impounds West Fork Trinity River)

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**SEGMENT****DESCRIPTION**

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- 0808 West Fork Trinity River Below Eagle Mountain Reservoir - from a point 4.0 kilometers (2.5 miles) downstream of Eagle Mountain Dam in Tarrant County to Eagle Mountain Dam in Tarrant County
- 0809 Eagle Mountain Reservoir - from Eagle Mountain Dam in Tarrant County to a point 0.6 kilometer (0.4 mile) downstream of the confluence of Oates Branch in Wise County up to the normal pool elevation of 649.1 feet (impounds West Fork Trinity River)
- 0810 West Fork Trinity River Below Bridgeport Reservoir - from a point 0.6 kilometer (0.4 mile) downstream of the confluence of Oates Branch in Wise County to Bridgeport Dam in Wise County
- 0811 Bridgeport Reservoir - from Bridgeport Dam in Wise County to a point immediately upstream of the confluence of Bear Hollow in Jack County, up to the normal pool elevation of 836 feet (impounds West Fork Trinity River)
- 0812 West Fork Trinity River Above Bridgeport Reservoir - from a point immediately upstream of the confluence of Bear Hollow in Jack County to SH 79 in Archer County
- 0813 Houston County Lake - from Houston County Dam in Houston County up to the normal pool elevation of 260 feet (impounds Little Elkhart Creek)
- 0814 Chambers Creek Above Richland-Chambers Reservoir - from a point 4.0 kilometers (2.5 miles) downstream of Tupelo Branch in Navarro County to the confluence of North Fork Chambers Creek and South Fork Chambers Creek
- 0815 Bardwell Reservoir - from Bardwell Dam in Ellis County up to the normal pool elevation of 421 feet (impounds Waxahachie Creek)
- 0816 Lake Waxahachie - from South Prong Dam in Ellis County up to the normal pool elevation of 531.5 feet (impounds South Prong Creek)
- 0817 Navarro Mills Lake - from Navarro Mills Dam in Navarro County up to the normal pool elevation of 424.5 feet (impounds Richland Creek)
- 0818 Cedar Creek Reservoir - from Joe B. Hoggsett Dam in Henderson County up to the normal pool elevation of 322 feet (impounds Cedar Creek)
- 0819 East Fork Trinity River - from the confluence with the Trinity River in Kaufman County to Rockwall-Forney Dam in Kaufman County

SEGMENT	DESCRIPTION
0820	<u>Lake Ray Hubbard</u> - from Rockwall-Forney Dam in Kaufman County to Lavon Dam in Collin County, up to the normal pool elevation of 435.5 feet (impounds East Fork Trinity River)
0821	<u>Lavon Lake</u> - from Lavon Dam in Collin County up to the normal pool elevation of 492 feet (impounds East Fork Trinity River)
0822	<u>Elm Fork Trinity River Below Lewisville Lake</u> - from the confluence with the West Fork Trinity River in Dallas County to Lewisville Dam in Denton County
0823	<u>Lewisville Lake</u> - from Lewisville Dam in Denton County to a point 100 meters (110 yards) upstream of US 380 in Denton County, up to the normal pool elevation of 515 feet ( impounds Elm Fork Trinity River)
0824	<u>Elm Fork Trinity River Above Ray Roberts Lake</u> - from a point 9.5 kilometers (5.9 miles) downstream of the confluence of Pecan Creek in Cooke County to US 82 in Montague County
0825	<u>Denton Creek</u> - from the confluence with the Elm Fork Trinity River in Dallas County to Grapevine Dam in Tarrant County
0826	<u>Grapevine Lake</u> - from Grapevine Dam in Tarrant County up to the normal pool elevation of 535 feet (impounds Denton Creek)
0827	<u>White Rock Lake</u> - from White Rock Dam in Dallas County up to the normal pool elevation of 458 feet (impounds White Rock Creek)
0828	<u>Lake Arlington</u> - from Arlington Dam in Tarrant County up to the normal pool elevation of 550 feet (impounds Village Creek)
0829	<u>Clear Fork Trinity River Below Benbrook Lake</u> - from the confluence with the West Fork Trinity River in Tarrant County to Benbrook Dam in Tarrant County
0830	<u>Benbrook Lake</u> - from Benbrook Dam in Tarrant County to a point 200 meters (220 yards) downstream of US 337 in Tarrant County, up to the normal pool elevation of 694 feet (impounds Clear Fork Trinity River)
0831	<u>Clear Fork Trinity River Below Lake Weatherford</u> - from a point 200 meters (220 yards) downstream of US 337 in Tarrant County to Weatherford Dam in Parker County
0832	<u>Lake Weatherford</u> - from Weatherford Dam in Parker County to a point 3.1 kilometers (1.9 miles) upstream of FM 1707 in Parker County, up to the normal pool elevation of 896 feet (impounds Clear Fork Trinity River)

SEGMENT	DESCRIPTION
0833	<u>Clear Fork Trinity River Above Lake Weatherford</u> - from a point 3.1 kilometers (1.9 miles) upstream of FM 1707 in Parker County to FM 3107 in Parker County
0834	<u>Lake Amon G. Carter</u> - from Amon G. Carter Dam in Montague County up to the normal pool elevation of 920 feet (impounds Big Sandy Creek)
0835	<u>Richland Creek Below Richland-Chambers Reservoir</u> - from the confluence with the Trinity River in Freestone County to Richland-Chambers Dam in Freestone County
0836	<u>Richland-Chambers Reservoir</u> - from Richland-Chambers Dam in Freestone County to the confluence of Pin Oak Creek on the Richland Creek Arm in Navarro County and to a point 4.0 kilometers (2.5 miles) downstream of Tupelo Branch on the Chambers Creek Arm in Navarro County, up to the normal pool elevation of 315 feet (impounds Richland and Chambers Creeks)
0837	<u>Richland Creek Above Richland-Chambers Reservoir</u> - from the confluence of Pin Oak Creek in Navarro County to Navarro Mills Dam in Navarro County
0838	<u>Joe Pool Lake</u> - from Joe Pool Dam in Dallas County up to the normal pool elevation of 522 feet (impounds Mountain Creek)
0839	<u>Elm Fork Trinity River Below Ray Roberts Lake</u> - from a point 100 meters (110 yards) upstream of US 380 in Denton County to Ray Roberts Dam in Denton County
0840	<u>Ray Roberts Lake</u> - from Ray Roberts Dam in Denton County to a point 9.5 kilometers (5.9 miles) downstream of the confluence of Pecan Creek in Cooke County, up to the normal pool elevation of 632.5 feet (impounds Elm Fork Trinity River)
0901	<u>Cedar Bayou Tidal</u> - from the confluence with Galveston Bay 1.0 kilometer (0.6 mile) downstream of Tri-City Beach Road in Chambers County to a point 2.2 kilometers (1.4 miles) upstream of IH 10 in Chambers/Harris County
0902	<u>Cedar Bayou Above Tidal</u> - from a point 2.2 kilometers (1.4 miles) upstream of IH 10 in Chambers/Harris County to a point 7.4 kilometers (4.6 miles) upstream of FM 1960 in Liberty County
1001	<u>San Jacinto River Tidal</u> - from a point 100 meters (110 yards) downstream of IH 10 in Harris County to Lake Houston Dam in Harris County

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**SEGMENT****DESCRIPTION**

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- 1002     Lake Houston - from Lake Houston Dam in Harris County to the confluence of Spring Creek on the West Fork San Jacinto Arm in Harris/Montgomery County and to the confluence of Caney Creek on the East Fork San Jacinto Arm in Harris County, up to the normal pool elevation of 44.5 feet (impounds San Jacinto River)
- 1003     East Fork San Jacinto River - from the confluence of Caney Creek in Harris County to US 190 in Walker County
- 1004     West Fork San Jacinto River - from the confluence of Spring Creek in Harris/Montgomery County to Conroe Dam in Montgomery County
- 1005     Houston Ship Channel/San Jacinto River - from the confluence with Galveston Bay at Morgan's Point in Harris/Chambers County to a point 100 meters (110 yards) downstream of IH 10 in Harris County
- 1006     Houston Ship Channel - from the confluence with the San Jacinto River in Harris County to a point immediately upstream of Greens Bayou in Harris County, including tidal portions of tributaries
- 1007     Houston Ship Channel/Buffalo Bayou - from a point immediately upstream of Greens Bayou in Harris County to a point 100 meters (110 yards) upstream of US 59 in Harris County, including tidal portions of tributaries
- 1008     Spring Creek - from the confluence with the West Fork San Jacinto River in Harris/Montgomery County to the most upstream crossing of FM 1736 in Waller County
- 1009     Cypress Creek - from the confluence with Spring Creek in Harris County to the confluence of Snake Creek and Mound Creek in Waller County
- 1010     Caney Creek - from the confluence with the East Fork San Jacinto River in Harris County to SH 150 in Walker County
- 1011     Peach Creek - from the confluence with Caney Creek in Montgomery County to SH 150 in Walker County
- 1012     Lake Conroe - from Conroe Dam in Montgomery County up to the normal pool elevation of 201 feet (impounds West Fork San Jacinto River)
- 1013     Buffalo Bayou Tidal - from a point 100 meters (110 yards) upstream of US 59 in Harris County to a point 100 meters (110 yards) downstream of Shepherd Drive in Harris County

SEGMENT	DESCRIPTION
1014	<u>Buffalo Bayou Above Tidal</u> - from a point 100 meters (110 yards) downstream of Shepherd Drive in Harris County to SH 6 in Harris County
1015	<u>Lake Creek</u> - from the confluence with the West Fork San Jacinto River in Montgomery County to a point 4.0 kilometers (2.5 miles) upstream of SH 30 in Grimes County
1101	<u>Clear Creek Tidal</u> - from the confluence with Clear Lake in Galveston/Harris County to a point 100 meters (110 yards) upstream of FM 528 in Galveston/Harris County
1102	<u>Clear Creek Above Tidal</u> - from a point 100 meters (110 yards) upstream of FM 528 in Galveston/Harris County to Rouen Road in Fort Bend County
1103	<u>Dickinson Bayou Tidal</u> - from the confluence with Dickinson Bay 2.1 kilometers (1.3 miles) downstream of SH 146 in Galveston County to a point 4.0 kilometers (2.5 miles) downstream of FM 517 in Galveston County
1104	<u>Dickinson Bayou Above Tidal</u> - from a point 4.0 kilometers (2.5 miles) downstream of FM 517 in Galveston County to FM 528 in Galveston County
1105	<u>Bastrop Bayou Tidal</u> - from the confluence with Bastrop Bay 1.1 kilometers (0.7 mile) downstream of the Intracoastal Waterway in Brazoria County to Old Clute Road at Lake Jackson in Brazoria County
1107	<u>Chocolate Bayou Tidal</u> - from the confluence with Chocolate Bay 1.4 kilometers (0.9 mile) downstream of FM 2004 in Brazoria County to a point 4.2 kilometers (2.6 miles) downstream of SH 35 in Brazoria County
1108	<u>Chocolate Bayou Above Tidal</u> - from a point 4.2 kilometers (2.6 miles) downstream of SH 35 in Brazoria County to SH 6 in Brazoria County
1109	<u>Oyster Creek Tidal</u> - from the confluence with the Intracoastal Waterway in Brazoria County to a point 100 meters (110 yards) upstream of FM 2004 in Brazoria County
1110	<u>Oyster Creek Above Tidal</u> - from a point 100 meters (110 yards) upstream of FM 2004 in Brazoria County to the Brazos River Authority diversion dam 1.8 kilometers (1.1 miles) upstream of SH 6 in Fort Bend County
1111	<u>Old Brazos River Channel</u> - from the confluence with the Intracoastal Waterway in Brazoria County to SH 288 in Brazoria County



SEGMENT	DESCRIPTION
1113	<u>Armand Bayou Tidal</u> - from the confluence with Clear Lake in Harris County to a point 0.8 kilometer (0.5 mile) downstream of Genoa-Red Bluff Road in Pasadena in Harris County
1201	<u>Brazos River Tidal</u> - from the confluence with the Gulf of Mexico in Brazoria County to a point 100 meters (110 yards) upstream of SH 332 in Brazoria County
1202	<u>Brazos River Below Navasota River</u> - from a point 100 meters (110 yards) upstream of SH 332 in Brazoria County to the confluence of the Navasota River in Grimes County
1203	<u>Whitney Lake</u> - from Whitney Dam in Bosque/Hill County to a point immediately upstream of the confluence of Camp Creek on the Brazos River Arm in Bosque/Johnson County and to a point immediately upstream of the confluence of Rock Creek on the Nolan River Arm in Hill County, up to the normal pool elevation of 533 feet (impounds Brazos River)
1204	<u>Brazos River Below Lake Granbury</u> - from a point immediately upstream of the confluence of Camp Creek in Bosque/Johnson County to DeCordova Bend Dam in Hood County
1205	<u>Lake Granbury</u> - from DeCordova Bend Dam in Hood County to a point 100 meters (110 yards) upstream of FM 2580 in Parker County, up to the normal pool elevation of 693 feet (impounds Brazos River)
1206	<u>Brazos River Below Possum Kingdom Lake</u> - from a point 100 meters (110 yards) upstream of FM 2580 in Parker County to Morris Sheppard Dam in Palo Pinto County
1207	<u>Possum Kingdom Lake</u> - from Morris Sheppard Dam in Palo Pinto County to a point immediately upstream of the confluence of Cove Creek at Salem Bend in Young County, up to the normal pool elevation of 1000 feet (impounds Brazos River)
1208	<u>Brazos River Above Possum Kingdom Lake</u> - from a point immediately upstream of the confluence of Cove Creek at Salem Bend in Young County to the confluence of the Double Mountain Fork Brazos River and the Salt Fork Brazos River in Stonewall County
1209	<u>Navasota River Below Lake Limestone</u> - from the confluence with the Brazos River in Grimes County to Sterling C. Robertson Dam in Leon/Robertson County
1210	<u>Lake Mexia</u> - from Bistone Dam in Limestone County up to the normal pool elevation of 448.3 feet (impounds Navasota River)

SEGMENT	DESCRIPTION
1211	<u>Yegua Creek</u> - from the confluence with the Brazos River in Burleson/Washington County to Somerville Dam in Burleson/Washington County
1212	<u>Somerville Lake</u> - from Somerville Dam in Burleson/Washington County up to the normal pool elevation of 238 feet (impounds Yegua Creek)
1213	<u>Little River</u> - from the confluence with the Brazos River in Milam County to the confluence of the Leon River and the Lampasas River in Bell County
1214	<u>San Gabriel River</u> - from the confluence with the Little River in Milam County to Granger Lake Dam in Williamson County
1215	<u>Lampasas River Below Stillhouse Hollow Lake</u> - from the confluence with the Leon River in Bell County to Stillhouse Hollow Dam in Bell County
1216	<u>Stillhouse Hollow Lake</u> - from Stillhouse Hollow Dam in Bell County to a point immediately upstream of the confluence of Rock Creek in Bell County, up to the normal pool elevation of 622 feet (impounds Lampasas River)
1217	<u>Lampasas River Above Stillhouse Hollow Lake</u> - from a point immediately upstream of the confluence of Rock Creek in Bell County to FM 2005 in Hamilton County
1218	<u>Nolan Creek</u> - from the confluence with the Leon River in Bell County to a point 100 meters (110 yards) upstream of the most upstream crossing of US 190 near the intersection of US 190 and Loop 172 in Bell County
1219	<u>Leon River Below Belton Lake</u> - from the confluence with the Lampasas River in Bell County to Belton Dam in Bell County
1220	<u>Belton Lake</u> - from Belton Dam in Bell County to a point 100 meters (110 yards) upstream of FM 236 in Coryell County, up to the normal pool elevation of 594 feet (impounds Leon River)
1221	<u>Leon River Below Proctor Lake</u> - from a point 100 meters (110 yards) upstream of FM 236 in Coryell County to Proctor Dam in Comanche County
1222	<u>Proctor Lake</u> - from Proctor Dam in Comanche County to a point immediately upstream of the confluence of Mill Branch in Comanche County, up to the normal pool elevation of 1162 feet (impounds Leon River)

SEGMENT	DESCRIPTION
1223	<u>Leon River Below Leon Reservoir</u> - from a point immediately upstream of the confluence of <u>Mill Branch</u> in Comanche County to Leon Dam in Eastland County
1224	<u>Leon Reservoir</u> - from Leon Dam in Eastland County up to the normal pool elevation of 1375 feet (impounds Leon River)
1225	<u>Waco Lake</u> - from Waco Lake Dam in McLennan County to a point 100 meters (110 yards) upstream of FM 185 on the North Bosque River Arm in McLennan County and to the confluence of the Middle Bosque River on the South Bosque River Arm in McLennan County, up to the normal pool elevation of 455 feet (impounds the Bosque River)
1226	<u>North Bosque River</u> - from a point 100 meters (110 yards) upstream of FM 185 in McLennan County to the confluence of the North Fork North Bosque River and the South Fork North Bosque River in Erath County
1227	<u>Nolan River</u> - from a point immediately upstream of the confluence of Rock Creek in Hill County to Cleburne Dam in Johnson County
1228	<u>Lake Pat Cleburne</u> - from Cleburne Dam in Johnson County up to the normal pool elevation of 733.5 feet (impounds Nolan River)
1229	<u>Paluxy River</u> - from the confluence with the Brazos River in Somervell County to the confluence of Rough Creek in Erath County
1230	<u>Lake Palo Pinto</u> - from Palo Pinto Creek Dam in Palo Pinto County up to the normal pool elevation of 867 feet (impounds Palo Pinto Creek)
1231	<u>Lake Graham</u> - from Graham Dam and Eddleman Dam in Young County up to the normal pool elevation of 1076.3 feet (impounds Salt Creek and Flint Creek)
1232	<u>Clear Fork Brazos River</u> - from the confluence with the Brazos River in Young County to the most upstream crossing of US 180 in Fisher County
1233	<u>Hubbard Creek Reservoir</u> - from Hubbard Creek Dam in Stephens County up to the normal pool elevation of 1183 feet (impounds Hubbard Creek)
1234	<u>Lake Cisco</u> - from Williamson Dam in Eastland County up to the normal pool elevation of 1496 feet (impounds Sandy Creek)

SEGMENT	DESCRIPTION
1235	<u>Lake Stamford</u> - from Stamford Dam in Haskell County up to the normal pool elevation of 1416.8 feet (impounds Paint Creek)
1236	<u>Fort Phantom Hill Reservoir</u> - from Fort Phantom Hill Dam in Jones County up to the normal pool elevation of 1636 feet (impounds Elm Creek)
1237	<u>Lake Sweetwater</u> - from Sweetwater Dam in Nolan County up to the normal pool elevation of 2116.5 feet (impounds Bitter Creek)
1238	<u>Salt Fork Brazos River</u> - from the confluence of the Double Mountain Fork Brazos River in Stonewall County to the most upstream crossing of SH 207 in Crosby County
1239	<u>White River</u> - from the confluence with the Salt Fork Brazos River in Kent County to White River Dam in Crosby County
1240	<u>White River Lake</u> - from White River Dam in Crosby County up to the normal pool elevation of 2369 feet (impounds White River)
1241	<u>Double Mountain Fork Brazos River</u> - from the confluence with the Salt Fork Brazos River in Stonewall County to the confluence of the North Fork Double Mountain Fork Brazos River in Kent County
1242	<u>Brazos River Below Whitney Lake</u> - from the confluence of the Navasota River in Brazos/Grimes/Washington County to Whitney Dam in Bosque/Hill County
1243	<u>Salado Creek</u> - from the confluence with the Lampasas River in Bell County to the confluence of North Salado Creek and South Salado Creek in Williamson County
1244	<u>Brushy Creek</u> - from the confluence with the San Gabriel River in Milam County to the confluence of South Brushy Creek in Williamson County
1245	<u>Upper Oyster Creek</u> - from Steep Bank Creek/Brazos River confluence in Fort Bend County to Jones Creek confluence in Fort Bend County (includes Steep Bank Creek and Flat Bank Creek)
1246	<u>Middle Bosque/South Bosque River</u> - from the confluence with the South Bosque River in McLennan County to the confluence of Cave Creek and Middle Bosque Creek on the Middle Bosque River in Coryell County and from the confluence of the Middle Bosque River in McLennan County to FM 2671 on the South Bosque River in McLennan County

SEGMENT	DESCRIPTION
1247	<u>Granger Lake</u> - from Granger Dam in Williamson County to a point 1.9 kilometers (1.2 miles) downstream of SH 95 in Williamson County, up to the normal pool elevation of 504 feet (impounds San Gabriel River)
1248	<u>San Gabriel/North Fork San Gabriel River</u> - from a point 1.9 kilometers (1.2 miles) downstream of SH 95 in Williamson County to North San Gabriel Dam in Williamson County
1249	<u>Lake Georgetown</u> - from North San Gabriel Dam in Williamson County to a point 6.6 kilometers (4.1 miles) downstream of US 183 in Williamson County, up to the normal pool elevation of 791 feet (impounds North Fork San Gabriel River)
1250	<u>South Fork San Gabriel River</u> - from the confluence with the North Fork San Gabriel River in Williamson County to the most upstream crossing of SH 29 in Burnet County
1251	<u>North Fork San Gabriel River</u> - from a point 6.6 kilometers (4.1 miles) downstream of US 183 in Williamson County to FM 2340 in Burnet County
1252	<u>Lake Limestone</u> - from Sterling C. Robertson Dam in Leon/Robertson County to a point 2.3 kilometers (1.4 miles) downstream of SH 164 in Limestone County, up to the normal pool elevation of 363 feet (impounds Navasota River)
1253	<u>Navasota River Below Lake Mexia</u> - from a point 2.3 kilometers (1.4 miles) downstream of SH 164 in Limestone County to Bistone Dam in Limestone County
1254	<u>Aquilla Reservoir</u> - from Aquilla Dam in Hill County up to the normal pool elevation of 537.5 feet (impounds Aquilla Creek)
1301	<u>San Bernard River Tidal</u> - from the confluence with the Intracoastal Waterway in Brazoria County to a point 3.2 kilometers (2.0 miles) upstream of SH 35 in Brazoria County
1302	<u>San Bernard River Above Tidal</u> - from a point 3.2 kilometers (2.0 miles) upstream of SH 35 in Brazoria County to the county road southeast of New Ulm in Austin County
1304	<u>Caney Creek Tidal</u> - from the confluence with the Intracoastal Waterway in Matagorda County to the most downstream crossing of FM 457 in Matagorda County
1305	<u>Caney Creek Above Tidal</u> - from the most downstream crossing of FM 457 in Matagorda County to Old Caney Road in Wharton County

SEGMENT	DESCRIPTION
1401	<u>Colorado River Tidal</u> - from the confluence with the Gulf of Mexico in Matagorda County to a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County
1402	<u>Colorado River Below Smithville</u> - from a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County to a point 100 meters (110 yards) downstream of SH 95/SH Loop 230 at Smithville in Bastrop County
1403	<u>Lake Austin</u> - from Tom Miller Dam in Travis County to Mansfield Dam in Travis County, up to the normal pool elevation of 492.8 feet (impounds Colorado River)
1404	<u>Lake Travis</u> - from Mansfield Dam in Travis County to Max Starcke Dam on the Colorado River Arm in Burnet County and to a point immediately upstream of the confluence of Fall Creek on the Pedernales River Arm in Travis County, up to the normal pool elevation of 681 feet (impounds Colorado River)
1405	<u>Marble Falls Lake</u> - from Max Starcke Dam in Burnet County to Alvin Wirtz Dam in Burnet County, up to the normal pool elevation of 738 feet (impounds Colorado River)
1406	<u>Lake Lyndon B. Johnson</u> - from Alvin Wirtz Dam in Burnet County to Roy Inks Dam on the Colorado River Arm in Burnet/Llano County and to a point immediately upstream of the confluence of Honey Creek on the Llano River Arm in Llano County, up to the normal pool elevation of 825 feet (impounds Colorado River)
1407	<u>Inks Lake</u> - from Roy Inks Dam in Burnet/Llano County to Buchanan Dam in Burnet/Llano County, up to the normal pool elevation of 888 feet (impounds Colorado River)
1408	<u>Lake Buchanan</u> - from Buchanan Dam in Burnet/Llano County to a point immediately upstream of the confluence of Yancey Creek, up to the normal pool elevation of 1020 feet (impounds Colorado River)
1409	<u>Colorado River Above Lake Buchanan</u> - from a point immediately upstream of the confluence of Yancey Creek in Burnet/San Saba/Lampasas County to the confluence of the San Saba River in San Saba County
1410	<u>Colorado River Below Concho River</u> - from the confluence of the San Saba River in San Saba County to the confluence of the Concho River in Concho County

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**SEGMENT****DESCRIPTION**

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- 1411 E. V. Spence Reservoir - from Robert Lee Dam in Coke County to a point immediately upstream of the confluence of Little Silver Creek in Coke County, up to the normal pool elevation of 1898 feet (impounds Colorado River)
- 1412 Colorado River Below Lake J. B. Thomas - from a point immediately upstream of the confluence of Little Silver Creek in Coke County to Colorado River Dam in Scurry County
- 1413 Lake J. B. Thomas - from Colorado River Dam in Scurry County up to the normal pool elevation of 2258 feet (impounds Colorado River)
- 1414 Pedernales River - from a point immediately upstream of the confluence of Fall Creek in Travis County to FM 385 in Kimble County
- 1415 Llano River - from a point immediately upstream of the confluence of Honey Creek in Llano County to FM 864 on the North Llano River in Sutton County and to SH 55 on the South Llano River in Edwards County
- 1416 San Saba River - from the confluence with the Colorado River in San Saba County to the confluence of the North Valley Prong and the Middle Valley Prong in Schleicher County
- 1417 Lower Pecan Bayou - from the confluence with the Colorado River in Mills County to a point immediately upstream of the confluence of Mackinnally Creek in Brown County
- 1418 Lake Brownwood - from Lake Brownwood Dam in Brown County to a point 100 meters (110 yards) upstream of FM 2559 in Brown County, up to the normal pool elevation of 1424.6 feet (impounds Pecan Bayou)
- 1419 Lake Coleman - from Coleman Dam in Coleman County up to the normal pool elevation of 1717.5 feet (impounds Jim Ned Creek)
- 1420 Pecan Bayou Above Lake Brownwood - from a point 100 meters (110 yards) upstream of FM 2559 in Brown County to the confluence of the North Prong Pecan Bayou and the South Prong Pecan Bayou in Callahan County
- 1421 Concho River - from the confluence with the Colorado River in Concho County to San Angelo Dam on the North Concho River in Tom Green County and to Nasworthy Dam on the South Concho River in Tom Green County
- 1422 Lake Nasworthy - from Nasworthy Dam in Tom Green County to Twin Buttes Dam in Tom Green County, up to the normal pool elevation of 1872.2 feet (impounds South Concho River)

SEGMENT	DESCRIPTION
1423	<u>Twin Buttes Reservoir</u> - from Twin Buttes Dam in Tom Green County to a point 100 meters (110 yards) upstream of US 67 on the Middle Concho River Arm in Tom Green County and to a point 4.0 kilometers (2.5 miles) downstream of FM 2335 on the South Concho River Arm in Tom Green County, up to the normal pool elevation of 1940.2 feet (impounds the Middle Concho River and the South Concho River)
1424	<u>Middle Concho/South Concho River</u> - from a point 4.0 kilometers (2.5 miles) downstream of FM 2335 in Tom Green County to US 277 on the South Concho River in Schleicher County and from a point 100 meters (110 yards) upstream of US 67 in Tom Green County to the confluence of Three Bluff Draw and Indian Creek on the Middle Concho River in Reagan County
1425	<u>O. C. Fisher Lake</u> - from San Angelo Dam in Tom Green County up to the normal pool elevation of 1908 feet (impounds North Concho River)
1426	<u>Colorado River Below E. V. Spence Reservoir</u> - from the confluence of the Concho River in Concho County to Robert Lee Dam in Coke County
1427	<u>Onion Creek</u> - from the confluence with the Colorado River in Travis County to the most upstream crossing of FM 165 in Blanco County
1428	<u>Colorado River Below Town Lake</u> - from a point 100 meters (110 yards) downstream of SH 95/SH Loop 230 at Smithville in Bastrop County to Longhorn Dam in Travis County
1429	<u>Town Lake</u> - from Longhorn Dam in Travis County to Tom Miller Dam in Travis County, up to the normal pool elevation of 429 feet (impounds Colorado River)
1430	<u>Barton Creek</u> - from the confluence with Town Lake in Travis County to FM 12 in Hays County
1431	<u>Mid Pecan Bayou</u> - from a point immediately upstream of the confluence of Mackinally Creek in Brown County to a point immediately upstream of Willis Creek in Brown County
1432	<u>Upper Pecan Bayou</u> - from a point immediately upstream of the confluence of Willis Creek in Brown County to Lake Brownwood Dam in Brown County
1501	<u>Tres Palacios Creek Tidal</u> - from the confluence with Tres Palacios Bay in Matagorda County to a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek in Matagorda County



SEGMENT	DESCRIPTION
1502	<u>Tres Palacios Creek Above Tidal</u> - from a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek in Matagorda County to US 59 in Wharton County
1601	<u>Lavaca River Tidal</u> - from the confluence with Lavaca Bay in Calhoun/Jackson County to a point 8.6 kilometers (5.3 miles) downstream of US 59 in Jackson County
1602	<u>Lavaca River Above Tidal</u> - from a point 8.6 kilometers (5.3 miles) downstream of US 59 in Jackson County to a point 5.5 kilometers (3.4 miles) upstream of SH 95 in Lavaca County
1603	<u>Navidad River Tidal</u> - from the confluence with the Lavaca River in Jackson County to Palmetto Bend Dam in Jackson County
1604	<u>Lake Texana</u> - from Palmetto Bend Dam in Jackson County to a point 100 meters (110 yards) downstream of FM 530 in Jackson County, up to the normal pool elevation of 44 feet (impounds Navidad River)
1605	<u>Navidad River Above Lake Texana</u> - from a point 100 meters (110 yards) downstream of FM 530 in Jackson County to the confluence of the East Navidad River and the West Navidad River in Colorado/Lavaca County
1701	<u>Victoria Barge Canal</u> - from the confluence with San Antonio Bay in Calhoun County to Victoria Turning Basin in Victoria County
1801	<u>Guadalupe River Tidal</u> - from the confluence with Guadalupe Bay in Calhoun/Refugio County to the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometer (0.4 mile) downstream of the confluence of the San Antonio River in Calhoun/Refugio County
1803	<u>Guadalupe River Below San Marcos River</u> - from the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometer (0.4 mile) downstream of the confluence of the San Antonio River in Calhoun/Refugio County to the confluence of the San Marcos River in Gonzales County
1804	<u>Guadalupe River Below Comal River</u> - from the confluence of the San Marcos River in Gonzales County to the confluence of the Comal River in Comal County
1805	<u>Canyon Lake</u> - from Canyon Dam in Comal County to a point 2.7 kilometers (1.7 miles) downstream of Rebecca Creek Road in Comal County, up to the normal pool elevation of 909 feet (impounds Guadalupe River)

SEGMENT	DESCRIPTION
1806	<u>Guadalupe River Above Canyon Lake</u> - from a point 2.7 kilometers (1.7 miles) downstream of Rebecca Creek Road in Comal County to the confluence of the North Fork Guadalupe River and the South Fork Guadalupe River in Kerr County
1807	<u>Coletto Creek</u> - from the confluence with the Guadalupe River in Victoria County to the confluence of Fifteenmile Creek and Twelvemile Creek in Goliad/Victoria County, including Coletto Creek Reservoir
1808	<u>Lower San Marcos River</u> - from the confluence with the Guadalupe River in Gonzales County to a point 1.2 kilometers (0.7 mile) downstream of IH 35 in Hays County
1809	<u>Lower Blanco River</u> - from the confluence with the San Marcos River in Hays County to a point 0.3 kilometer (0.2 mile) upstream of Limekiln Road in Hays County
1810	<u>Plum Creek</u> - from the confluence with the San Marcos River in Caldwell County to FM 2770 in Hays County
1811	<u>Comal River</u> - from the confluence with the Guadalupe River in Comal County to Klingemann Street at New Braunfels in Comal County
1812	<u>Guadalupe River Below Canyon Dam</u> - from the confluence of the Comal River in Comal County to Canyon Dam in Comal County
1813	<u>Upper Blanco River</u> - from a point 0.3 kilometer (0.2 mile) upstream of Limekiln Road in Hays County to the confluence of Meier Creek in Kendall County
1814	<u>Upper San Marcos River</u> - from a point 1.2 kilometers (0.7 mile) downstream of IH 35 in Hays County to a point 0.7 kilometer (0.4 mile) upstream of Loop 82 in San Marcos in Hays County
1815	<u>Cypress Creek</u> - from the confluence with the Blanco River in Hays County to a point 6.4 kilometers (4.0 miles) upstream of the most upstream unnamed county road crossing in Hays County
1816	<u>Johnson Creek</u> - from the confluence with the Guadalupe River in Kerr County to a point 1.2 kilometers (0.7 mile) upstream of the most upstream crossing of SH 41 in Kerr County
1817	<u>North Fork Guadalupe River</u> - from the confluence with the Guadalupe River in Kerr County to a point 18.2 kilometers (11.3 miles) upstream of Boneyard Draw in Kerr County

SEGMENT	DESCRIPTION
1818	<u>South Fork Guadalupe River</u> - from the confluence with the <u>Guadalupe River in Kerr County</u> to a point 4.8 kilometers (3.0 miles) upstream of FM 187 in Kerr County
1901	<u>Lower San Antonio River</u> - from the confluence with the <u>Guadalupe River in Refugio/Victoria County</u> to a point 600 meters (660 yards) downstream of FM 791 at Mays Crossing near Falls City in Karnes County
1902	<u>Lower Cibolo Creek</u> - from the confluence with the <u>San Antonio River in Karnes County</u> to a point 100 meters (110 yards) downstream of IH 10 in Bexar/Guadalupe County
1903	<u>Medina River Below Medina Diversion Lake</u> - from the confluence with the <u>San Antonio River in Bexar County</u> to Medina Diversion Dam in Medina County
1904	<u>Medina Lake</u> - from Medina Lake Dam in Medina County to a point immediately upstream of the confluence of Red Bluff Creek in Bandera County, up to the normal pool elevation of 1064.2 feet (impounds Medina River)
1905	<u>Medina River Above Medina Lake</u> - from a point immediately upstream of the confluence of Red Bluff Creek in Bandera County to the confluence of the North Prong Medina River and the West Prong Medina River in Bandera County
1906	<u>Lower Leon Creek</u> - from the confluence with the <u>Medina River in Bexar County</u> to a point 100 meters (110 yards) upstream of SH 16 northwest of San Antonio in Bexar County
1907	<u>Upper Leon Creek</u> - from a point 100 meters (110 yards) upstream of SH 16 northwest of San Antonio in Bexar County to a point 9.0 kilometers (5.6 miles) upstream of Scenic Loop Road north of Helotes in Bexar County
1908	<u>Upper Cibolo Creek</u> - from the <u>Missouri-Pacific Railroad bridge west of Bracken in Comal County</u> to a point 1.5 kilometers (0.9 mile) upstream of the confluence of Champee Springs in Kendall County
1909	<u>Medina Diversion Lake</u> - from Medina Diversion Dam in Medina County to Medina Lake Dam in Medina County, up to the normal pool elevation of 926.5 feet (impounds Medina River)
1910	<u>Salado Creek</u> - from the confluence with the <u>San Antonio River in Bexar County</u> to Rocking Horse Lane west of Camp Bullis in Bexar County

SEGMENT	DESCRIPTION
1911	<u>Upper San Antonio River</u> - from a point 600 meters (660 yards) downstream of FM 791 at Mays Crossing near Falls City in Karnes County to a point 100 meters (110 yards) upstream of Hildebrand Avenue at San Antonio in Bexar County
1912	<u>Medio Creek</u> - from the confluence with the Medina River in Bexar County to a point 1.0 kilometer (0.6 mile) upstream of IH 35 at San Antonio in Bexar County
1913	<u>Mid Cibolo Creek</u> - from a point 100 meters (110 yards) downstream of IH 10 in Bexar/Guadalupe County to the Missouri-Pacific Railroad bridge west of Bracken in Comal County
2001	<u>Mission River Tidal</u> - from the confluence with Mission Bay in Refugio County to a point 7.4 kilometers (4.6 miles) downstream of US 77 in Refugio County
2002	<u>Mission River Above Tidal</u> - from a point 7.4 kilometers (4.6 miles) downstream of US 77 in Refugio County to the confluence of Blanco Creek and Medio Creek in Refugio County
2003	<u>Aransas River Tidal</u> - from the confluence with Copano Bay in Aransas/Refugio County to a point 5.3 kilometers (3.3 miles) upstream of Chiltipin Creek in Refugio/San Patricio County
2004	<u>Aransas River Above Tidal</u> - from a point 5.3 kilometers (3.3 miles) upstream of Chiltipin Creek in Refugio/San Patricio County to the confluence of Poesta Creek and Aransas Creek in Bee County
2101	<u>Nueces River Tidal</u> - from the confluence with Nueces Bay in Nueces County to Calallen Dam 1.7 kilometers (1.1 miles) upstream of US 77/IH 37 in Nueces/San Patricio County
2102	<u>Nueces River Below Lake Corpus Christi</u> - from Calallen Dam 1.7 kilometers (1.1 miles) upstream of US 77/IH 37 in Nueces/San Patricio County to Wesley E. Seale Dam in Jim Wells/San Patricio County
2103	<u>Lake Corpus Christi</u> - from Wesley E. Seale Dam in Jim Wells/San Patricio County to a point 100 meters (110 yards) upstream of US 59 in Live Oak County, up to the normal pool elevation of 94.0 feet (impounds Nueces River)
2104	<u>Nueces River Above Frio River</u> - from the confluence of the Frio River in Live Oak County to Holland Dam in LaSalle County
2105	<u>Nueces River Above Holland Dam</u> - from Holland Dam in LaSalle County to a point 100 meters (110 yards) upstream of FM 1025 in Zavala County

SEGMENT	DESCRIPTION
2106	<u>Nueces/Lower Frio River</u> - from a point 100 meters (110 yards) upstream of US 59 in Live Oak County to Choke Canyon Dam in Live Oak County
2107	<u>Atascosa River</u> - from the confluence with the Frio River in Live Oak County to the confluence of the West Prong Atascosa River and the North Prong Atascosa River in Atascosa County
2108	<u>San Miguel Creek</u> - from a point immediately upstream of the confluence of Mustang Branch in McMullen County to the confluence of San Francisco Perez Creek and Chacon Creek in Frio County
2109	<u>Leona River</u> - from the confluence with the Frio River in Frio County to US 83 in Uvalde County
2110	<u>Lower Sabinal River</u> - from the confluence with the Frio River in Uvalde County to a point 100 meters (110 yards) upstream of SH 127 in Uvalde County
2111	<u>Upper Sabinal River</u> - from a point 100 meters (110 yards) upstream of SH 127 in Uvalde County to the most upstream crossing of FM 187 in Bandera County
2112	<u>Upper Nueces River</u> - from a point 100 meters (110 yards) upstream of FM 1025 in Zavala County to the confluence of the East Prong Nueces River and Hackberry Creek in Edwards County
2113	<u>Upper Frio River</u> - from a point 100 meters (110 yards) upstream of US 90 in Uvalde County to the confluence of the West Frio River and the East Frio River in Real County
2114	<u>Hondo Creek</u> - from the confluence with the Frio River in Frio County to FM 470 in Bandera County
2115	<u>Seco Creek</u> - from the confluence with Hondo Creek in Frio County to the confluence of West Seco Creek in Bandera County
2116	<u>Choke Canyon Reservoir</u> - from Choke Canyon Dam in Live Oak County to a point 4.2 kilometers (2.6 miles) downstream of SH 16 on the Frio River Arm in McMullen County and to a point 100 meters (110 yards) upstream of the confluence of Mustang Branch on the San Miguel Creek Arm in McMullen County, up to the normal pool elevation of 220.5 feet (impounds Frio River)
2117	<u>Frio River Above Choke Canyon Reservoir</u> - from a point 4.2 kilometers (2.6 miles) downstream of SH 16 in McMullen County to a point 100 meters (110 yards) upstream of US 90 in Uvalde County

SEGMENT	DESCRIPTION
2201	<u>Arroyo Colorado Tidal</u> - from the confluence with Laguna Madre in Cameron/Willacy County to a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen in Cameron County
2202	<u>Arroyo Colorado Above Tidal</u> - from a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen in Cameron County to FM 2062 in Hidalgo County
2203	<u>Petronila Creek Tidal</u> - from the confluence of Chiltipin Creek in Kleberg County to a point 1 kilometer (0.6 mile) upstream of private road crossing near Laureles Ranch in Kleberg County
2204	<u>Petronila Creek Above Tidal</u> - from a point 1 kilometer (0.6 mile) upstream of private road crossing near Laureles Ranch in Kleberg County to the confluence of Agua Dulce and Banquete Creeks in Nueces County
2301	<u>Rio Grande Tidal</u> - from the confluence with the Gulf of Mexico in Cameron County to a point 10.8 kilometers (6.7 miles) downstream of the International Bridge in Cameron County
2302	<u>Rio Grande Below Falcon Reservoir</u> - from a point 10.8 kilometers (6.7 miles) downstream of the International Bridge in Cameron County to Falcon Dam in Starr County
2303	<u>International Falcon Reservoir</u> - from Falcon Dam in Starr County to the confluence of the Arroyo Salado (Mexico) in Zapata County, up to the normal pool elevation of 301.1 feet (impounds Rio Grande)
2304	<u>Rio Grande Below Amistad Reservoir</u> - from the confluence of the Arroyo Salado (Mexico) in Zapata County to Amistad Dam in Val Verde County
2305	<u>International Amistad Reservoir</u> - from Amistad Dam in Val Verde County to a point 1.8 kilometers (1.1 miles) downstream of the confluence of Ramsey Canyon on the Rio Grande Arm in Val Verde County and to a point 0.7 kilometer (0.4 mile) downstream of the confluence of Painted Canyon on the Pecos River Arm in Val Verde County and to a point 0.6 kilometer (0.4 mile) downstream of the confluence of Little Satan Creek on the Devils River Arm in Val Verde County, up to the normal pool elevation of 1117 feet (impounds Rio Grande)
2306	<u>Rio Grande Above Amistad Reservoir</u> - from a point 1.8 kilometers (1.1 miles) downstream of the confluence of Ramsey Canyon in Val Verde County to the confluence of the Rio Conchos (Mexico) in Presidio County

SEGMENT	DESCRIPTION
2307	<u>Rio Grande Below Riverside Diversion Dam</u> - from the confluence of the Rio Conchos (Mexico) in Presidio County to Riverside Diverson Dam in El Paso County
2308	<u>Rio Grande Below International Dam</u> - from the Riverside Diversion Dam in El Paso County to International Dam in El Paso County
2309	<u>Devils River</u> - from a point 0.6 kilometer (0.4 mile) downstream of the confluence of Little Satan Creek in Val Verde County to the confluence of Dry Devils River in Sutton County
2310	<u>Lower Pecos River</u> - from a point 0.7 kilometer (0.4 mile) downstream of the confluence of Painted Canyon in Val Verde County to the low water crossing 0.3 kilometer (0.2 mile) downstream of the confluence of Big Fielder Draw in Val Verde County
2311	<u>Upper Pecos River</u> - from the low water crossing 0.3 kilometer (0.2 mile) downstream of the confluence of Big Fielder Draw in Val Verde County to Red Bluff Dam in Loving/Reeves County
2312	<u>Red Bluff Reservoir</u> - from Red Bluff Dam in Loving/Reeves County to the New Mexico State Line in Loving/Reeves County, up to the normal pool elevation of 2842 feet (impounds Pecos River)
2313	<u>San Felipe Creek</u> - from the confluence with the Rio Grande in Val Verde County to a point 4.0 kilometers (2.5 miles) upstream of US 90 in Val Verde County
2314	<u>Rio Grande Above International Dam</u> - from International Dam in El Paso County to the New Mexico State Line in El Paso County
2411	<u>Sabine Pass</u> - from the end of the jetties at the Gulf of Mexico to SH 82
2412	<u>Sabine Lake</u>
2421	<u>Upper Galveston Bay</u>
2422	<u>Trinity Bay</u>
2423	<u>East Bay</u>
2424	<u>West Bay</u>
2425	<u>Clear Lake</u>
2426	<u>Tabbs Bay</u>

SEGMENT	DESCRIPTION
2427	<u>San Jacinto Bay</u>
2428	<u>Black Duck Bay</u>
2429	<u>Scott Bay</u>
2430	<u>Burnett Bay</u>
2431	<u>Moses Lake</u>
2432	<u>Chocolate Bay</u>
2433	<u>Bastrop Bay/Oyster Lake</u>
2434	<u>Christmas Bay</u>
2435	<u>Drum Bay</u>
2436	<u>Barbours Cut</u>
2437	<u>Texas City Ship Channel</u>
2438	<u>Bayport Channel</u>
2439	<u>Lower Galveston Bay</u>
2441	<u>East Matagorda Bay</u>
2442	<u>Cedar Lakes</u>
2451	<u>Matagorda Bay/Powderhorn Lake</u>
2452	<u>Tres Palacios Bay/Turtle Bay</u>
2453	<u>Lavaca Bay/Chocolate Bay</u>
2454	<u>Cox Bay</u>
2455	<u>Keller Bay</u>
2456	<u>Carancahua Bay</u>
2461	<u>Espiritu Santo Bay</u>
2462	<u>San Antonio Bay/Hynes Bay/Guadalupe Bay</u>
2463	<u>Mesquite Bay/Carlos Bay/Ayres Bay</u>
2471	<u>Aransas Bay</u>
2472	<u>Copano Bay/Port Bay/Mission Bay</u>



SEGMENT	DESCRIPTION
2473	<u>St. Charles Bay</u>
2481	<u>Corpus Christi Bay</u>
2482	<u>Nueces Bay</u>
2483	<u>Redfish Bay</u>
2484	<u>Corpus Christi Inner Harbor</u> - from US 181 to Viola Turning Basin
2485	<u>Oso Bay</u>
2491	<u>Laguna Madre</u>
2492	<u>Baffin Bay/Alazan Bay/Cayo del Grullo/Laguna Salada</u>
2493	<u>South Bay</u>
2494	<u>Brownsville Ship Channel</u>
2501	<u>Gulf of Mexico - from the Gulf shoreline to the limit of Texas' jurisdiction between Sabine Pass and Brazos Santiago Pass</u>

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

Issued in Austin, Texas, on April 8, 1988.

TRD-8803656

William G. Newchurch  
Director, Legal Division  
Texas Water Commission

Effective date: April 29, 1988

Proposal publication date: October 9, 1988

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



# TITLE 37. PUBLIC SAFETY AND CORRECTIONS

## Part I. Texas Department of Public Safety

### Fees for Copies of Records.

#### • §1.126

The Texas Department of Public Safety adopts an amendment to §1.126, with changes to the proposed text published in the February 26, 1988, issue of the *Texas Register* (13 TexReg 1020).

The adoption of these amendments will provide assurance to the public that the department complies with statutes for recovery of costs associated with furnishing copies of records.

The amendment to subsection (a) adds and

deletes language and adds paragraphs (1)-(3) establishing cost per page of readily available information for amounts of 50 pages or less or 50 pages or more and cost per page of information not readily available. Subsection (b) is amended by increasing the fee for certification of documents from \$.50 to \$1. No change is proposed for subsection (c). Subsection (d) is added to allow the department to add postal related expenses to transmit the reproduced documents to the requesting party charges. Subsection (e) is adopted with

changes to clarify the charge for a color or black and white photograph. A five inch by seven inch black and white photograph shall be \$3.15 and a four inch by six inch photograph shall be \$3. when furnished by the DPS Crime Laboratory Photography Section. Subsection (f) is added to establish authority and criteria for the department to consult with the State Purchasing and General Services Commission in establishing cost of copies for nonstandard sized pages of records in computer banks, on microfilm, or in other similar record keeping systems.

No comments were received regarding adoption of this amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(33), Article 6252-17a, §13, and Texas Government Code, §411.004(3) and §411.006(4), which provide the Texas Department of Public Safety with the authority to set and collect a sales charge for publications and other printed matter when such charges are deemed to be in the

public interest. Each governmental body may promulgate reasonable rules of procedure by which public records may be inspected efficiently, safely, and without delay. The Public Safety Commission is authorized to adopt rules necessary for carrying out the department's work. The director, subject to the approval of the commission, shall have authority to adopt rules considered necessary for the control of the department.

§1.126. *General Fees.*

(a) All other noncertified photographic reproductions of traffic records,

lists, or documents in the files, up to legal size (8 1/2 inches by 14 inches), prepared on standard office copy machines will be furnished for a fee as follows:

(1) for 50 pages or less of readily available information, the charge shall be \$.10 per page;

(2) for more than 50 pages of readily available information, the charge shall be \$.85 for the first page and \$.15 for each additional page;

(3) for any quantity of information deemed to be not readily available, the actual charge shall be the combined components of \$.70 for the first page and \$.15 for each page thereafter, plus actual labor costs incurred in providing the requested information. The actual labor costs of providing information may include costs of locating and preparing the information.

(b) Certification of any document listed in this section except where a different certification fee is noted will be made for a fee of \$1. extra per document.

(c) (No change.)

(d) In establishing charges, the department may add any postal related ex-

penses which may be necessary to transmit the reproduced documents to the requesting party to the charges established pursuant to this subsection.

(e) The charge for each photograph made by the DPS Crime Laboratory Photography Section under the Open Records Act is as follows:

(1) \$3. for each four inch by six inch color photograph; or

(2) \$3.15 for each five inch by seven inch black and white photograph.

(f) The cost for copies provided under Texas Civil Statutes, Article 6252-17a, §9(b) will be set in consultation with the Material Management Section of the Centralized Services Division of State Purchasing and General Services Commission. Criteria for establishing cost shall include, but not be limited to, labor hours and rates,

computer time and rates, cost for materials such as computer tapes, paper, fiche, cassettes, and printer supplies, and applied overhead by component and application base.

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

Issued in Austin, Texas, on April 6, 1988.

TRD-8803676 Leo E. Gossett  
Director  
Texas Department of  
Public Safety

Effective date: April 29, 1988

Proposal publication date: February 26, 1988  
For further information, please call: (512) 465-2000

# TITLE 40. SOCIAL SERVICES AND ASSISTANCE

## Part I. Texas Department of Human Services

### Chapter 11. Commodity Program

#### Emergency Food Assistance Program

##### • 40 TAC §11.6008

The Texas Department of Human Services (DHS) adopts an amendment to §11.6008, without changes to the proposed text published in the March 1, 1988, issue of the *Texas Register* (13 TexReg 1084).

The justification for the amendment is to delete the maximum reimbursement restriction of 5% of the value of commodities contractors distribute.

The amendment will function by providing reimbursement to contractors for their actual costs of distributing commodities, based on available funds.

Comments were received from the Texas Association of Community Action Agencies, Inc., of Austin. The commenter agreed with the section as proposed and recommended that

DHS adopt it.

The section is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on April 8, 1988.

TRD-8803597 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: May 2, 1988

Proposal publication date: March 1, 1988

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

## Chapter 79. Legal Services

### Subchapter Y. Civil Monetary Penalties

#### • 40 TAC §§79.2401-79.2408

The Texas Department of Human Services (DHS) adopts new §§79.2401-79.2408 without changes to the proposed text published in the February 12, 1988, issue of the *Texas Register* (13 TexReg 772).

The justification for the sections is to implement legislation passed in the 70th session of the Texas Legislature that allows DHS to

assess civil monetary penalties and damages on Medicaid providers who submit false claims for payment.

The sections will function by reducing the number of fraudulent Medicaid claims submitted to DHS for payment.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, Title 2, Chapter 32, which provides the department with the authority to administer medical assistance programs.

This agency hereby certifies that the rule as

adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 7, 1988.

TRD-8803563

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: May 16, 1988

Proposal publication date: February 12, 1988

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

### State Board of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

*(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.*

*These actions become effective 15 days after the date of publication or on a later specified date.*

*The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)*

The State Board of Insurance has considered a filing by Boston Old Colony Insurance Company, Commercial Insurance Company of Newark, New Jersey, The continental Insurance Company, The Fidelity and Casualty Company of New York, Firemen's Insurance Company of Newark, New Jersey, The Glen

Falls Insurance Company, Kansas City Fire and Marine Insurance Company, and Niagara Fire Insurance Company proposing an amendment to the Standard Morticians' Professional Liability Program. This revision amends the program to conform to the Insurance Code, Article 21.49-2A, regarding the rules of cancellation and non-renewal of certain liability policies.

This filing was approved to become effective May 1, 1988.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on April 7, 1988.

TRD-8803570

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: May 1, 1988

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

6327

The State Board of Insurance has considered a filing by Boston Old Colony Insurance Company, Commercial Insurance Company of Newark, New Jersey, The Continental Insurance Company, The Fidelity and Casualty Company of New York, Firemen's Insurance Company of Newark, New Jersey, the Glen Falls Insurance Company, Kansas City Fire and Marine Insurance Company, and Niagara Fire Insurance Company proposing an amendment to the Standard Cemetery Liability Program. This revision amends the program to conform to the Insurance Code,

Article 21.49-2A, regarding the rules of cancellation and non-renewal of certain liability policies.

This filing was approved to become effective May 1, 1988.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on April 7, 1988.

TRD-8803569

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: May 1, 1988

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

The State Board of Insurance has considered a filing by American Home Assurance Company, New York, New York, proposing an amendment to the Standard Travel Agent's Professional Liability Program. This revision amends the program to conform to the Insurance Code, Article 21.49-2A, regarding the rules of cancellation and non-renewal of certain liability policies.

This filing was approved to become effective May 1, 1988.

This notification is made pursuant to the In-

surance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on April 7, 1988.

TRD-8803571

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: May 1, 1988

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

The State Board of Insurance has considered a filing by Western Surety Company, Sioux Falls, South Dakota, proposing an amendment to the Standard Notary Public Errors and Omissions Policy. This revision amends the program to conform to the Insurance Code, Article 21.49-2A, regarding the rules of cancellation and non-renewal of certain liability policies.

This filing was approved to become effective May 1, 1988.

This notification is made pursuant to the In-

surance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on April 7, 1988.

TRD-8803572

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: May 1, 1988

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

The State Board of Insurance has considered a filing by the Travelers Indemnity Company, The Charter Oak Fire Insurance Company, The Travelers Indemnity Company of Rhode

Island, The Travelers Indemnity Company of America, The Phoenix Insurance Company, The Travelers Indemnity Company of Illinois, and the Nippon Fire and Marine Insurance Company, Ltd., United States Branch, proposing an amendment to the Standard Employee Benefit Liability Policy. This revision amends the program to conform to the Insurance Code, Article 21.49-2A, regarding the rules of cancellation and non-renewal of certain liability policies.

This filing was approved to become effective May 1, 1988.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on April 7, 1988.

TRD-8803573      Nicholas Murphy  
                                 Chief Clerk

State Board of Insurance

Effective date: May 1, 1988

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



# 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 billeting 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 Commission on Alcohol and Drug Abuse

**Tuesday, April 19, 1988, 9:30 a.m.** The Texas Commissioners on Alcohol and Drug Abuse will meet in the Conference Room, 1705 Guadalupe, Austin. According to the agenda, the commission will approve minutes of the January 19, 1988 meeting; hear public comment, report on scientific findings, advisory council report and action on advisory council appointments; consideration on proposed policy revisions, action on proposed use of federal funds; hear report and action on House Bill 173; consider action on proposed licensure standards, action on Senate Bill 245 memorandum of understanding; hear report on DWI certification procedures; consider action on recommendations for annual institute awards, action on American Trauma Society request regarding drunk driving, and quarterly update on funded programs; hear chairman's report and executive director's report.

**Contact:** Becky Davis, 1705 Guadalupe, Austin, Texas 78701, (512) 463-5510.

**Filed:** April 11, 1988, 9:36 a.m.

TRD-8803666

## Texas Bond Review Board

**Tuesday, April 19, 1988, 10 a.m.** The Texas Bond Review Board will meet in the Senate Chamber, State Capitol, Austin. According to the agenda, the board will approve minutes of the previous meeting; consider proposed bond issues concerning Texas Water Development Board proposed issuance up to \$70,000,000 Texas water development bonds and Texas Department of Corrections lease purchase of four pre-release facilities, and other business.

**Contact:** Tom K. Pollard, Sam Houston Building, Room 711, Austin, Texas (512) 463-1741.

**Filed:** April 8, 1988, 4:23 p.m.

TRD-8803636

## Texas Council of Child Welfare Board

**Friday, April 15, 1988, 9:30 a.m.** The Texas Council of Child Welfare Board of the Texas Department of Human Services will meet in Classroom One, Second Floor, West Tower, 701 West 51st Street, Austin. According to the agenda, the council will approve minutes of the previous meeting; hear treasurer's report, regional reports, and issues committee report; consider intake process; LAR, in-home services, and advisory board guidelines; hear report from state office; consider level of care and internal study; review American humane association; hear status report on appropriations request; consider education committee, orientation manual, TASB conference, public information committee, guidelines for volunteer of the year award, and print media award brochure; and hear conference committee report, nomination committee report, and closing announcements.

**Contact:** Chris Theophilus, P.O. Box 2960, Austin, Texas 78769, (512) 450-3321.

**Filed:** April 7, 1988, 1:40 p.m.

TRD-8803568

## Texas Board of Chiropractic Examiners

**Saturday, April 23, 1988, 10 a.m.** The Texas Board of Chiropractic Examiners, will meet in the Radisson-Gunter Hotel, 205 East Houston Street, San Antonio. According to the agenda, the board will hear public input to aid in defining the chiropractic scope of practice and board action to certify new licensees.

**Contact:** Bobbye Ferris, 1300 East Anderson Lane, Building C-245, Austin, Texas 78752.

**Filed:** April 11, 1988, 8:40 a.m.

TRD-8803658

## Texas Department of Commerce

**Tuesday, April 12, 1988, 9:30 a.m.** The Board of Directors of Texas Department of Commerce made an emergency revised agenda to a meeting held in Tandy Lecture Hall, Fort Worth Public Library, 300 Taylor Street, Fort Worth. According to the agenda, the board gave notice of a luncheon to be held following the board meeting at the annex of the City Club, 301 Commerce, Fort Worth. The emergency status was necessary because of scheduling of luncheon.

**Contact:** Bruce W. Anderson, 316 Congress Avenue, Austin, Texas 78701, (512) 320-9679.

**Filed:** April 8, 1988, 4 p.m.

TRD-8803631

**Tuesday, April 19, 1988, 9 a.m.** The Strategic Economic Policy Commission will meet in One Bell Plaza, 208 South Akard, Dallas. According to the agenda, the commission will review the work of its interim task forces and to discuss schedules for the remainder of the commissions work. Members may also discuss the strategic objectives for the task force.

**Contact:** Bob Farley, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9657.

**Filed:** April 8, 1988, 4 p.m.

TRD-8803632

**Thursday, April 21, 1988, 10:30 a.m.** The State Job Training Council/Planning Committee will meet in emergency session at 8317 Cross Park Drive, Austin. According to the agenda, the council/committee will review plans submitted by local service delivery areas to receive funds to operate JTPA Title IIB Summer Youth and Employment Training Programs. Upon review, the committee will take action for recommendation and ratification by the full council (the full council meets May 19-20, 1988). The emergency status was necessary because Public Law 97-300 requires Title IIB Plans to be reviewed and approved in April to facilitate contracting and program start-up by June 1, 1988.

Contact: Brenda Lovett, Austin, Texas, (512) 6314.

Filed: April 8, 1988, 9:23 a.m.

TRD-8803595

## Texas Education Agency

The Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. Dates, times, and agendas follow.

**Tuesday, April 19, 1988, 10:30 a.m.** The Commissioner's Advisory Council for Regional Services-Committee for Research and Information will consider public education information management system update; review action by the State Board of Education; discuss provision of computer services to school districts.

Contact: Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: April 11, 1988, 1:38 p.m.

TRD-8803684

**Tuesday, April 19, 1988, 1:30 p.m.** The Commissioner's Advisory Council for Regional Services-Committee for Curriculum and Program Development, will meet in Room 1-109, to consider review of actions by the State Board of Education; discuss TEA/Education Services Center Efforts for Curriculum and Program Development.

Contact: Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: April 11, 1988, 1:38 p.m.

TRD-8803681

**Tuesday, April 19, 1988, 1:30 p.m.** The Commissioner's Advisory Council for Regional Services-Committee for Finance and Compliance will meet in Room 1-110 to review actions by the State Board of Education and discuss issues related to the education service center comprehensive plan and application.

Contact: Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: April 11, 1988, 1:38 p.m.

TRD-8803680

**Tuesday, April 19, 1988, 1:30 p.m.** The Commissioner's Advisory Council for Regional Services-Committee for Education Quality will review actions by the State Board of Education and discuss issues related to the provision of training services to school districts.

Contact: Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: April 11, 1988, 1:38 p.m.

TRD-8803682

**Wednesday, April 20, 1988, 8:30 a.m.** The Commissioner's Advisory Council for Regional Services will consider public education information management system (PEIS) update; review actions by the State Board of Education; discuss provision of computer services to school districts, issues related to the provision of training school districts, TEA/education service center efforts for curriculum and program development, and issues related to the education service center comprehensive plan and application.

Contact: Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: April 11, 1988, 1:38 p.m.

TRD-8803683

**Monday and Tuesday, April 25 and 26, 1988, 8:30 a.m. daily.** the State Textbook Committee will hear presentations by agency staff. The 1988 committee will remain under no contact rules until the close of this meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: April 11, 1988, 1:38 p.m.

TRD-8803685

## State Employee Incentive Commission

**Wednesday, April 20, 1988, 10 a.m.** The State Employee Incentive Commission will meet in Room 105, John H. Reagan Building, Austin. According to the agenda, the commission will hear subcommittee report on the approval process; consider update on the appointment of agency coordinators, introduction implementation process draft, introduction of award process draft, and new business.

Contact: W. Mitchell McCasland, P.O. Box 12428, Austin, Texas 78711, (512) 463-1778.

Filed: April 7, 1988, 3:41 p.m.

TRD-8803587

## Texas State Board of Registration for Professional Engineers

**Wednesday and Thursday, April 20 and 21, 1988, 8:30 a.m. daily.** The Texas State Board of Registration for Professional Engineers will meet in the Holiday Inn, 1901 West Tyler, Harlingen. According to the agenda summary, the board will receive reports from board members and staff; consider interview applicants; take action on applications for registration; reading of

communications; and consider any other business which comes before the board.

Contact: Kenneth J. Bartosh, 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: April 11, 1988, 8:40 a.m.

TRD-8803657

## General Land Office

**Monday, April 11, 1988, 2 p.m.** The Veterans Land Board of the General Land Office made an emergency revised agenda to a meeting held in Room 831, Stephen F. Austin Building, Austin. According to the agenda summary, the board approved minutes of the February 23, 1988 meeting; considered reinstatement of the farm and ranch finance program and adoption of amended rules for the farm and ranch finance program; discussed possible action on the substitution of bonds in escrow account; considered adoption of a rule authorizing a program to sell Type II forfeited land tracts through real estate brokers, adoption of permanent rule concerning delinquencies and forfeiture procedures, and consideration of August 31, 1988 as the date for the next forfeited land sale. The board also met in executive session to discuss litigation to the Fred Graves Subdivision Brazoria County involving the Veterans Land Program. The emergency status was necessary to complete action on urgent items necessary to the operation of the veterans program, having postponed the posted meeting on April 8, 1988.

Contact: Jack Giberson, Stephen F. Austin Building, Room 836-A, Austin, Texas 78701, (512) 463-5254.

Filed: April 8, 1988, 3:35 p.m.

TRD-8803630

## Texas Department of Health

**Friday, April 15, 1988.** The Texas Department of Health will meet at 6505 IH-35 North, Austin. Times, rooms, and agendas follow.

**4 p.m.** The Alternate Care Committee will meet in the Executive Suite to consider extension of emergency rules concerning certification of medical radiologic technicians, final adoption of rules concerning time periods for processing and issuing permits/licenses for special health services programs, and final adoption of rules concerning physical reporting of third trimester abortions; organize, update, and clarify requirements for issuance, renewal, and inactive status of a license for speech-language pathologists and audiologists; consider home health agency licensure standards for home dialysis services; requests for personal data from department files; and discuss rules governing special hospice fac

ties including care and treatment of residents.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1988, 1:22 p.m.

TRD-8803575

4 p.m. The Emergency and Disaster Committee will meet in the Austin Room, to consider commendatory resolutions for Richard Strange, Earl Gregory, and Bill Bonny of Rowlett Fire Department; consider extension of emergency rules and final adoption of rule concerning processing EMS vehicle permits and applications for EMS personnel certification; and discuss appointments to the Texas Emergency Medical Services Advisory Council.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1988, 1:22 p.m.

TRD-8803576

5 p.m. The Environmental Health Committee will meet in the Capitol Room to consider extension of emergency rules and final adoption of rule concerning processing permit applications relating to food and drug operations, time periods for processing and issuing permits/licenses for environmental and consumer health protection programs, final adoption of rule to require consideration of a hierarchy of waste management methods in regional and local solid waste management plans, drinking water standards governing drinking water quality and reporting requirements for public water supply systems, proposed amendments to the rules concerning the Texas regulations for control of radiation, Part 32, concerning use of radiation machines in the healing arts and veterinary medicine; and discuss appointments to the municipal solid waste management and resource recovery advisory council.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1988, 1:22 p.m.

TRD-8803577

Saturday, April 16, 1988, The Texas Department of Health will meet at 1100 West 49th Street, Austin. Times, rooms, and agendas follow.

7:30 a.m. The Executive and Personnel Committee will meet in Room G-107, to discuss items of procedure for upcoming board of health meeting and executive evaluations; consider appointments to the Texas Emergency Medical Services Advisory Council; discuss appointments to the municipal solid waste management and resource recovery advisory council.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-

7484.

Filed: April 7, 1988, 1:22 p.m.

TRD-8803578

7:30 a.m. The Executive and Personnel Committee, submitted a revised agenda for a meeting held in Room G-107, to consider reorganization of the advisory committee on nursing home affairs of the bureau of long term care.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1988, 1:22 p.m.

TRD-8803634

The 9:30 a.m. The Chronically Ill and Disabled and Children's Services and Maternal and Child Health Committees will consider proposed amendments to the chronically ill and disabled children's services program rules concerning medical condition coverage and other program changes; consider update on chronically ill and disabled children's services program activities and status of pilot projects.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1988, 1:22 p.m.

TRD-8803581

The 10:30 a.m. The Hospitals Committee will meet in Room T-507, to consider proposed amendments to the hospital licensing standards concerning hospital patient transfers; discuss rules governing hospice facilities including care and treatment of residents.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1988, 1:22 p.m.

TRD-8803582

The 11:30 a.m. The Legislative Committee will meet in Room G-107, will consider resolution from the board of health concerning issuance coverage for persons with HIV infection, ARC, and AIDS; hear report on proposed legislation from the associateship for community and rural health and proposed legislation from the deputy commissioner for management and administration.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1988, 1:22 p.m.

TRD-8803583

The 12:30 p.m. The board will approve minutes of the previous meeting; hear the commissioner's report; consider AIDS update, resolution for Barbara Urban; hear environmental epidemiology activities report; consider emergency and final rules on contested case hearings, special health ser-

VICES permits, emergency medical services, food and drug operations, and consumer health protection programs, extension of emergency rules on medical radiologic technicians, final rules on third trimester abortions, speech language pathologists and audiologists, home dialysis services, requests for personal data from department files, solid waste management, and drinking water standards; consider proposed rules on chronically ill and disabled children's services program, radiation, and hospital patient transfers, resolution concerning insurance coverage for persons with HIV infection, ARC and AIDS; consider appointments to Texas Emergency Medical Services Advisory Council; hear public health promotion committee reports; and consider announcements and comments (no board action required).

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 7, 1988, 1:22 p.m.

TRD-8803584

Thursday, April 21, 1988, 10 a.m. The Municipal Solid Waste Management and Resource Recovery Advisory Council of the Texas Department of Health will meet in Room T-610, 110 West 49th Street, Austin. According to the agenda summary, the council will approve minutes of the previous meeting; hear the division director's report concerning EPA's landfill criteria, EPA's criteria on incinerator ash, and infectious waste draft rules; discuss task force on waste management policy, legislative committee studying combining environmental programs; consider Austin's curbside recycling program, regulating out-of-state garbage; and hear report of Conference Planning Committee.

Contact: Hector Mendieta, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

Filed: April 11, 1988, 4:17 p.m.

TRD-8803696

## Texas Historical Commission

Thursday, April 21, 1988. The Texas Historical Commission will meet in the Fort Brown Hotel, 1900 East Elizabeth, Brownsville. Times, rooms, and agendas follow.

7 a.m. The Division of Architecture will meet in the Restaurant to hear quarterly report of activities; consider rules for division of architecture, preservation needs assessment, significant projects, and departmental budgets.

Contact: Curtis Tunnell, P.O. Box 122276, Austin, Texas (512) 463-6094.

Filed: April 11, 1988, 9:46 a.m.

TRD-8803667

7 a.m. The CHC and Museum Services Committee will meet in the Coffee Shop to consider budget.

Contact: Cindy Sherrell-Leo, 1511 Colorado, Austin, Texas 78701, (512) 463-6100.

Filed: April 11, 1988, 9:46 a.m.

TRD-8803679

**Thursday, April 21, 1988, 7:30 a.m.** The Nominations, Surveys and National Register Programs of the Texas Historical Commission will meet in the Dining Room to consider historic preservation fund-survey and planning grant allocations, state board of review guidelines for surveys and nominations, and departmental rules for the certified local government pages; hear announcements and quarterly report of activities.

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: April 11, 1988, 9:46 a.m.

TRD-8803678

## Texas Housing Agency

**Wednesday, April 13, 1988, 9 a.m.** The Personnel and Planning Committee of the Texas Housing Agency met in emergency session in the Holiday Inn Crown Plaza-Galleria, 2222 West Loop South, Houston. According to the agenda summary, the committee considered and possibly acted on the proposals submitted in response to the request for proposal for a state housing study published in the *Texas Register* on February 16, 1988, (13 TexReg 852). The emergency status was necessary due to unforeseeable time constraints to complete the state housing study published for bid response in the *Texas Register* on February 16, 1988. These constraints require immediate action by the agency.

Contact: Patricia Broline or Earline Jewett, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: April 7, 1988, 4:36 p.m.

TRD-8803591

## State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Boulevard, Austin. Dates, times, rooms, and agendas follow.

**Tuesday, April 19, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9865-Whether disciplinary action should be taken against Ronda Martin Barclay, Port Arthur/Nederland, who holds a Group I, legal reserve life insurance agent's license (L0347019) and a variable contract insurance agent's license (V0016177).

Contact: Earl Corbitt, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: April 11, 1988, 3:59 p.m.

TRD-8803699

**Tuesday, April 19, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9858-Whether disciplinary action should be taken against Charles Herschell Crow, Joshua, who holds a group I legal reserve life insurance agent's license, a group II, health and accident insurance agent's license and a local recording agent's license issued by the board.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: April 11, 1988, 3:59 p.m.

TRD-8803700

**Tuesday, April 19, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9889-Application of Denticare, Inc., Sugarland, for a certificate of authority to operate a health maintenance organization offering a single health care service plan.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: April 11, 1988, 3:58 p.m.

TRD-8803701

**Tuesday, April 19, 1988, 2 p.m.** The board will meet in Room 414, to consider board orders on several different matters as itemized; consider personnel matters concerning Fire Marshall, General Counsel, Statistical and Rate Development, Research and Information Services, and Commissioner; consider litigation matters concerning Fire Marshal and Commissioner; and posting for position of Assistant General Counsel.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: April 11, 1988, 3:17 p.m.

TRD-8803692

**Wednesday, April 20, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9864-Whether disciplinary action should be taken against Paula Ann Tarna Allen, Mabank and Gun Barrel City, who holds a Group I, legal reserve life insurance agent's license and a solicitor's license issued by the board.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: April 11, 1988, 3:57 p.m.

TRD-8803706

**Wednesday, April 20, 1988, 1:30 p.m.** The Commissioner's Hearing Section will

meet in Room 353, to consider Docket 9885-Application for approval of amendment to articles of incorporation of American Capitol Insurance Company, Houston, changing the authorized capital stock and restating articles of incorporation.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: April 11, 1988, 3:58 p.m.

TRD-8803704

**Friday, April 22, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9873-Whether disciplinary action should be taken against Anthony Wayne Jackson, Overton and Troup, who holds a group I, legal reserve life insurance agent's license, a group II, health and accident insurance agent's license, a local recording agent's license and a group IV, variable contract agent's license issued by the board.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: April 11, 1988, 3:59 p.m.

TRD-8803698

**Friday, April 22, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9879-Request of Whitehall SLD, Inc., Dallas, to withdraw deposit held by State Treasurer to the Insurance Code Article 21.07-1, §4(d)(c).

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: April 11, 1988, 3:58 p.m.

TRD-8803702

**Friday, April 22, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9881-Application of Ronald Neal Legg, Dallas, for a group I, legal reserve life insurance agent's license.

Contact: Earl Corbitt, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: April 11, 1988, 3:58 p.m.

TRD-8803703

**Friday, April 22, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 353 to consider Docket 9886-Approval of the restated articles of agreement of A.I. Lloyds Insurance Company, Dallas.

Contact: O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: April 11, 1988, 3:58 p.m.

TRD-8803705



**Monday, April 25, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9882-Whether disciplinary action should be taken against Gulf Insurance Company, Dallas, who holds a certificate of authority issued by the board.

**Contact:** J.C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** April 11, 1988, 3:57 p.m.

TRD-8803707

## Lamar University System Board of Regents

**Monday, April 11, 1988.** The Board of Regents of Lamar University System will meet in the Map Room, John Gray Institute, 855 Florida, Beaumont. Times and agendas follow.

**9 a.m.** The board considered the following committees: Finance and Audit Committee, Building and Grounds Committee, Academic Affairs Committee, Student Relations and Services Committee, and Personnel Committee. The board also met in executive session.

**Contact:** George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** April 7, 1988, 1:44 p.m.

TRD-8803567

**Monday, April 11, 1988, 11 a.m.** The board made an emergency revised agenda to consider appointment of head basketball coach.

**Contact:** George McLaughlin, P.O. Box 11900, Beaumont, Texas 77705, (409) 880-2304.

**Filed:** April 8, 1988, 12:58 p.m.

TRD-8803622

**Thursday, April 14, 1988,** The Board of Regents will meet in the John Gray Institute, 855 Florida, Beaumont. Times, rooms, and agendas follow.

**10:30 a.m.** The Executive Committee met in the Office of the Chancellor in executive session under provisions of Texas Civil Statutes, Article 6252-17§2 to consider legal, real estate, personnel, and evaluation/goals review.

**Contact:** George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** April 11, 1988, 10:53 a.m.

TRD-8803673

**1 p.m.** The board approved minutes of the previous meeting; heard chairman/chancellor's comments; considered approval of Finance and Audit Committee recommendations, Building and

Grounds Committee recommendations, Academic Affairs recommendations, Student Relations and Services Committee recommendations, Personnel Committee recommendations, and Athletic Committee recommendations. The board also met in executive session under provisions of Texas Civil Statutes, Article 6252-17.

**Contact:** George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** April 11, 1988, 10:53 a.m.

TRD-8803674

## Texas Board of Law Examiners

**Sunday-Tuesday, April 17-19, 1988, 8 a.m. daily except for 2 p.m. on Sunday.** The Texas Board of Law Examiners will meet at the Texas Law Center, 1414 Colorado Street, Austin, except for April 17, 1988, at the Guest Quarters Hotel, 303 West 15th Street, Austin. According to the agenda, the board will approve minutes of the February 1988 meeting; consider budget status fiscal year 1988 budget; discuss February 1988 and July 1988 exams; consider policies regarding rule changes recently adopted by court and travel reimbursement policy; review multi-state bar exam and professional responsibility exam; consider questions of eligibility and special request and hearings on moral character and fitness.

**Contact:** Wayne E. Denton, 510 South Congress Avenue, Suite 116, Austin, Texas 78701, (512) 463-1621.

**Filed:** April 8, 1988, 11:36 a.m.

TRD-8803605

## Texas Lay Midwifery Board

**Friday, April 15, 1988, 10 a.m.** The Texas Lay Midwifery Board will meet in Room T-506, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve minutes of the previous meeting; consider county clerk meeting, courses and exams, identification for exam, exceptions to requirements for instructors, issues on site for Austin Course, statistics for 1988-update, and disclosure form and letter; hear report on Association of Texas Midwives and legislative report; consider proposed legislation; and discuss next meeting.

**Contact:** Joceline Alexander, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700.

**Filed:** April 7, 1988, 1:23 p.m.

TRD-8803574

## Texas Department of MHMR

**Thursday, April 21, 1988, 2 p.m.** The Texas Board of MHMR-Business Committee of the Texas Department of MHMR, will meet in Wade Building 315, Beaumont State Center, 655 South Eighth Street, Beaumont. According to the agenda, the budget guidelines for fiscal year operating budget and fiscal years 1990-1991 budget request and fiscal year 1988 operating budget adjustment.

**Contact:** James A. Adkins, P.O. Box 12668, Austin, Texas 78711-2668, (512) 465-4588.

**Filed:** April 8, 1988, 4:55 p.m.

TRD-8803651

**Thursday-Friday, April 21-22, 1988, 3 p.m. and 9 a.m.** The Texas Board of MHMR of the Texas Department of MHMR, will meet in the Beaumont State Center, 655 South Eighth Street, Beaumont. According to the agenda summary, the board will hear citizens comments; approve minutes of the March 30 and 31, 1988 meeting; and consider issues on agenda. Deaf interpreters will be available, but will be released if service not requested within first hour of meeting.

**Contact:** James A. Adkins, P.O. Box 12668, Austin, Texas, (512) 465-4588

**Filed:** April 8, 1988, 4:54 p.m.

TRD-8803655

## Pan American University

**Tuesday, April 12, 1988, 10 a.m.** The Board of Regents of Pan American University met in the Law Library, Administration Building, Pan American University, Edinburg. According to the agenda, the board met in executive session to hear report from Attorney Ed Mann to the committee.

**Contact:** Miguel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2800.

**Filed:** April 8, 1988, 1:29 p.m.

TRD-8803623

## Board of Pardons and Paroles

**Monday-Friday, April 18-22, 1988, 1:30 p.m. daily, except 11 a.m. on Friday.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: April 8, 1988, 11:28 a.m.

TRD-8803602

**Tuesday, April 19, 1988, 1:30 p.m.** The Board of Pardons and Paroles will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentences; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: April 8, 1988, 11:27 p.m.

TRD-8803603

### State Preservation Board

**Monday, April 18, 1988, 2 p.m.** The Capitol Architect Selection Committee of the State Preservation Board will meet in the Lieutenant Governor's Committee Room 220, State Capitol, Austin. According to the agenda, the board will discuss procedures for the selection process; approve evaluation form for applicant review; consider distribution of resumes and additional business.

Contact: Dealey Herndon, 322 Congress Avenue, Austin, Texas 78701, (512) 477-7743.

Filed: April 8, 1988, 4:10 p.m.

TRD-8803633

### Texas State Board of Public Accountancy

The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Dates, times, and agendas follow.

**Monday, April 18, 1988, 8:30 a.m.** The Continuing Education will review exemption requests and forms which have been submitted to the committee, CE hours submitted by licensees who have received a board sanction for noncompliance with CE requirements, review requests for additional credit for published articles and books, review sponsor registrations; requests for CE credit from unregistered sponsors; review statistical report concerning CE and definitions relating to Continuing Education; and consider other matters coming before the committee.

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

Filed: April 8, 1988, 9:17 a.m.

TRD-8803601

**Monday, April 18, 1988, 1:30 p.m.** The Long-Range Planning Committee will discuss proposed amendments to the Act and sunset legislation to be effective September 1, 1991; review response to Senator Chet Brooks requests for attorney general opinion on the use of term "accountant" by unlicensed individuals; hear report on the status of implementing a positive enforcement program; discuss possible amendments to substantive rule 505.10 concerning board committees, feasibility of recognition by specialization by CPAs, and HCR 36 relating to the proposed legislative combining of certain state agencies; and consider other matters before the committee.

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

Filed: April 8, 1988, 9:17 a.m.

TRD-8803640

**Tuesday, April 19, 1988, 9 a.m.** The Hearings Division will consider Dockets 7767, 6963, 7444, 7555, 8010, 7805, 6449, 7639, 7735, 7910, 7839, 7998, and 8008. The division will also consider permanent adoption of substantive rules §§23.21, 23.52, and 23.69.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: April 11, 1988, 2:38 p.m.

TRD-8803688

**Tuesday, April 19, 1988, 9 a.m.** The Hearings Division will consider Dockets 6668/6753-Inquiry of the commission into the prudence and efficiency of the planning and management of the construction of the South Texas Nuclear Project and inquiry of the commission into the treatment of settlement proceeds from the settlement between Brown and Root and the participants in the South Texas Project-appeal of examiner's order 29.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: April 11, 1988, 2:37 p.m.

TRD-8803689

**Wednesday, April 27, 1988, 9 a.m.** The Entry and Reentry Screening Committee will consider ratification of approved applications for registration of partnerships and professional corporations, applications for reinstatement of CPA certificates, ratification of previously approved applications under §§12, 13, and 14 consideration of non-routine applications under §§12, 13, and 14, information conferences for individuals requesting an appearance before the committee; review convictions reported by licensees on their 1988 renewal notices, information relating to Department of Public Safety criminal background investigation

reports, request for surrender of CPA certificates under §12(a) of the Act, plans for the May 1988 swearing-in ceremony, licensing statistics, and license notice for 1989 and other matters before the committee.

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

Filed: April 8, 1988, 9:17 a.m.

TRD-8803600

### 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, April 18, 1988, 10 a.m.** The Administrative Division will approve minutes of the previous meeting; hear reports, discussion, and action on budget and fiscal matters; consider proposal by Administrative and Public Law Section of Texas State Bar for interagency contract to compile hearings examiner training manual and reference, City of Austin coal request, Texas Gas Association resolution (advertising and marketing); consider the universal service fund-publication of proposed rules and authorization for commission staff to negotiate administrative contract with Texas Exchange Carrier Association; approval of contract of STNP audit and proposal for the creation of an Access Charge Task Force and setting time and place for next meeting. The division also will meet in executive session to consider personnel matters and litigation matters.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: April 8, 1988, 4:30 p.m.

TRD-8803645

**Monday, April 18, 1988, 1:30 p.m.** The Hearings Division will consider Docket 8059-Application of Houston Lighting and Power Company to amend its certificate of convenience and necessity for the South Texas Nuclear Project and the Limestone Electric Generating Station.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: April 7, 1988, 3:04 p.m.

TRD-8803585

**Wednesday, May 18, 1988, 10 a.m.** The Hearings Division will consider Docket 7790-Petition of the General Counsel for an evidentiary proceeding to determine market dominance among interexchange telecommunications carriers.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757,

(512) 458-0100

Filed: April 8, 1988, 2:41 p.m.

TRD-883639

Wednesday, June 1, 1988, 10 a.m. The Hearings Division will consider Docket 13-Application of Eastern New Mexico Rural Telephone Cooperative, Inc. to alter inside wire and CPE and approval of tariff revisions, and a new local exchange tariff.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: April 8, 1988, 2:41 p.m.

TRD-8803635

## Railroad Commission of Texas

Monday, April 11, 1988, 3 p.m. The Railroad Commission of Texas met in emergency session in the Hearing Room A (Federal Energy Regulatory Commission), 825 North Capitol Street, N.E., Washington D.C. According to the agenda, the commission will hear presentation by the commission before the Federal Energy Regulatory Commission in Docket RM87-34-000 et al, order 500 (regulation of natural gas pipeline after partial decontrol). The Federal Energy Regulatory Commission's Hearing will begin at approximately 10:30 a.m., but the commission's presentation will not begin until after 5 p.m. The emergency status was necessary because reasonably unforeseeable scheduling modifications by the FERC which require immediate action by the commission, coupled with the public health and safety impacts that may be had on the Texas public by order 500 require the commission to represent the interests of Texas to the FERC.

Contact: Andy Taylor, General Counsel, RRC, Austin, Texas 78701, (512) 463-6768.

Filed: April 11, 1988, 11:28 a.m.

TRD-8803675

Monday, April 18, 1988, 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 Administrative Services Division will consider and act on the division director's report on division administration, budget, procedure, and personnel matters, including but not limited to discussion, and/or action on the following: management study, oil and gas general counsel, oil field investigator personnel and their operations, the creation and designation of an executive director with related positions and matters, and personnel matters relating to the office of general counsel and special counsel.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7527.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803616

The Automatic Data Processing Division will consider and act on the 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: April 8, 1988, 10:33 a.m.

TRD-8803612

The Flight Division will consider and act on the division director's report on division administration, budget, procedures and personnel matters.

Contact: Ken Fossler, P.O. Drawer 12967, Austin, Texas 78711, (512) 453-6787.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803614

The Gas Utilities Division will consider various matters within the regulatory jurisdiction of the Railroad Commission of Texas. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

Contact: Shelley A. Dreiling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7009.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803608

The Office of General Counsel will consider and act on the general counsel's report on division administration, budget, procedures, and personnel matters; including but not limited to discussion and/or action on the following: Hufo Oils, et al v. Railroad Commission C-5937 in the Supreme Court of Texas, Walker Operating, et al v. Federal Energy Regulatory Commission, U.S. Court of Appeals for the 10th Circuit, 85-2683 and 86-2698 et al in relation of Oil and Gas Docket 10-87,017; FERC Orders 500, 500 A-C, and related litigation in the D.C. fifth, third, and seventh circuits.

Contact: Gail Watkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803619

The Office of Information Services will consider and act on the Division Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78704, (512) 463-6710.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803611

The Investigation Division will consider and act on the 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: April 8, 1988, 10:33 a.m.

TRD-8803630

LP-Gas Division will consider and act on division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6931.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803618

The Oil and Gas Division 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: Tim Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7325.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803607

The Oil and Gas Division will consider category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803613

The Personnel Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803617

The Office of Research and Statistical Analysis will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803609

The Office of Special Counsel will consider and act on division director's report relating to state and federal legislation, budget, administrative and personnel matters, and proposed and pending litigation.

Contact: Walter E. Lilie, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803615

The Surface Mining Division 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: Jerry Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6900.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803610

The Transportation Division 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: C. Tom Clowe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803606

Wednesday, April 20, 1988, 10 a.m. The Oil and Gas Division will hold statewide oil and gas hearings at the Sheraton Crown Hotel and Conference Center, 15700 Arummet Boulevard, Houston.

Contact: Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

Filed: April 8, 1988, 10:33 a.m.

TRD-8803621

### Texas Real Estate Commission

Monday, April 18, 1988, 9:30 a.m. The Texas Real Estate Commission will meet in the Conference Room, 1101 Camino La Costa, Austin. According to the agenda summary, the commission will discuss 22

TAC §535.162 and §535.164 concerning disclosure of agency in real estate transactions; consider final action on proposed amendment to 22 TAC §542.1 concerning notices to applicants, processing time and appeals; consider proposed new 22 TAC §§53.510-535.17 concerning minimum standards for real estate appraisals by licensees; and hear staff reports for month of February 1988; and consider motions for rehearing and/or probation and entry of orders in contested cases. The commission will also meet in executive session to discuss pending litigation pursuant to Texas Civil Statutes, Article 6252-17§2(c).

Contact: Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 465-3900.

Filed: April 8, 1988, 4:24 p.m.

TRD-8803637

### Senate Subcommittee on Health Services

Thursday, April 14, 1988, 1:30 p.m. Senator Carlos F. Truan, Chairman of the Senate Subcommittee on Health Services met in emergency session in Old Supreme Court Room, 310, State Capital Building, Austin. According to the agenda, the subcommittee discussed the scope of its interim study on the state's ICF-MR program and heard from state agencies and interested public groups regarding the state's prospective payment program and its relation with Medicaid funding for certain MR facilities. The emergency status was necessary because time constraints on Senators' schedules and urgency of prospective payment program issue.

Contact: Robin Herskowitz, P.O. Box 12068, Austin, Texas 78711, (512) 463-0331, 463-0120.

Filed: April 8, 1988, 11:32 a.m.

TRD-8803604

### Office of the Speaker

Tuesday, April 12, 1988, 9:30 a.m. The Oil Overcharge Review Committee of the Office of the Speaker met in emergency session in the Lieutenant Governor's Room to discuss funding cycle, presentation of programs by the governor's office, and authorization of expenditures. The emergency status was necessary to expedite the funding of oil overcharge programs.

Contact: Kelly Young, Office of the Speaker, (512) 463-1100.

Filed: April 7, 1988, 4:38 p.m.

TRD-8803592

### Select Committee on Tax Equity

Thursday, April 21, 1988, 9 a.m. The Select Committee on Tax Equity will meet in the Joe C. Thompson Center Auditorium, UT at Austin, 26th and Red River, adjacent to LBJ Library, Austin. According to the agenda, the committee will review state taxes and related issues not covered in earlier meetings and other research issues. Public testimony will be taken.

Contact: Billy Hamilton, Reagan Building, Room 304, Austin, Texas 78711, (512) 463-1238.

Filed: April 11, 10:29 a.m.

TRD-8803672

### Toxic Substances Coordinating Committee

Thursday, April 28, 1988, 9 a.m. The Toxic Substances Coordinating Committee will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve minutes of the February 25, 1988, meeting; review coordination plan outline; consider Texas Air Control Board, gulf air monitoring data, Texas Department of Agriculture, agriculture worker right-to-know, discuss upcoming activities, new business, and agency assignments; and consider next meeting schedule.

Contact: Dennis Perrotta, 1100 West 49 Street, Austin, Texas 78756, (512) 457-7268.

Filed: April 11, 1988, 4:18 p.m.

TRD-88938695

### University of Texas System

Thursday, April 14, 1988, 11 a.m. The Board of Regents and Standing Committee of the University of Texas System met in the Caduceus room, Sixth Floor, Administration Building, U.T. Medical Branch, 301 University Boulevard, Galveston. According to the agenda summary, the board and committees will consider PUF refunding bonds, chancellor's docket (submitted by system administration), flexible programs, 1990-1991 legislative budget requests, fees, U.T. El Paso doctoral degree, appointments to endowed academic positions, buildings and grounds matters including authorization for projects, approval of preliminary and final plans, award contracts, agreements, U.T. Cancer Center name change, land and investment matters, endowment/trust fund real estate policy guidelines, acceptance of gifts, bequests and estates, establishment of endowed positions and funds, real estate matters, intellectual property, litigation, personnel matters, land acquisition and negotiated contracts.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

Filed: April 8, 1988, 1:30 p.m.

TRD-8803625

## Texas Water Commission

The Texas Water Commission will meet in Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Dates, times, rooms, and agendas follow.

**Tuesday, April 19, 1988, 10 a.m.** The commission will meet in Room 118, to consider water district bond issues, use of surplus funds, imposition of standby fees, increase water rates, application for certificate of convenience and necessity, water quality proposed permits, amendments, minor amendments, renewals, reinstatement of water quality permit, water rights applications, forfeiture and abandonment of permit, consideration of motion for rehearing, and consideration of adoption of amendments to 31 TAC Chapter 337 concerning substantial noncompliance and emergency conditions and preliminary enforcement reports in regards to certificates of convenience and necessity and other utility matters.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: April 8, 1988, 4:30 p.m.

TRD-8803660

**Tuesday, April 19, 1988, 2 p.m.** The commission will meet in Room 118, to hear enforcement report for order requiring certain actions of City of New Boston (Permit 10482-01); consider appeal of sewer rate ordinance by City of Rockport (Docket 7460-C); and consider application by T.M. Wolfe and Associates, Inc. doing business as Glenlake Water System for certificate of convenience and necessity.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: April 8, 1988, 4:28 p.m.

TRD-8803661

**Wednesday, April 20, 1988, 2 p.m.** The commission will meet in Room 118, to consider application by United Spaces, Inc. for authorization to discharge treated domestic wastewater effluent at a volume not to exceed an average flow of 52,000 gallons per day from the Preston West Farms Wastewater Treatment Plant, Denton County.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: April 8, 1988, 4:30 p.m.

TRD-8803659

**Tuesday, May 31, 1988, 9 a.m.** The commission will meet in Room 118, to consider City of Moulton seeking a permit 5130 which authorizes the construction of a dam and reservoir on West Prong Lavaca River, tributary of Lavaca River, Lavaca River Basin, Lavaca County, for recreational purposes at Moulton, approximately 15.5 miles northwest of Hallettsville.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Filed: April 8, 1988, 4:28 p.m.

TRD-8803664

**Tuesday, May 31, 1988, 9 a.m.** The commission will meet in Room 118, to consider Riverbrook Associates, a joint venture, seeking a permit to construct a diversion channel between Middle Bayou into Rabbs Bayou to provide flood protection of a proposed development approximately eight miles east of Richmond, Fort Bend County. Rabbs Bayou is a tributary of the Brazos River, Brazos River Basin.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: April 8, 1988, 4:28 p.m.

TRD-8803665

## West Texas State University

**Friday, April 8, 1988, 10:30 a.m.** The Board of Regents of West Texas State University submitted a revised agenda for a meeting held in Room 211, Virgil Henson Activities Center, West Texas State University, Canyon. According to the agenda, the board discussed Panhandle-Plains Historical Museum fiscal year 1989 funding and organizational operation and any necessary action thereon; considered examination of administration/faculty/staff relationships related to academic freedom and action thereon. The board also met in executive session as authorized by Texas Civil Statutes, Article 6252-17, §2f and 2g to consider potential impact of funding adjustments on museum personnel and university personnel. The emergency status was necessary because reasonably unforeseeable situations requiring immediate action.

Contact: Texas Smith, West Texas State University, Canyon, Texas 79016, 656-2100.

Filed: April 7, 1988, 10:34 a.m.

TRD-8803565

## Regional Meetings

### Meetings Filed April 7, 1988

The Bexar-Medina-Atascosa Counties Water Control and Improvement District #1, Board of Directors, will meet April 11,

1988, at 8 a.m. Information may be obtained from C.A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Brazos Valley Development Council, Executive Committee, met in Suite 2, 3006 East 29th Street, Bryan, on April 14, 1988, at 1:30 p.m. Information may be obtained from Glenn J. Cook, 3006 East 29th Street, Suite 2, Bryan, Texas (409) 776-2277.

The Concho Valley Council of Governments, Executive Committee, met at 5002 Knickerbocker Road, San Angelo, on April 13, 1988, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Deep East Texas Private Industry Council, Inc. Planning Committee, met at the Rodeway Inn, Lufkin, on April 13, 1988, at 12:30 p.m. Information may be obtained from Mary Daniel, P.O. Box 2381, Beaumont, Texas 77704, (409) 833-7421.

The Golden Crescent Regional Planning Commission, Executive Committee will meet in the Boardroom, Regional Airport, Building 102, Victoria, on April 20, 1988, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Golden Crescent Service Delivery Area, Private Industry Council, Inc., met at 1301 East Rio Grande, Victoria, on April 13, 1988, at 6:30 p.m. Information may be obtained from Cleve F. Schoener, P.O. Box 2149, Victoria, Texas 77902.

The Henderson County Appraisal District, Board of Directors, met at 1751 Enterprise, Athens, on April 11, 1988, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas (214) 675-9296.

The Rio Grande Council of Governments, Board of Directors, met in the Second Floor Conference Room, The Centre, 123 Pioneer Plaza, El Paso, on April 15, 1988, at 9:30 a.m. Information may be obtained from Cecile C. Gamez, 123 Pioneer Plaza, Suite 210, El Paso, Texas 79901, (915) 533-0998.

TRD-8803565

## Meetings Filed April 8, 1988

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on April 15, 1988, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Dallas Central Appraisal District, Board of Directors, met at Suite 500, 1420 West Mockingbird Lane, Dallas, on April 13, 1988, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

**The Dallas Area Rapid Transit Authority, Planning and Development Committee and Board of Directors,** met at 601 Pacific Avenue, Dallas, on April 12, 1988, at 2 p.m. and 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Dewitt County Appraisal District, Board of Directors,** will meet at 103 Bailey Street, Cuero, on April 19, 1988, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

**The Education Service Center, Region IX, Board of Directors,** met in the Boardroom, 301 Loop 11, Wichita Falls, on April 14, 1988, at 1:30 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

**The Ellis County Tax Appraisal District,** met at 406 Sycamore Street, Waxahachie, on April 14, 1988, at 7 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Garza County Appraisal District, Board of Directors,** met at the Courthouse, Post, on April 14, 1988, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

**The Gonzales County Appraisal District, Board of Directors,** met at 928 St. Paul Street, Gonzales, on April 14, 1988, at 5 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Grand Parkway Association,** met at 5757 Woodway, 140 East Wing, Houston, on April 13, at 1:30 p.m. Information may be obtained from Larry W. Nettles, 2823 First City Tower, 1001 Fannin, Houston, Texas 77002-6760, (713) 654-4586.

**The Hays County Appraisal District, Appraisal Review Board and Board of Directors,** met at 632 A East Hopkins, San Marcos, on April 13, 1988, at 9 a.m. and April 14, 1988, at 4:30 p.m., respectively. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400.

**The Hockley County Appraisal District, Board of Directors,** will meet at 1103-C Houston Street, Levelland, on April 11, 1988, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

**The Texas Municipal League (Risk and Insurance Management Services), Board of Trustees,** will meet at Dallas Marriott Mandalay at Las Colinas, Irving, on April 15-16, 1988, at 8 a.m. Information may be obtained from Carmen E. Velez.

TRD-8803593



## Meetings Filed April 11, 1988

**The Gray County Appraisal District, Board of Directors,** met at 815 North Sumner, Pampa, on April 14, 1988, at 5 p.m. Information may be obtained from W. Pat Bagley, 815 North Sumner, Pampa, Texas (806) 665-0791.

**The Gregg Appraisal District, Board of Directors,** met at 2010 Gilmer Road, Longview, on April 14, 1988, at 10:30 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

**The Hale County Appraisal District, Appraisal Review Board,** will meet at 302 West Eighth Street, Plainview, on April 21, 1988, at 9 a.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072 (806) 293-4226.

**The Houston-Galveston Council, Board of Directors,** will meet in the Fourth Floor Conference Room, 3555 Timmons, Houston, on April 19, 1988, at 10 a.m. Information may be obtained from Sallie Sosa, P.O. Box 22777, Houston, Texas 7227, (713) 627-3200.

**The Appraisal District of Jones County, Board of Trustees,** will meet at 1137 East Court Plaza, Anson, on April 21, 1988, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

**The Lamb County Appraisal District, Board of Directors,** will meet in the Boardroom, 330 Phelps Avenue, Littlefield, on April 19, 1988, 7:30 p.m. Information may be obtained from Murlene J. Godfrey, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

**The Lower Neches Valley Authority, Board of Directors,** will meet in LNVA Conference Center, Sam Rayburn Country, Sam Rayburn, on April 19, 1988, at 10:30 a.m. Information may be obtained from A.T. Hebert Jr, P.O. Drawer 34654, Beaumont, Texas 77704, (409) 892-4011.

**The Mason County Appraisal District,** will meet at 206 Ft. McKavitt Street, Mason, on April 20, 1988, at 5:15 p.m. Information may be obtained from Neal Little, 347-5989.

**The Nortex Regional Planning Commission, Executive Committee,** will meet in the Bounty Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on April 21, 1988, at noon. Information may be obtained from Edwin B. Daniel, 2010 Kemp Boulevard, Wichita Falls, Texas (817) 322-5281.

**The North Texas Municipal Water District, Board of Directors,** will meet at 505 East Brown Street, Wylie, on April 28, 1988, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas 75098, (214) 442-

5405.

**The Palo Pinto Appraisal District, Board of Directors,** will meet at the Palo Pinto County Courthouse, Palo Pinto, on April 20, 1988, at 3 p.m. Information may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-3651 ext. 234.

**The San Antonio River Authority, Board of Directors and Salary Review and Personnel Committee,** will meet at 100 East Guenther Street, San Antonio, on April 20, 1988, at 2 p.m. and 4 p.m. respectively. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

**The South Plains Regional Housing Authority, Board of Commissioners,** will meet in Suite 115, 1837 Avenue I, Levelland, on April 28, 1988, at 4 p.m. Information may be obtained from John F. Gildersleeve, P.O. Box 690, Levelland, Texas 79336, (806) 894-4560.

TRD-8803641



## Meetings Filed April 12, 1988

**The Alamo Area Council of Governments, Executive Committee,** will meet in Suite 400, 118 Broadway, San Antonio, on April 27, 1988, at 1 p.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

**The Brazos River Authority, Board of Directors,** will meet at 4400 Cobbs Drive, Waco, on April 18, 1988, at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

**The Heart of Texas Region MHMR, Board of Trustees,** will meet at 110 South 12th Street, Waco, on April 19, 1988, at 11:45 a.m. Information may be obtained from Helen Shedfield, 110 South 12th Street, Waco, Texas 76701, (817) 752-3451, ext. 213

**The Hunt County Tax Appraisal District, Board of Directors,** will meet in the Boardroom, 4801 King Street, Greenville, on April 21, 1988, at 7 p.m. Information may be obtained from Joe Pat Davis or Linda S. Haynes, P.O. Box 1339, Greenville, Texas 75401.

**The Trinity River Authority of Texas, Utility Services Committee,** will meet at 5300 South Collins, Arlington, on April 18, 1988, at 10:30 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-8803708



# 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

### Correction of Error

The Texas Air Control Board submitted adopted sections which contained errors as published in the April 1, 1988 issue of the *Texas Register* (13 TexReg 1541).

In §115.193, subsection (e) should read: "(e) After December 31, 1987, in Dallas and Tarrant Counties, only those surface coating operations which when uncontrolled will emit a combined weight of volatile organic compounds of less than 100 pounds (45.4 kg) per day, except aircraft exterior prime coating controlled by §115.191(a)(9)(A)(v) of this title (relating to Emission Limitations) and automobile refinishing controlled by §115.191(a)(8)(D) of this title (relating to Emission Limitations), shall be exempt from the provisions of §115.191 of this title (relating to Emission Limitations)."

In §115.194, subsection (a) should read: "(a) All affected persons within Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria counties shall be in compliance with §§115.191-115.194 of this title (relating to Surface Coating in Brazoria, Dallas, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties) except for §115.191(a)(7)(B), (a)(8)(B), and (a)(9)(A)(v) of this title (relating to Emission Limitations) as soon as practicable, but not later than December 31, 1982, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979."

## Texas Department of Banking

### Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a trust company to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular trust company. A hearing may be held if the application is denied by the commissioner.

On March 22, 1988, the banking commissioner received an application to acquire control of The Trust Company of Texas, Dallas, by American Trustcorp, Inc., Tulsa, Oklahoma.

On April 4, 1988, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on April 4, 1988.

TRD-8803506

William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: April 6, 1988, 1:53 p.m.

For further information, please call (512) 479-1200.

## State Banking Board

### Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Monday, May 9, 1988, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Eagle Management and Trust Company, Houston.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, State Banking Department, 2601 North Lamar Boulevard, Austin, Texas 78705 (512) 479-1200.

Issued in Austin, Texas, on April 6, 1988.

TRD-8803566

William F. Aldridge  
Director of Corporate Activities  
State Banking Department

Filed: April 7, 1988, 1:46 p.m.

For further information, please call (512) 479-1200.

## Texas Department of Commerce

### Weekly Report on the 1988 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 \$834,100,000.

State legislation, Senate Bill 1382, Chapter 1092, Acts of the 70th Legislature, (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 \$278,033,300 with \$185,355,500 available to the local housing authorities and \$92,677,800 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$208,525,000 and the amount for all other bonds requiring an allocation is \$347,541,700.

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, March 28, 1988, through April 1, 1988.

Weekly report on the 1988 allocation of the state ceiling on certain private activity bonds as pursuant to Senate Bill 1382.

Total amount of state ceiling remaining unreserved for the \$278,033,300 subceiling for qualified mortgage bonds under the Act as of April 1, 1988: \$190, 185,425.

Total amount of state ceiling remaining unreserved for the \$208,525,000 subceiling for state-voted issues under the Act as of April 1, 1988: \$208,525, 000.

Total amount of state ceiling remaining unreserved for the \$347,541,700 subceiling for all other bonds under the Act as of April 1, 1988: none.

Total amount of the \$834,100,000 state ceiling remaining unreserved as of April 1, 1988: \$398,710,425.

### Withdrawal of Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Office of Tourism of the Texas Department of Commerce announces the withdrawal of the consultant proposal request for a travel development vendor that appeared in the January 26, 1988, issue of the *Texas Register* (13 TexReg 512).

## 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 <sup>(3)</sup> /Agricultural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate - Art. 1.04(a)(1)	04/11/88-04/17/88	18.00%	18.00%
Monthly Rate <sup>(1)</sup> Art. 1.04(c)	04/01/88-04/30/88	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	04/01/88-06/30/88	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 <sup>(3)</sup>	04/01/88-06/30/88	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d) <sup>(3)</sup>	04/01/88-06/30/88	14.00%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) <sup>(2)</sup>	04/01/88-06/30/88	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 <sup>(3)</sup>	04/01/88-06/30/88	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	04/01/88-06/30/88	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	04/01/88-04/30/88	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) T.C.S.

(3) Credit for personal, family or household use.

(4) Credit for business, commercial, investment or other similar purpose.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from March 28, 1988, through April 1, 1988: none.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from March 28, 1988, through April 1, 1988:

Issuer: Panhandle-Plains Higher Education Authority, Inc.; User: Eligible Borrowers; Description: Qualified Student Loan Bonds; Amount: \$46,600,000.

Issued in Austin, Texas, on April 5, 1988.

TRD-8803521 J.W. Lauderback  
Executive Director  
Texas Department of Commerce

Filed: April 6, 1988, 4:41 p.m.

For further information, please call (512) 472-5059

Issued in Austin, Texas, on April 7, 1988.

TRD-8803590 J. William Lauderback  
Executive Director  
Texas Department of Commerce

Filed: April 7, 1988, 4:23 p.m.

For further information, please call (512) 320-9679.



Issued in Austin, Texas, on April 4, 1988.

TRD-8803505 Al Endsley  
Consumer Credit Commissioner

Filed: April 6, 1988

For further information, please call (512) 479-1280



## Texas Department of Corrections Consultant Proposal Request

The Texas Department of Corrections (TDC) invites offers to serve as consultants for construction services. This invitation is made under Texas Civil Statutes, Article 6252-11c.

The consultant will be responsible for monitoring the Construction Division's Fiscal Year 1988-1989 Facilities Expansion and Improvements Program and to provide periodic reports relative to status, budgets, and schedules to the Board of Corrections. The consultant will also be responsible for developing reporting systems that the Board of Corrections feels are necessary for monitoring designated programs. Monitoring activities with respect to the program will include, but not be limited to, some of the following areas: design phases; bidding phases; and construction phases.

The TDC and Board of Corrections intends to evaluate each proposal and may then award a contract based upon the proposer's demonstrated competence, capabilities, knowledge, and qualifications for the expected services.

A copy of the request for proposal may be obtained by contacting: Charles T. Terrell, Texas Board of Corrections, P.O. Box 35948, Dallas, Texas 75235.

All proposals shall be submitted no later than 3 p.m., April 29, 1988, sealed, and labeled "Consultant Services for Construction."

Issued in Huntsville, Texas, on April 14, 1988.

TRD-8803596 Michael R. Davis  
Assistant General Counsel  
Texas Department of Corrections

Filed: April 8, 1988, 9:49 a.m.

For further information, please call (409) 294-2700.



## Employees Retirement System of Texas Consultant Contract Award

The award of this contract for consulting services is filed under Texas Civil Statutes, Article 6252-11c. The Employees Retirement System of Texas (ERS) published a request for proposals in the November 6, 1987, issue of the *Texas Register* (12 TexReg 4143), to obtain a private consultant to assist the ERS with its Flexible Benefits (Cafeteria Plan) Program. The consultative services will consist of communication and enrollment of state employees with respect to the Flexible Benefits (Cafeteria Plan) Program.

The due dates of documents or reports of intangible results will be on an ongoing basis. The enrollment period for the Flexible Benefits Plan (Cafeteria Plan) Program will be from June 1, 1988-July 31, 1988. The proposal selected was that of William M. Mercer-Meidinger-Hansen, Incorporated, 1221 Lamar Avenue, Suite 1600, Houston, Texas 77010.

The beginning and ending dates of the contract are January 1, 1988, and December 31, 1988. The total value of the contract will not exceed \$725,077.

Issued in Austin, Texas, on April 8, 1988.

TRD-8803638 Clayton T. Garrison  
Executive Director  
Employees Retirement System of Texas

Filed: April 8, 1988, 4:26 p.m.

For further information, please call (512) 476-6431, ext. 178.



## Heart of Texas Council of Governments Request for Proposals

The Heart of Texas Council of Governments, administrative entity for the Job Training Partnership Act for the Heart of Texas Service Delivery Area, invites proposals for delivery of services in the FY88 Title IIB Summer Program for Youth.

Approximately 600 in-school and out-of-school youth ages 14-16 in the counties of Bosque, Hill, Falls, Freestone, Limestone, and McLennan will participate in a summer school program which consists of one-half day of academic remediation for TEA-approved credit and one-half day of work experience; fourteen fifteen-years-olds will be provided limited work experience, the focus being on job readiness training and introduction to the world of work.

Participants will be given stipends for classroom attendance and wages for work experience. Support services such as transportation and other needed services will be authorized as needed.

Services for program components consist of outreach and recruitment of participants, support services, assessment (procurement of pre-test and post-test data), work experience and slot development, job development and placement, classroom training/academic remediation, job

readiness/job search skill development and/or other life enhancement development; and design of remuneration and record-keeping systems. Innovative projects addressing any of the objectives set forth in the Request for Proposals will be entertained.

The remedial aspects of the programs must be provided by: accredited independent school districts, community colleges, post-secondary institutions; or institutions of higher education; private businesses, trades, technical, or vocational schools certified by the Texas Education Agency; and other education service centers.

Expected outcomes to the participants are as follows: an improvement in mathematics and reading levels as evidenced by the attainment of one-half credit in a TEA-approved course of study; return to full-time school; completion of General Educational Development (GED) Program; enhanced basic life skills; and improved employability skill levels.

Copies of this request for proposals are available at the Heart of Texas Council of Governments, (HOTCOG). Proposals must be submitted to HOTCOG by 5 p.m., Monday, April 21, 1988. Address all Request for Proposal correspondence to the office of Donna Ragland, 320 Franklin Avenue, Waco, Texas 76701.

Questions about the Request for Proposal and proposal development will be entertained in writing or at the bidders' conference. Proposals mailed must be postmarked by midnight, April 20, and must be received as proof.

Issued in Waco, Texas, on March 29, 1988.

TRD-8803564 H.W. Davis  
Executive Director  
Heart of Texas Council of Governments

Filed: April 7, 1988

For further information, please call (817) 756-6631.

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**Texas Higher Education Coordinating Board**

**Notice of Meeting**

The TASP Technical Advisory Panel will meet on Monday and Tuesday, April 25 and 26, 1988, from 8 a.m. to 5 p.m. The meeting will be held in the Four Seasons Hotel at 99 San Jacinto Boulevard in Austin. For additional information contact the Texas Academic Skills Program (TASP) office at the Coordinating Board at (512) 462-6485.

Issued in Austin, Texas, on April 6, 1988.

TRD-8803599 James McWhorter  
Assistant Commissioner for Planning and Administration  
Texas Higher Education Coordinating Board

Filed: April 8, 1988, 9:25 p.m.

For further information, please call (512) 462-6420.

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**Texas Department of Human Services  
Correction of Error**

The Texas Department of Human Services submitted a proposed section which contained errors as published in the April 1, 1988, issue of the *Texas Register* (13 TexReg 1532).

In §27.9801, subitem (I)(b-) should read:

"(-b-) Qualification for the HEP adjustment. To qualify for a HEP adjustment, a selected facility must have a valid cost report in the current ICF-MR cost report data base and must meet two additional conditions:

(-1-) the monthly resident care payment to the selected facility would be higher under the current individual facility rates than under the case mix rates; and

(-2-) the monthly resident care payment to the selected facility would be higher under the HEP historical expenditure rate than under the case mix rates."

Subitem (II)(b-) should read:

"(-b-) Qualification for the SLIP adjustment. To qualify for a SLIP adjustment, a selected facility must have a valid cost report in the current Medicaid ICF-MR cost report data base and must meet two additional conditions:

(-1-) the total monthly payment to the selected facility would be higher under the current individual facility rates than under the case mix rates; and

(-2-) the total monthly payment to the selected facility would be higher under the SLIP historical expenditure rate than under the case mix rates. "

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**Requests for Proposals**

The Texas Department of Human Services (TDHS) is requesting written proposals for Services to Truants and Runaway Program in the department's Region 11.

**Description.** The program provides financial assistance for establishing new programs or strengthening existing programs which address the needs of runaway and truant children and their families, and divert runaway and truant youth from the juvenile justice and the child welfare system.

Eligible applicants include public agencies (units of government), private nonprofit agencies, private for profit agencies, and individuals. Applicants must provide local match funds of 10% per year.

Proposals are to address the following services: family crisis intervention counseling, emergency residential care, and aftercare services for the child and the family.

**Contract Limitations.** The contract period will be from September 1, 1988-August 31, 1989. The total amount of the contracts awarded will be contingent on the region's allocation of contract funds for the Services to Truant and Runaway Program.

**Evaluation and Selection.** Proposals will be evaluated and projects selected based on program description; project experience; staff qualifications and experience; geographic location of services and access to services; program innovativeness; and cost of service.

**Contact Person.** Bid packets and additional information may be obtained from Linda M. Laird, Contract Manager, Texas Department of Human Services, Protective Services for Families and Children, P. O. Box 16017, Mail Code 175-1, Houston, Texas 77222, (713) 696-7382.

**Closing Date.** A conference will be held to address concerns and answer questions potential bidders may have. The conference will be held April 29, 1988, at 9:30 a.m., 1349 East 40th, Room 3, Texas Department of Human

Services, Houston, Texas 77022. The closing date and time for receipt of offers is May 16, 1988, 4 p.m.

Issued in Austin, Texas, on April 7, 1988.

TRD-8803560 Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: April 7, 1988

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

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The Texas Department of Human Services (TDHS) is requesting proposals for services to truants and runaways.

**Description.** The goal of the Services to Truants and Runaways Program is to reduce and prevent the problem of truancy and running away by providing timely and appropriate short-term services to truant and runaway children and their families.

The major objectives of the program are to provide services that help children and families develop skills to cope with problems and stresses in their own homes; services to parents in resuming and maintaining their parental responsibility; and short-term placement for children whose immediate return home is not advisable.

The following children and their families eligible to receive services are: children who are 10-17 years of age; and children whose presenting problem is one of the following: absent from home or living situation without parental permission; homeless; truant from school; or at risk of running away from home.

**Catchment Area.** The catchment area for these services is Hardin, Jefferson, and Orange Counties.

**Limitations.** The contract period will be September 1, 1988-August 31, 1989. Funding will not exceed \$70,000.

This total includes a 10% certified local match requirement. The funding limitation is based on projected allocations and may be subject to modification when the final allocation of funds is made.

**Evaluation and Selection.** The following criteria will be included as part of the proposal evaluation process: geographic location of services; range of services; diversion capability; project experience and staff qualifications; extent of client access to services; feasibility of implementation; innovativeness of services; and cost.

Final selection will be based upon the department's evaluation of previously mentioned criteria.

**Contact Person.** For additional information, or to request a proposal packet, contact Judy S. Templin, Contract Manager/Developer, Texas Department of Human Services, 202 East Pillar, Gladys Hampton Building, Room 316, P.O. Box 767, Nacogdoches, Texas 75963-0767, (409) 569-7931, extension 326.

**Closing Date.** The closing date for receipt of proposals is May 25, 1988. Proposals received after that time will not be considered.

Issued in Austin, Texas, on April 7, 1988.

TRD-8803562 Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: April 7, 1988

For further information, please call (512) 450-3765.  
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The Texas Department of Human Services (TDHS) is requesting proposals for preparation for independent living services.

**Description.** The goal of the Preparation for Independent Living Program is to assist adolescents, ages 14-18, in preparing for emancipation by enhancing their ability to live independently. At a minimum, each applicant must offer to provide or make available all of the following services: counseling; life skills training; vocational/educational assessment and training; case planning; and support services.

The following priorities are established for youth eligible to receive these services: TDHS conservatorship youth ages 16 to 18; TDHS conservatorship youth ages 14 to 16; and any youth 14 to 18 years of age with an open TDHS protective services case.

**Catchment Area.** The catchment area for these services is Jefferson and Orange Counties.

**Limitations.** The contract period will be September 1, 1988-August 31, 1989. Funding will not exceed \$40,000. This amount is based on projected allocations and may be subject to modification when the final allocation of funds is made.

**Evaluation and Selection.** The following criteria will be included as part of the proposal evaluation process: geographic location/client accessibility; range of services; program experience and staff qualifications; plan for provision of services; linkages with community resources; examples of work; and cost.

Final selection will be based upon the department's evaluation of the previously mentioned criteria.

**Contact Person.** For additional information, or to request a proposal packet, contact Judy S. Templin, Contract Manager/Developer, Texas Department of Human Services, 202 East Pillar, Gladys Hampton Building, Room 316, P.O. Box 767, Nacogdoches, Texas 75963-0767, (409) 569-7931, extension 326.

**Closing Date.** The closing date for receipt of offers is May 11, 1988. Proposals received after that time will not be considered.

Issued in Austin, Texas, on April 7, 1988.

TRD-8803561 Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: April 7, 1988

For further information, please call (512) 450-3765.  
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## Pecos River Compact Committee Notice of Meeting

The interstate (Texas and New Mexico) Pecos River Commission will hold its annual meeting at the Carlsbad Public Library Annex on Halagueno Street between Fox and Mermod Streets, Carlsbad, New Mexico on April 21, 1988, starting at 1:30 p.m.

The 1988 annual meeting will be called to order; the minutes of the 1987 annual meeting will be considered; the reports of the chairman, the secretary, the treasurer, the audit, the Engineering, Legal, and Budget Committees, the Bureau of Reclamation, the Corps of Engineers, the United States Geological Survey and others will be presented; unfinished business will be considered; new business will be introduced including the place and date for the 1989 annual meeting; and the meeting will be adjourned.

Issued in Fort Stockton, Texas, on April 5, 1988.

TRD-8803598

B. L. Moody  
Commissioner  
Pecos River Compact Commission

Filed: April 8, 1988, 9:26 a.m.

For further information, please call (915) 336-5034.

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**Public Utility Commission of Texas**  
**Extended Area Service**

The Public Utility Commission of Texas (PUC) granted permission for the publication of proposed changes to §23.3 and §23.49 of the commission's substantive rules. The proposed changes are based on the recommendations of the EAS Advisory Committee which was created by the legislature in September 1987. The PUC accepted the committee's report on February 18, 1988, and ordered the PUC staff to draft rules in conformance with the report. These rules, submitted of even date with these questions to the *Texas Register*, contain several provisions which will be controversial. Therefore, the PUC requests that commenting parties address these issues.

- (1) The proposed changes to §23.3 of the substantive rules define metropolitan exchange calling areas by enumeration. Is this definition permissible under Texas law?
- (2) The proposed changes to §23.49 of the substantive rules include the prohibition of non-optional EAS plans in metro areas. Would adoption of these amendments be in the public interest?
- (3) The proposed changes to §23.49 also allow local exchange companies to recover lost toll revenues in the EAS rate additive. Would adoption of these provisions be in the public interest?

Persons who wish to comment upon these issues should do so in writing, within 30 days after publication of these questions. The commission's mailing address is Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757.

Issued in Austin, Texas, on April 8, 1988.

TRD-8803642

Phillip A. Holder  
Secretary  
Public Utility Commission of Texas

Filed: April 8, 1988.

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

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**Red River Compact Commission**  
**Agenda for April 26, 1988, Meeting**

The interstate (Texas, Oklahoma, Arkansas, and Louisiana) Red River Compact Commission will hold its eighth annual meeting at the Sheraton Hotel, 5301 North State Line, Texarkana, on April 26, 1988, starting at 8:30 a.m.

The eighth annual meeting will be called to order and a welcoming address will be presented; the meeting agenda will be approved; the minutes of the April 30, 1987, meeting will be approved; the reports of the chairman and the secretary/treasurer will be presented, followed by reports from the Texas, Oklahoma, Arkansas, and Louisiana commissioners; and the reports of the Engineering, Legal, and Budget Committees will be presented. Unfinished business will be considered, including resolutions of appreciation for past commissioners. New business will be considered, including preparation and publication of the

1987-1988 annual commission report, assignments to the Legal, Engineering, and Budget Committees, election of officers, appointments to committees, and the place and date for the ninth annual meeting. Comments of the public will be invited, and the meeting will be adjourned.

Issued in Austin, Texas, on March 30, 1988.

TRD-8803558

Allen P. Beinke, Jr.  
Commissioner  
Red River Compact Commission

Filed: April 8, 1988, 9:10 a.m.

For further information, please call (512) 463-8264.

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**Texas Savings and Loan Department**  
**Notice of Application to Establish**  
**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, number 995, 13340 Judson 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 above 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 rules 53.11 through 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 April 6, 1988.

TRD-8803517

Laura M. Hale  
General Counsel  
Texas Savings and Loan Department

Filed: April 6, 1988, 3:08 p.m.

For further information, please call (512) 479-1200.

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**The University of Texas System**  
**Request for Proposals**

The University of Texas Medical Branch at Galveston (UTMB), in accordance with Texas Civil Statutes, Article 6252-11c, solicits to contract with a consultant firm to assist in overall technical advisory capacity to the Computing Services Center (CSC) and to provide interim project management assistance.

**Project Description.** The contractor selected to provide the required advisory and project management services to UTMB shall: provide ad hoc senior and general management assistance in designated individual projects associated with the UTMB planning process; serve in a senior advisory capacity for the director of CSC and senior staff; assist in the development an overall, long-range CSC plan, involving, but not limited to, the following: identify key project planning issues, solicit concurrence from both executive and CSC management as to the scope of the

planning project, acquire an understanding of CSC's organizational dynamics and its associated strategic factors, analyze these strategies to determine insights into opportunities for using technology to implement strategy, and form the basis for defining technology needs and requirements for the UTMB information systems; compare the CSC information systems status and direction to that of similar institutions; evaluate industry, functional, and information technology trends in order to determine their impact upon CSC practices; assist in the directions of a long-range plan for development of detailed tactics for both staged implementation and associated funding approval; prepare new technology initiatives for high priority projects by defining the characteristics and components of processing architectures; provide interim CSC project management assistance to supplement Applications Group Managers in implementation of their proposed reorganization including: supply technical management and support to current and on-going operations, help establish and develop new functional areas such as quality assurance, assist in the implementation of a release strategy to software development, and provide interim CSC project management.

This contract shall be for a 12-month period, provided the contractor fulfills all contract requirements and provides the quality of work desired. The possibility of an extension exists at the option of the purchaser.

**Contact.** The complete consultant proposal request may be obtained from Joseph Byers, Director of Purchasing, Room 322, Administration Building, The University of Texas Medical Branch, Galveston, Texas 77550, (409) 761-2567.

**Due Date.** Proposals will be opened in the offices of the director of purchasing, Room 322, Administration Building, UTMB, Galveston at the time and date specified in the request for proposal. It is the responsibility of the consultant to have proposals in the previously stated office at that time. Proposals received late for any reason will be returned unopened.

**Evaluation Criteria.** Proposals will be evaluated by UTMB, and selection will be based on experience, cost considerations, and other qualifications as further described in the complete consultant proposal request. The entity selected must be thoroughly familiar with similar institutional computing, data processing, and data center management and must submit a resume which fully describes the type of business organization; provides a description of qualifying experience in the assessment of current computing environments with the expressed intent of determining the completeness of technical capabilities; provides a client list for verification of extensive knowledge and experience in technology assistance and project management consulting; provide names, titles, qualifications, and experience of personnel to be assigned to provide the services; provides an outline of proposed work plan for the project; provides a fixed cost schedule for the advisory and project management engagement including travel, lodging, and other related expenses.

Consultants must state in writing that the firm is in no way associated with any hardware equipment supplier or applications software vendor, and guarantee that no fee will be solicited or accepted from any vendor associated with any UTMB project.

Issued in Austin, Texas, on April 8, 1988.

TRD-8803624 Arthur H. Dilly  
Certifying Official  
The University of Texas System

Filed: April 8, 1988

For further information, please call (512) 499-4402

## Texas Water Commission Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Hines Wholesale Nurseries on April 6, 1988, assessing \$10,000 in administrative penalties, \$14,900 in deferred penalties, and imposing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Michelle McFaddin, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on April 6, 1988.

TRD-8803662 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: April 8, 1988

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

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Jet Research Center, Inc., on April 6, 1988, assessing stipulated in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Vicki Reat, Enforcement Coordinator, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on April 6, 1988.

TRD-8803663 Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: April 8, 1988

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

### 1988 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the 1988 issues of the *Texas Register*. For reference, monthly deadline schedules will also be published during the year. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A star beside a publication date indicates that the deadlines have been moved because of state holidays. Please note that issues published on February 2, May 3, and November 1 are indexes; no other material will be published in these issues. The *Texas Register* will not be published on September 9, November 29, and December 30.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Tuesday, April 19	Wednesday, April 13	Thursday, April 14
Friday, April 22	Monday, April 18	Tuesday, April 19
Tuesday, April 26	Wednesday, April 20	Thursday, April 21
April 29	Monday, April 25	Tuesday, April 26
Tuesday, May 3	1ST QUARTERLY INDEX	
Friday, May 6	Monday, May 2	Tuesday, May 3
Tuesday, May 10	Wednesday, May 4	Thursday, May 5
Friday, May 13	Monday, May 9	Tuesday, May 10
Tuesday, May 17	Wednesday, May 11	Thursday, May 12
Friday, May 20	Monday, May 16	Tuesday, May 17
Tuesday, May 24	Wednesday, May 18	Thursday, May 19
Friday, May 27	Monday, May 23	Tuesday, May 24
Tuesday, May 31	Wednesday, May 25	Thursday, May 26
*Friday, June 3	Friday, May 27	Tuesday, May 31
Tuesday, June 7	Wednesday, June 1	Friday, June 2
Friday, June 10	Monday, June 6	Tuesday, June 7
Tuesday, June 14	Wednesday, June 8	Thursday, June 9
Friday, June 17	Monday, June 13	Tuesday, June 14
Tuesday, June 21	Wednesday, June 15	Thursday, June 16
Friday, June 24	Monday, June 20	Tuesday, June 21
Tuesday, June 28	Wednesday, June 22	Thursday, June 23
Friday, July 1	Monday, June 27	Tuesday, June 28
Tuesday, July 5	Wednesday, June 29	Thursday, June 30
*Friday, July 8	Friday, July 1	Tuesday, July 5
Tuesday, July 12	Wednesday, July 6	Thursday, July 7
Friday, July 15	Monday, July 11	Tuesday, July 12
Tuesday, July 19	Wednesday, July 13	Thursday, July 14
Friday, July 22	Monday, July 18	Tuesday, July 19
Tuesday, July 26	Wednesday, July 20	Thursday, July 21
Friday, July 29	Monday, July 25	Tuesday, July 26