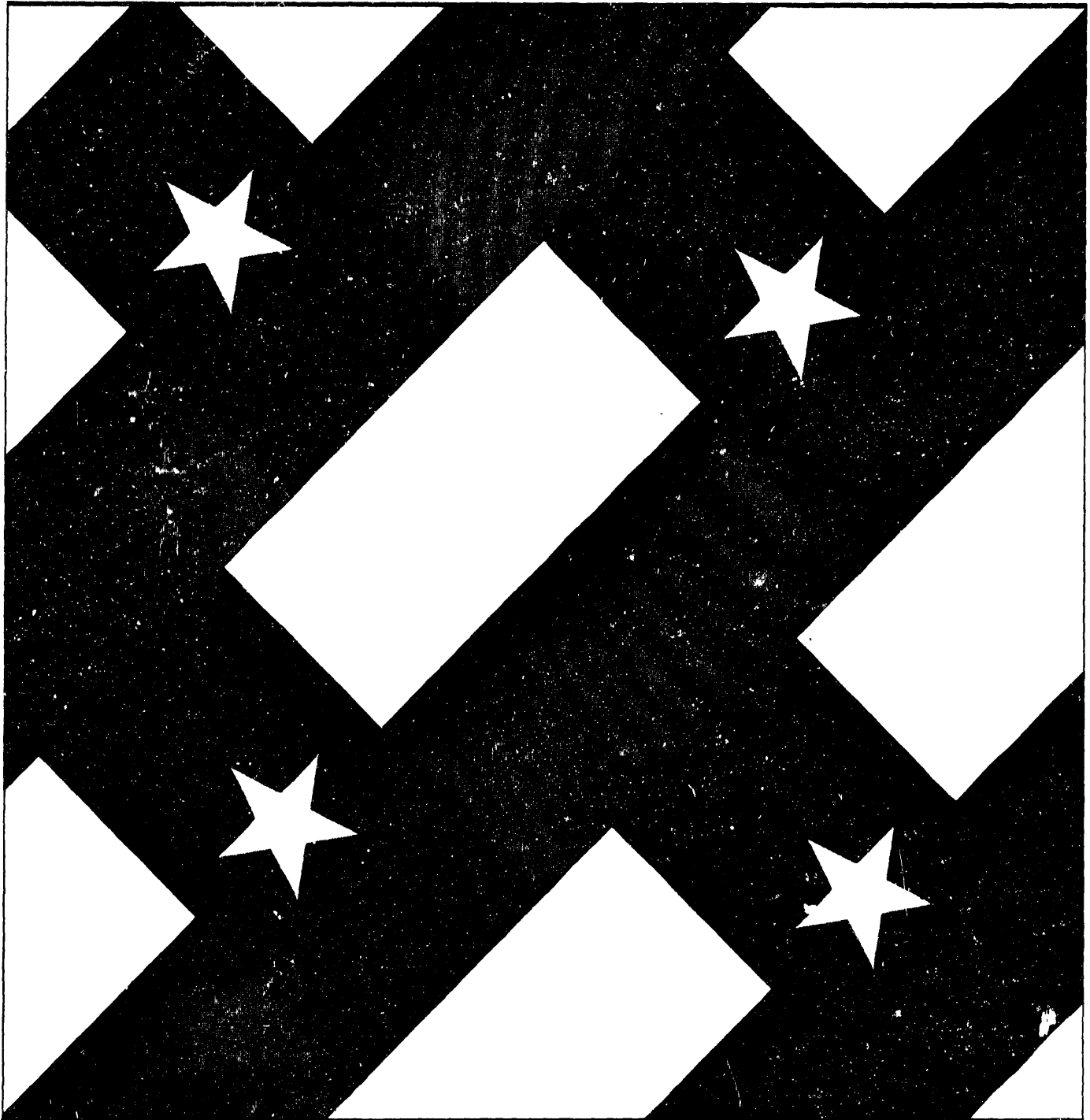


Texas Register

Volume 9, Number 66, September 4, 1984

Pages 470³ - 4756



Highlights

The Railroad Commission of Texas proposes amendments concerning agricultural terms
Earliest possible date of adoption - October 5 page 4707
The Texas Water Development Board proposes repeals and amendments in a chapter

concerning industrial solid waste Earliest possible date of adoption - October 5 page 4709

The Comptroller of Public Accounts proposes amendments in a chapter concerning tax administration Earliest possible date of adoption - October 5 page 4734

**Office of
the Secretary
of State**

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 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State.

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Information Available: The ten 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 monthly, 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 "9 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 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).



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The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor 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) 475-3021.

Appointments Made August 22

East Texas Region Community Development Block Grant Review Committee

For terms to continue at the pleasure of this governor:

Mildred Garrett
Alderman
P.O. Box 272
Emory, Texas 75440

Larry McCasland
County Judge
County Courthouse
Pittsburg, Texas 75686

Nortex Region Community Development Block Grant Review Committee

For a term to continue at the pleasure of this governor:

Pat Yarmoski
Mayor
415 Avenue C
Burkburnett, Texas 76354

Mayor Yarmoski is replacing Larry DiMarzio of Burkburnett, who no longer qualifies.

Issued in Austin, Texas, on August 22, 1984

TRD-848865 Mark White
Governor of Texas

Appointments Made August 24

353rd Judicial District

To be judge of the 353rd Judicial District, Travis County, until the next general election and until his successor shall be elected and duly qualified:

Joe B. Dibrell, Jr.
2107 Griswold Lane
Austin, Texas 78703

Mr. Dibrell is being appointed to a new district court effective September 1, 1984, created by House Bill 1473, 68th Legislature, 1983.

Texas Antiquities Committee

For a term to expire January 31, 1985:

William Clark Griggs
1201 McDuffie, #204
Houston, Texas 77019

Dr. Griggs is replacing Dr. William Holden of Lubbock, whose term expired.

Issued in Austin, Texas, on August 24, 1984

TRD-848866 Mark White
Governor of Texas



Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *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 rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action, a fiscal statement indicating effect on state or local government and small businesses, a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule, a request for public comments, a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority), the text of the proposed action, and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

Proposed Rules

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division Subchapter X. Agricultural Permits

16 TAC §5.535

The Railroad Commission of Texas proposes amendments to §5.535, concerning definitions of key terms relating to agricultural commodities exemption.

The amendments concern the inclusion of nursery products as eligible agricultural commodities, and implement the provisions of House Bill 593, as enacted by the 68th Legislature, 1983.

Terry Johnson, hearings examiner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Johnson also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the implementation of House Bill 593. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Michael A. James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer

12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication of this section in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 911b, §4 and §5b, which authorize the Railroad Commission of Texas to prescribe reasonable regulations for the governance of motor carriers and for a limited exemption for the transportation of eligible agricultural commodities, respectively.

§5.535. *Definitions of Key Terms Relating to Agricultural Commodities Exemption*

(a) (No change.)

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

(1) Eligible agricultural commodities—Cotton, seed cotton, cottonseed and cotton burrs, live animals, including livestock, poultry, and game birds; grain (including rice), fresh fruits and fresh vegetables, wool and mohair; peanuts, nuts; seed (for planting); oil seed, fresh eggs; raw milk; sugar cane; manure produced by livestock, poultry, or game birds, [and] hay; **live horticultural products and live nursery stock, including any tree, shrub, vine, cutting, graft scion, grass, bulb, or bud that is in a growing state and is grown for, kept for, or is capable of propagation and distribution for sale.** Provisions of §5.29 of this title (relating to Specialized Motor Carriers of Agricultural Products), §5.30 of this title (relating to Specialized Motor Carriers of Livestock, Feedstock, and the Like), and §5.31 of this title (relating to Description of Grain) do not apply in interpretation of commodities listed in this paragraph.

(2)-(4) (No change)

(5) Point of production—

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

(D) For live horticultural products and live nursery stock, the point at which such are held during one or more growing seasons, whether held in the earth, in containers or otherwise.

(E)[(D)] Except as provided in subparagraphs (A), (B), [and] (C), and (D) of this paragraph, any point in the State of Texas at which such commodity is severed from the earth or at which such substance was eliminated, removed, or extracted from the host animal other than by slaughtering

(6) Point of processing—

(A) Cotton gins, rice mills, dryers, feed mills, packing sheds, egg packing facilities, grain and seed cleaning and/or conditioning facilities, [and] animal auction barns, nurseries, greenhouses, lathe houses, and container growing areas at which the continuing substantial identity of the commodity is not changed but merely made ready for first manufacture shall be considered points of processing

(B) (No change)

(7) (No change)

(8) Point of first manufacture—

(A) The point at which the continuing substantial identity of the commodity is changed. The continuing substantial identity of an eligible agricultural commodity will be deemed to have changed where either

(i)[(A)] the description of the commodity in standard trade usage changed, or

(ii)[(B)] the character of the commodity itself has changed, as where:

(I)[(i)] livestock, poultry, or game birds are slaughtered,

(II)[(ii)] fresh fruits and vegetables are chopped, crushed, sliced, or ground;

(III)[(iii)] milk is pasteurized or homogenized, or the cream is separated from the milk, or

(IV)[(iv)] any eligible agricultural commodity is boiled, cooked, frozen, or packaged in airtight containers for sale or distribution

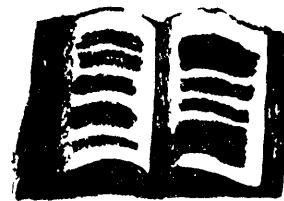
(B) For live horticultural products and live nursery stock, the point of first manufacture shall be any business, whether retail or wholesale, and any other location at which such products and/or stock, having been acquired from the original producer, are maintained and held out as merchandise as that term is ordinarily used among both business persons and the general public.

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

Issued in Austin, Texas, on August 20, 1984

TRD-848833 Michael A. James
Acting Director
Transportation Division
Railroad Commission of Texas

Earliest possible date of adoption
October 5, 1984
For further information, please call (512) 445-1186.



TITLE 22. EXAMINING BOARDS
Part XXI. Texas State Board of
Examiners of Psychologists
Chapter 463. Applications

22 TAC §463.21

The Texas State Board of Examiners of Psychologists proposes an amendment to §463.21, concerning applicants taking the professional exam at the master's level. This section addresses the board's requirements for an applicant for certification as a psychologist who has taken the examination for the professional practice of psychology at the master's level.

Patti Bizzell, executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Bizzell also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is removal of the restriction against applicants who may have sat for an earlier exam that contained fewer items than the current exam. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Patti Bizzell, Texas State Board of Examiners of Psychologists, 1300 East Anderson Lane, Suite C-270, Austin, Texas 78752.

The amendment is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§463.21 Doctoral Applicants Taking Professional Exam at Master's Level. An applicant for certification as a psychologist who has taken the examination for the professional practice of psychology at the master's level, will not be required to retake the exam provided that:

(1) the exam taken contained at least the same number of items as the exam currently used by the board;

(1)(2) the applicant's score satisfied the board's current minimum acceptable score for doctoral level applicants;

(2)(3) no more than six years have elapsed between the date the applicant took the exam and the date he or she applied for certification at the doctoral level; and

(3)(4) the applicant can demonstrate that he or she has remained academically and/or professionally involved in psychology.

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

Issued in Austin, Texas, on August 28, 1984

TRD-848924 Patti Bizzell
Executive Director
Texas State Board of Examiners
of Psychologists

Earliest possible date of adoption
October 5, 1984

For further information, please call (512) 835-2036.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 335. Industrial Solid Waste Subchapter A. Industrial Solid Waste Management in General

31 TAC §§335.1, 335.6, 335.9-335.16

The Texas Department of Water Resources (TDWR) proposes amendments to §§335.1, 335.6 and 335.9-335.15, and new §335.16, concerning industrial solid waste management in general

The proposal amends Subchapter A to replace the terms "shipping control ticket" or "shipping ticket" with the term "manifest," and to add §335.16 and the appendix to Subchapter A. These changes are necessitated by the joint rule-making efforts of the U.S. Environmental Protection Agency (EPA) and the Department of Transportation (DOT) resulting in a final rule published in the March 20, 1984, issue of the *Federal Register* (49 FedReg 10490). The new rule, which becomes effective September 20, 1984, establishes a uniform hazardous waste manifest form and requires the use of the new form for all regulated shipments of hazardous waste. In addition to its use for shipments of Resource Conservation and Recovery Act (RCRA) hazardous waste, the uniform manifest may also be used for shipments of DOT-regulated hazardous materials, for shipments of state-regulated wastes, or for any combination of these regulated materials. The TDWR intends to use the uniform manifest form for all shipments of Class I industrial solid waste, and has adapted the federal form for the state's purposes as suggested in the EPA regulations. The proposal also includes a copy of the the new uniform hazardous waste manifest form as an appendix to Subchapter A.

The purpose of these sections is to adopt the use of the uniform hazardous waste manifest form for all shipments of Class I industrial solid waste; to impose

exception reporting and manifest discrepancy reporting requirements on generators and facilities that prepare or receive manifests for all Class I industrial solid wastes; to adopt the use of the term "manifest" as a replacement for the term "shipping ticket," and to simplify and consolidate manifest and reporting requirements into Subchapter A of the industrial solid waste regulations, which applies generally to industrial solid waste management

The amendments to the individual subchapters of the industrial solid waste regulations that are proposed simultaneously in this issue achieve these purposes to varying degrees, as explained in detail in the following paragraphs

The proposal deletes the definitions of "shipping control ticket" or "shipping ticket" in §335.1, and adds a definition of "manifest" to achieve consistency with the federal requirements and the uniform manifest system and delete the references to the state's current system of shipping tickets. The proposal also amends the definition of "shipping ticket document number" in §335.1 to be referenced as a "manifest document number." These new definitions should be inserted in alphabetical order in the list of definitions

The proposal amends §335.6 to clarify that the on-site storage, processing, or disposal of hazardous waste is not subject to the notification requirement of §335.6(a), unless that hazardous waste activity is exempted from permit requirements under the terms of §335.2(e) and §335.2(f). Under §335.2(e), no permit is required for the on-site storage of hazardous waste by small quantity generators. Under §335.2(f), no permit is required for the specified activities referenced therein. The hazardous waste activities described in §335.2(e) and (f) and the on-site storage, processing, or disposal of nonhazardous industrial solid waste are subject to §335.6(a) notification requirements. The proposal also amends §335.6(e) to establish that the executive director may make a written request for a chemical analysis or waste samples for analysis of an industrial solid waste, whether the waste is hazardous or nonhazardous

The proposal amends §335.9 to specify that the method of a generator's storage, processing, or disposal activities should be described according to Subchapter B, Appendix I, Table 2, concerning the "Handling Codes for Storage, Processing, and Disposal Methods"

The proposal amends §335.10 to replace the term "shipping ticket" with the term "manifest" wherever it appears in the provision and to modify the shipping and reporting procedures applicable to generators of Class I industrial solid waste to conform to the new EPA regulations. The proposal specifies that generators can designate alternate facilities to receive a waste by identifying that alternate facility on the manifest in the item marked "Special Handling Instructions and Additional Information." The information to be included in the manifest is specified in §335.10(b) and complies with the new uniform manifest form. A copy of the uniform manifest form and the continuation sheet for that form will appear in Subchapter A, new

Appendix I A generator shall designate only those storage, processing, or disposal facilities which are authorized under the RCRA, Subtitle C, or an approved state hazardous waste program This requirement previously appeared in §335.64(c) The statement regarding authorized facilities and the requirement to include EPA identification numbers in manifests that are prepared by generators of hazardous wastes were incorporated into §335.10 from §335.64(b) and (c) As reflected in the amendments to Subchapter C, the proposal incorporates these requirements into §335.10 and therefore makes §335.64 redundant For that reason, §335.10(q) is deleted because it references §335.64

The proposal amends §335.11 to substitute the term "manifest" for the term "shipping ticket" throughout the provision to conform to the new EPA regulations In addition, §335.11(b)(1) includes language clarifying that transporters who transport Class I industrial solid waste out of the United States shall indicate the date the Class I waste left the United States under the item labeled "Special Handling Instructions and Additional Information" on the manifest

The proposal amends §335.12 by substituting the term "manifest" for the term "shipping ticket" wherever it appears In addition, the proposal deletes the phrase stating that §335.12(b) requires the EPA identification numbers, generator's certification, and signatures on a shipping paper received by facilities from a rail or water (bulk shipment) transporter of Class I waste because the required information is previously specified under §335.10(b)

The proposal also deletes subsection (c) and adds a new §335.12(c) that establishes reporting procedures for unresolved significant discrepancies in manifests received by facilities accepting all Class I industrial solid waste This provision, which appeared as §335.172 in the hazardous waste regulations, is incorporated into Subchapter A and therefore requires facilities receiving Class I wastes to note significant discrepancies on each copy of the manifest or shipping paper and to report significant discrepancies in manifests for nonhazardous as well as hazardous Class I industrial solid wastes

The proposal amends §335.13 by deleting the reference to exception reporting by generators under §335.72 in §335.13(d) and incorporating the provisions of §335.72 into §335.13 as new subsection (e) and subsection (f) This amendment now requires generators of both hazardous and nonhazardous Class I industrial solid waste to submit exception reports to the department if a signed copy of the generator's manifest is not returned to the generator from the designated facility within a specified length of time The proposal also substitutes the term "shipping ticket" with the word "manifest" wherever it appears

The proposal amends §335.14 to reflect the changes in terminology from "shipping ticket" to "manifest"

The proposal amends §335.15 to clarify that the requirements of the provisions do not apply to owners and operators that store, process, or dispose of Class

I waste on-site and do not receive Class I waste from off-site sources The word "manifest" is substituted for the term "shipping ticket" throughout the provision Under proposed §335.15(b), the owner or operator of the facility shall prepare a monthly summary that would include the method of storage, processing, and disposal of each Class I waste shipment received, as referenced by the appropriate abbreviations from Subchapter B, Appendix I, Table 1 and Table 2, regarding units of measure and handling codes Under proposed §335.15(c), the information to be included in monthly reports is listed, as incorporated from §335.176 and extended to all Class I industrial solid waste Since §335.176, concerning waste reports, becomes redundant when incorporated into §335.15(c), the reference to §335.176 will be repealed under Subchapter H

New §335.16 introduces the appendix to Subchapter A The appendix includes a copy of the uniform hazardous waste manifest form and continuation pages for use in the manifesting of Class I industrial solid waste Copies of these forms may be obtained from the Shipping Control and Effluent Reports Unit, Solid Waste and Spill Response Section, Enforcement and Field Operations Division, Texas Department of Water Resources, Stephen F Austin Building, 1700 North Congress Avenue, Austin (mailing address P O Box 13087, Austin, Texas 78711) The appendix also include Table 1, which lists the abbreviations to be used for types of containers The table of abbreviations for containers appeared in the March 20, 1984, issue of the *Federal Register* (49 FedReg 10503)

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules The effect on state government for the first five-year period the rules will be in effect is an estimated additional cost of \$20,154 in 1985 There is no estimated cost for the years 1984 and 1986-1988 There is an estimated reduction in cost of \$2,120 each year from 1985-1988 There is no estimated reduction in cost in 1984 There is no anticipated economic effect on local government or small businesses

Mr Hodges also has determined that for each year of the first five years the rules as proposed is in effect the public benefit anticipated as a result of enforcing the rules as proposed is the improvement of the state's ability to assure protection of human health and the environment, including ground and surface water resources, from the threat of contamination by Class I industrial solid wastes by establishing more uniform standards for the manifesting of Class I wastes The manifest is a very important component of the "cradle to grave" regulation of hazardous wastes under the RCRA, for the manifest must be prepared by generators who transport, or offer for transportation, hazardous waste for off-site treatment, storage, or disposal The manifest is a control and transport document that accompanies the waste from its point of generation to its destination The manifest system is designed to ensure that a waste actually reaches its destination.

The EPA's adoption of a uniform manifest form required for all regulated shipments of hazardous waste should alleviate the confusion and compliance difficulties that previously existed when each state had its own individual manifest system. In Texas, the term "shipping ticket" has been used in the regulations applicable to waste shipments. These rules substitute the term "manifest" for the term "shipping ticket" to establish consistency with the terminology applied on a nationwide basis. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Cynthia C. Smiley, Staff Attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

The amendments and new section are proposed under the Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the TDWR. These amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and further directs the department to promulgate rules requiring persons who generate, transport, process, store, or dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose. Under the Solid Waste Disposal Act, §3(b), the TDWR is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

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

Manifest—The uniform hazardous waste manifest form furnished by the executive director to accompany shipments of Class I industrial solid waste.

Manifest document number—A number assigned to the manifest by the department for reporting and record-keeping purposes.

[Shipping control ticket (shipping ticket)]—A form furnished by the executive director to accompany shipments of Class I industrial solid waste.

[Shipping ticket document number—A number assigned to the shipping ticket by the department for reporting and record-keeping purposes.]

§335.6. Notification Requirements.

(a) A person who intends to conduct the on-site storage, processing, or disposal of industrial solid waste, other than hazardous waste as defined in these rules, **unless such hazardous waste activity is exempt from the requirement of a permit pursuant to §335.2(e) or (f) of this title (relating to Permit Required)**, shall notify the executive director in writing that storage, processing, or disposal activities are planned, at least 90 days prior to engaging in such activities. Such person shall submit to the executive director upon request such information as may reasonably be required to enable the executive director to determine whether such storage, processing, or disposal is compliant with the terms of these rules. Such information may include, but is not limited to, information concerning waste composition, waste management methods, facility engineering plans and specifications, or the geology where the facility is located. Any information provided under this subsection shall be submitted to the executive director in duplicate form.

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

(e) Upon written request of the executive director, any person who ships, stores, processes, or disposes of industrial solid waste, [other than hazardous waste,] as defined in this subchapter, shall perform a chemical analysis of the industrial solid waste, provide results of the analysis to the executive director, or furnish samples of the waste for analysis in order to assign a waste classification.

(f) (No change.)

§335.9. Shipping and Reporting Procedures Applicable to Generators. Except with regard to the shipments of Class I industrial solid waste to which §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste) applies, and except with regard to generators of Class II industrial solid waste with less than 100 employees, each generator shall:

(1) keep records of all industrial solid waste storage, processing, and disposal activities. Records pertaining to on-site activities shall include, at a minimum, information regarding the waste character, classification and quantity, and the method (as described by codes in Subchapter B, Appendix I, Table 2, "Handling Codes for Storage, Processing, and Disposal Methods") and location of storage, processing, and disposal. Records regarding off-site activities shall include, at a minimum, the transporter identity, date of shipment and waste character, and classification and quantity.

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

§335.10 Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste.

(a) No generator of Class I industrial solid waste shall cause, suffer, allow, or permit the shipment of Class I waste to any off-site solid waste, storage, processing, or disposal facility without preparing a Texas Department of Water Resources manifest [shipping ticket]. **A generator shall designate on the manifest [shipping ticket] one facility which is authorized to receive the waste described on the manifest [shipping ticket].** A generator may also

designate one alternate facility which is authorized to receive the waste in the event an emergency prevents delivery of the waste to the primary designated facility. **An alternate facility shall be identified on the manifest in the item marked "special handling instructions and additional information."** If the transporter is unable to deliver the waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.

(b) The manifest [shipping ticket] shall contain the following information:

(1) the generator's U.S. Environmental Protection Agency (EPA) 12-digit identification number and the unique five-digit number assigned to the manifest (applicable to hazardous waste only) [a shipping ticket document number];

(2) the total number of pages used to complete the manifest, plus the number of continuation sheets, if any (page 1 of _____) [the generator's name, mailing address, telephone number, and identification number];

(3) the company name, mailing address, and telephone [identification] number of the generator [each transporter],

(4) the Texas Department of Water Resources (TDWR)/Texas Department of Health (DOH) state generator's registration and/or permit number [the name, address, telephone number, and identification number of the storage, processing, or disposal facility and an alternate facility if any];

(5) the first transporter's company name, EPA 12-digit identification number (applicable to hazardous waste only) and the state transporter's registration number [The description of the waste(s) required by regulation of the United States Department of Transportation in 49 CFR §§172.101, 172.202, and 172.203; and],

(6) the company name, EPA 12-digit identification number (applicable to hazardous waste only) and state transporter's registration number for the second transporter. **Note: If more than two transporters are used, enter each additional transporter's company name, EPA 12-digit identification number, if applicable, and the state transporter's registration number on the continuation sheet. Each continuation sheet has space to record two additional transporters. Every transporter must be listed [The total quantity of each waste by units of weight or volume, and the type and number of containers as loaded into or onto the transport vehicle].**

(7) the company name, site address, EPA 12-digit identification number (applicable to hazardous waste only) and TDWR/DOH state facility permit number of the storage, processing, or disposal facility and an alternate facility, if designated. **Note: The generator shall designate on the manifest only those storage, processing, or disposal facilities which are authorized under the Resource Conservation and Recovery Act (RCRA) of 1976, Subtitle C, or an approved state hazardous waste program administered in lieu thereof (applicable to hazardous waste only)** [A certification by the generator stating

This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation, the Texas Department of Water Resources, and the Texas Department of Health],

(8) The U.S. Department of Transportation (DOT) proper shipping name, hazard class, and ID number (UN/NA) for each Class I hazardous waste as identified in 49 Code of Federal Regulations Parts 171-177. For Class I nonhazardous waste, use the TDWR waste classification code description as it appears on the TDWR notice of registration. **Note: If additional space is needed for waste descriptions, enter these additional descriptions in item 28 on the continuation sheet. Note: The uniform hazardous waste manifest form has been designed to allow the listing of both federally-regulated wastes and wastes regulated solely by the state. In order to distinguish between federally-regulated wastes and other wastes, as required by DOT regulations (49 Code of Federal Regulations §172.201(a)(1)), the TDWR has added a hazardous materials (HM) column on the manifest before the DOT description. When a waste shipment consists of both federally-regulated materials and state-regulated wastes, the HM column must be checked or marked for only those line entries which are regulated under federal law as hazardous wastes or hazardous materials;**

(9) the number of containers for each waste and the appropriate abbreviation from Subchapter A, Appendix I, Table 1, for the type of container;

(10) the total quantity and unit of measure of each waste described on each line. **Note: The appropriate abbreviation for the unit of measure may be found in Subchapter B, Appendix I, Table 1;**

(11) the TDWR waste classification code as assigned by the state; and

(12) a certification by the generator stating:

I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations, including applicable state regulations.

Note: If a mode other than highway is used, the word "highway" should be lined out and the appropriate mode (rail, water, or air) inserted in the space below. If another mode in addition to the highway mode is used, enter the appropriate additional mode (e.g., and rail) in the space below.

(c) The manifest [shipping ticket] shall consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the storage, processing, or disposal facility with one copy each for their records and another copy to be returned to the generator

(d) At the time of waste transfer, the generator shall.

(1) sign the manifest [shipping ticket] by hand;

(2) obtain the handwritten signature of the initial transporter and date of acceptance on the manifest [shipping ticket];

(3) (No change)

(4) give the transporter the remaining copies of the manifest [shipping ticket].

(e) For shipments of Class I waste within the United States solely by water (bulk shipments only), the generator shall send three copies of the manifest [shipping ticket] dated and signed in accordance with this section to the owner or operator of the designated facility or to the last water (bulk shipment) transporter to handle the waste in

the United States if exported by water. Copies of the **manifest** [shipping ticket] are not required for each transporter.

(f) For rail shipments of Class I waste within the United States which originate at the site of generation, the generator shall send at least three copies of the **manifest** [shipping ticket] dated and signed in accordance with this section to:

(1)-(3) (No change)

(g) In addition to the requirements of this section generators of hazardous waste are subject to the shipping requirements of §335.64 of this title (relating to Additional Requirements for Shipping Ticket)]

§335.11. Shipping Requirements for Transporters of Class I Industrial Solid Waste

(a) No transporter may cause, suffer, allow, or permit the shipment of Class I industrial solid waste to an off-site storage, processing, or disposal facility, unless the transporter.

(1) obtains a **manifest** [shipping ticket] completed by the generator in accordance with §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste),

(2) upon receipt and prior to shipment, signs and dates the **manifest** [shipping ticket] acknowledging the acceptance of waste from the generator, and

(3) (No change)

(b) The transporter shall ensure that the **manifest** [shipping ticket] accompanies the Class I waste.

(c) No transporter may cause, suffer, allow, or permit the delivery of a shipment of Class I waste to another transporter designated on the **manifest** [shipping ticket], unless the transporter

(1) obtains the date of delivery and the handwritten signature of the accepting transporter on the **manifest** [shipping ticket],

(2) retains one copy of the **manifest** [shipping ticket] in accordance with §335.14(a) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste); and

(3) gives the remaining copies of the **manifest** [shipping ticket] to the accepting transporter

(d) No transporter may cause, suffer, allow, or permit the delivery of a shipment of Class I waste to a storage, processing, or disposal facility, unless the transporter:

(1) obtains the date of delivery and the handwritten signature on the **manifest** [shipping ticket], of the owner or operator of the facility designated on the **manifest** [shipping ticket],

(2) retains one copy of the **manifest** [shipping ticket] in accordance with §335.14(a) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste); and

(3) gives the remaining copies of the **manifest** [shipping ticket] to the owner or operator of the facility designated on the **manifest** [shipping ticket]

(e) The requirements of subsections (b)-(d) and (f) of this section do not apply to water (bulk shipment) transporters if.

(1) the waste is delivered by water (bulk shipment) to the facility designated on the **manifest** [shipping ticket];

(2) a shipping paper containing all the information required on the **manifest** [shipping ticket] (excluding the identification numbers, generator certification, and signatures) accompanies the waste,

(3) the delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the facility on either the **manifest** [shipping ticket] or the shipping paper;

(4) the person delivering the waste to the initial water (bulk shipment) transporter obtains the date of delivery and the signature of the water (bulk shipment) transporter on the **manifest** [shipping ticket] and forwards it to the facility; and

(5) a copy of the shipping paper or **manifest** [shipping ticket] is retained by each water (bulk shipment) transporter in accordance with §335.14(b) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste).

(f) For shipments involving rail transportation, the requirements of subsections (b)-(e) of this section do not apply and the following requirements do apply.

(1) When accepting Class I waste from a nonrail transporter, the initial rail transporter must.

(A) sign and date the **manifest** [shipping ticket] acknowledging acceptance of the waste;

(B) return a copy of the **manifest** [shipping ticket] to the nonrail transporter;

(C) forward at least three copies of the **manifest** [shipping ticket] to:

(i)-(iii) (No change;)

(D) retain one copy of the **manifest** [shipping ticket] and rail shipping paper in accordance with §335.14(c) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste)

(2) Rail transporters must ensure that a shipping paper containing all the information required on the **manifest** [shipping ticket] (including the EPA identification numbers, generator certification, and signatures) accompanies the waste at all times **Note:** Intermediate rail transporters are not required to sign either the **manifest** [shipping ticket] or shipping paper

(3) When delivering Class I waste to the designated facility, a rail transporter must:

(A) obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the **manifest** [shipping ticket] or shipping paper (if the **manifest** [shipping ticket] has not been received by the facility); and

(B) retain a copy of the **manifest** [shipping ticket] or signed shipping paper in accordance with §335.14(c) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste)

(4) When delivering Class I waste to a nonrail transporter, a rail transporter must

(A) obtain the date of delivery and the handwritten signature of the next nonrail transporter on the **manifest** [shipping ticket]; and

(B) retain a copy of the **manifest** [shipping ticket] in accordance with §335.14(c) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste).

(5) Before accepting Class I waste from a rail transporter, a nonrail transporter must sign and date the **manifest** [shipping ticket] and provide a copy to the rail transporter.

(g) Transporters who transport Class I industrial solid waste out of the United States shall

(1) indicate on the **manifest** [shipping ticket] the date the Class I waste left the United States **under the item labeled** "special handling instructions and additional information";

(2) sign the **manifest** [shipping ticket] and retain one copy in accordance with §335 14(c) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste), and

(3) return a signed copy of the **manifest** [shipping ticket] to the generator

(h) The transporter must deliver the entire quantity of Class I waste which he has accepted from a generator or a transporter to.

(1) the designated facility listed on the **manifest** [shipping ticket], or

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

(i) If the transporter cannot deliver the waste in accordance with subsection (h) of this section, the transporter must contact the generator for further directions and must revise the **manifest** [shipping ticket] according to the generator's instructions

§335.12 Shipping Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities.

(a) No owner or operator of a storage, processing, or disposal facility may accept delivery of Class I industrial solid waste for off-site storage, processing, or disposal, unless

(1) a **manifest** [shipping ticket] accompanies the shipment which designates that facility to receive the waste;

(2) the owner or operator signs the **manifest** [shipping ticket] and immediately gives at least one copy of the signed **manifest** [shipping ticket] to the transporter,

(3) retains one copy of the **manifest** [shipping ticket] in accordance with §335 15(a) of this title (relating to Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities), and

(4) within 30 days after the delivery, sends a copy of the **manifest** [shipping ticket] to the generator

(b) If a facility receives, from a rail or water (bulk shipment) transporter, Class I waste which is accompanied by a shipping paper containing all the information required on the **manifest** [shipping ticket] (including the Environmental Protection Agency identification numbers, generator's certification, and signatures), the owner or operator, or his agent, shall

(1) sign and date each copy of the **manifest** [shipping ticket] or shipping paper (if the **manifest** [shipping ticket] has not been received) to certify that the Class I waste covered by the **manifest** [shipping ticket] or the shipping paper was received,

(2) immediately give the rail or water (bulk shipment) transporter at least one copy of the **manifest** [shipping ticket] or shipping paper (if the **manifest** [shipping ticket] has not been received),

(3) within 30 days after the delivery, send a copy of the signed and dated **manifest** [shipping ticket] to the generator, however, if the **manifest** [shipping ticket] has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and

(4) retain at the facility a copy of each shipping paper and **manifest** [shipping ticket] in accordance with §335 15(a) of this title (relating to Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities).

(c) If a facility receives a Class I industrial solid waste accompanied by a **manifest**, or in the case of shipments by rail or water (bulk shipment), by a **shipping paper**, the owner or operator, or his agent, must note any significant discrepancies on each copy of the **manifest** or **shipping paper** (if the **manifest** has not been received) [In addition to the requirements of this rule, owners and operators of facilities that store, process, or dispose of hazardous waste are subject to the shipping requirements of §335 172 of this title (relating to Shipping Ticket Discrepancies)]

(1) **Manifest discrepancies are differences between the quantity or type of Class I waste designated on the manifest or shipping paper, and the quantity or type of Class I waste a facility actually received. Significant discrepancies in quantity are:**

(A) for bulk weight, variations greater than 10% in weight; and

(B) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. **Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported in the manifest or shipping paper.**

(2) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the executive director a letter describing the discrepancy and attempts to reconcile it, and a copy of the **manifest** or **shipping paper** at issue. **Note: The department does not intend that the owner or operator of a facility perform the analysis required by §335.114(c) of this title (relating to General Waste Analysis) before signing the manifest and giving it to the transporter. However, subsection (c) does require reporting an unreconciled discrepancy discovered during later analysis.**

§335 13 Record-Keeping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste

(a) The generator shall retain a copy of each **manifest** [shipping ticket] required by §335 10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste) for a minimum of three years from the date of shipment by the generator

(b) The generator shall prepare a monthly summary from the **manifests** [shipping tickets], regardless of whether shipments were made during the month, sum-

mar 7ing the quantity and classification of each waste shipment itemized by **manifest document** [shipping ticket] number. Such monthly summary shall be submitted to the Texas Department of Water Resources on the 25th day of each month for shipments originating during the previous month on monthly summary forms provided or approved by the executive director. A generator must keep a copy of each summary for a period of at least three years from the due date of the summary. A generator required to comply with this subsection shall continue to prepare and submit monthly summaries, regardless of whether shipments were made during a particular month, by preparing and submitting a monthly summary indicating that no shipments were made during that month. Upon request of the generator, the executive director may authorize a modification in the reporting period.

(c) (No change)

(d) In addition to the requirements of this section, generators of hazardous waste are subject to the reporting and record-keeping requirements of §335.70 of this title (relating to Record Keeping) and §335.71 of this title (relating to Annual Reporting), and §335.72 of this title (relating to Exception Reporting).

(e) **A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date that the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the Class I industrial solid waste.**

(f) **A generator must submit an exception report to the department if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date that the waste was accepted by the initial transporter. The exception report must include:**

(1) **a legible copy of the manifest for which the generator does not have confirmation of delivery; and**

(2) **a copy letter signed by the generator or his authorized representative explaining the efforts taken to locate the Class I industrial solid waste and the results of those efforts.**

§335.14 Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste

(a) A transporter of Class I industrial solid waste shall retain a copy of each **manifest** [shipping ticket] signed by the generator, the transporter, and the next designated transporter, or the owner or operator of the facility designated on the **manifest** [shipping ticket] for a minimum of at least three years from the date of initial shipment.

(b) For shipments delivered to the facility designated on the **manifest** [shipping ticket] by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of a shipping paper containing all the information required by §335.11(e) of this title (relating to Shipping Requirements for Transporters of Class I Industrial Solid Waste) for a minimum of three years from the date of initial shipment.

(c) For shipments of Class I waste by rail within the United States.

(1) the initial rail transporter must keep a copy of the **manifest** [shipping ticket] and shipping paper with all of the information required in §335.11(f)(2) of this

title (relating to Shipping Requirements for Transporters of Class I Industrial Solid Waste) for a period of three years from the date the Class I waste was accepted by the initial transporter, and

(2) the final rail transporter must keep a copy of the signed **manifest** [shipping ticket] (or the shipping paper if signed by the designated facility in lieu of the **manifest** [shipping ticket]) for a period of three years from the date the Class I waste was accepted by the initial transporter.

(d) A transporter who transports waste out of the United States must retain a copy of the **manifest** [shipping ticket] indicating that the Class I waste left the United States for a minimum of three years from the date of initial shipment.

(e) (No change)

§335.15. Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities. This section does not apply to owners and operators that store, process, or dispose of Class I industrial solid waste on-site and do not receive any Class I waste from off-site sources.

(1)(a) The owner or operator of the storage, processing, or disposal facility designated on the **manifest** [shipping ticket] shall retain a copy of each **manifest** [shipping ticket] or, in the case of shipments by rail or water (bulk shipment), a copy of each **manifest** [shipping ticket] and shipping paper, for a minimum of three years from the date of initial shipment by the generator.

(2)(b) The owner or operator shall prepare a monthly summary from his copy of all **manifests** [shipping tickets] received during the month, summarizing the quantity, [and] character, **and the method of storage, processing, and disposal** of each Class I waste shipment received, itemized by **manifest document** [shipping ticket] number. Such monthly summary report shall be submitted to the Texas Department of Water Resources on the 25th day of each month for wastes or **manifests** [shipping tickets] received during the prior month and on monthly summary forms provided or approved by the executive director. Note: Persons who store, process, or dispose of hazardous waste are subject to the further requirements of §335.175(a) of this title (relating to Reporting Requirements) for the preparation of a monthly summary. **The appropriate abbreviations from Subchapter B, Appendix I, Table 1 and Table 2 of this title (relating to Hazardous Industrial Solid Waste Management General Provisions) are to be used for units of measure and for handling codes for storage, processing, and disposal methods.**

(3)(c) The owner or operator shall submit a monthly report on forms provided or approved by the executive director summarizing the types and volumes of any Class I waste received without **manifests** [shipping tickets], as in the case of shipments by rail or water (bulk shipments) without shipping papers. **The following information shall be included in the report:**

(A) **the Environmental Protection Agency (EPA) identification number (applicable to hazardous waste only), name, and address of the facility;**

(B) **the date the facility received the waste;**

(C) **the EPA identification number (applicable to hazardous waste only), name, and address of the generator and the transporter, if available;**

(D) a description and the quantity of each Class I industrial solid waste the facility received which was not accompanied by a manifest;

(E) the method of storage, processing, or disposal for each Class I industrial solid waste;

(F) the certification signed by the owner or operator of the facility or his authorized representative; and

(G) a brief explanation of why the waste was unaccompanied by a manifest, if known. [Note: Persons who store, process, or dispose of hazardous waste shall submit a report which includes the information required by §335.176 of this title (relating to Waste Report)].

(4)(d) The owner or operator shall retain a copy of each summary required by paragraph (2) and para-

graph (3) [subsections (b) and (c)] of this subsection [section] for a minimum of three years from the date of each summary.

(5)(e) The periods of record retention required by this section are automatically extended during the course of any unresolved enforcement action regarding the regulated activity.

§335.16. *Appendix I.* The following appendix will be used for the purposes of Subchapter A which relate to industrial solid waste. (Appendix I—Uniform Hazardous Waste Manifest Form and Continuation Page).



TEXAS DEPARTMENT OF WATER RESOURCES
 P.O. Box 13087, Capitol Station
 Austin, Texas 78711



Please print or type (Form designed for use on elite (12 pitch) typewriter.)

Form approved OMB No 2000-0404 Expires 7-31-86

UNIFORM HAZARDOUS WASTE MANIFEST		1 Generator's US EPA ID No	Manifest Document No	2 Page 1 of	Information in the shaded areas is not required by Federal law		
3 Generator's Name and Mailing Address				A State Manifest Document Number			
				B State Generator's ID			
4 Generator's Phone ()				C State Transporter's ID			
5 Transporter 1 Company Name		6 US EPA ID Number	D Transporter's Phone				
7 Transporter 2 Company Name		8 US EPA ID Number	E State Transporter's ID				
			F Transporter's Phone				
9 Designated Facility Name and Site Address		10 US EPA ID Number	G State Facility's ID				
			H Facility's Phone				
11A HM	11 US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)	12 Containers		13 Total Quantity	14 Unit Wt Vol	1 Waste No	
	a	No	Type				
	b						
	c						
	d						
J Additional Descriptions for Materials Listed Above				K Handling Codes for Wastes Listed Above			
15 Special Handling Instructions and Additional Information							
16 GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations, including applicable state regulations							
Printed/Typed Name				Signature		Date	
						Month Day Year	
17 Transporter 1 Acknowledgement of Receipt of Materials							
Printed/Typed Name				Signature		Date	
						Month Day Year	
18 Transporter 2 Acknowledgement of Receipt of Materials							
Printed/Typed Name				Signature		Date	
						Month Day Year	
19 Discrepancy Indication Space							
20 Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in item 19							
Printed/Typed Name				Signature		Date	
						Month Day Year	

EPA Form 8700-22 (3-84) White - original Pink-TSD Facility Yellow-Transporter Green-Generator's first copy TDWR-0311

When using the Uniform Waste Manifest for rail or water (bulk shipment) or international shipments refer to the applicable TDWR or TDH regulations

REPORT SPILLS AND/OR DISCHARGES TO THE TEXAS SPILL RESPONSE CENTER AT 512/475-2651 (24 HOURS)

INSTRUCTIONS TO GENERATOR (Please Type or Print Clearly)

- (1) Enter the generator's U S EPA twelve digit identification number and the unique five digit number assigned to this manifest by the generator if you are shipping hazardous waste
- (2) Enter the total number of pages used to complete this manifest
- (3) Enter the company name and mailing address
- (4) Provide a phone number where an authorized agent of your firm may be reached in the event of an emergency
- (5) Enter the company name of the first transporter and their U S EPA ID Number
- (6) If applicable, enter the company name of the second transporter and their U S EPA ID Number. If more than two transporters are used, enter each additional transporter's information on the Continuation Sheet (EPA form 8700-22A)
- (7) Enter the company name, site address, and U S EPA ID Number of the facility designated to receive the waste listed on this manifest
- (8) **COMPLETE ALL STATE OF TEXAS INFORMATION A THROUGH H IN THE SHADED AREAS**
- (9) Complete the waste description table as follows
 - (A) ITEM 11A—When shipping an EPA/DOT regulated hazardous waste or material in conjunction with solely state regulated waste enter an "x" in the HM box before each EPA/DOT regulated waste/material description
 - (B) ITEM 11—Enter the U S DOT Proper Shipping Name, Hazard Class, and ID Number (UN/NA) for each waste identified. If it is a Class I nonhazardous waste use the Texas Waste Code description
 - (C) ITEM 12—Enter the number of containers for each waste and the appropriate abbreviation for type located in Subchapter A of the TDWR Industrial Solid Waste Rules
 - (D) ITEM 13—Enter the total quantity of waste described on each line
 - (E) ITEM 14—Enter the appropriate letter from the table below for the unit of measure

G = Gallons (liquids only)	L = Liter (liquids only)
P = Pounds	K = Kilograms
T = Tons (2000 lbs)	M = Metric Tons (1000 kg)
Y = Cubic Yards	N = Cubic Meters
 - (F) ITEM 1—Enter the appropriate TDWR/TDH State Waste Code for each waste you are shipping
- (10) The Generator must read, sign (by hand), and date the certification statement. If a mode other than highway is used, the word "highway" should be lined out and the appropriate mode (rail, water or air) inserted in the space below
- (11) The manifest must be signed and dated by the first transporter in the presence of the Generator. If more than one transporter is to be used, the Generator must provide additional copies for their use
- *(12) Generator retains green copy sending remaining copies with the driver

INSTRUCTIONS FOR THE TRANSPORTER (Please Type or Print Clearly)

- (1) As driver of the transport vehicle, you are responsible for ensuring that all waste received by you arrives at the specified destination
- (2) Sign and date the space provided certifying the waste amounts in **PART I** were received for transport. **NOTE** If you are unable to carry out the delivery of the shipment as specified, dial the emergency phone numbers given in **PART I** notifying the **GENERATOR**
- (3) Upon delivery of the shipment, the TSD Facility Owner/Operator is to sign for the shipment in your presence and fill in "date received"
- *(4) Separate the yellow copy and retain for your records. Leave the remaining copies with the TSD Facility Owner/Operator

INSTRUCTIONS TO TREATMENT, STORAGE AND DISPOSAL (TSD) FACILITY OWNER/OPERATOR (Please Type or Print Clearly)

- (1) The authorized representative of the designated (or alternate) facility's owner or operator must note in **ITEM 19** any significant discrepancy between the waste described on the manifest and the waste actually received at the facility
- (2) Enter date received and sign in the presence of the driver declaring receipt of the wastes and verifying the quantities in the table in **PART I**
- (4) Retain the pink copy for your records and return the completed original (white) copy to the **GENERATOR**

* U S EPA, TDWR and TDH regulations require that copies of this Shipping-Control Ticket be retained for a period of three (3) years in your company records. Do not send to TDWR or TDH unless otherwise notified by these departments

Please print or type (Form designed for use on elite (12-pitch) typewriter)

Form approved OMB No 2000 0404 Expires 7 31 86

UNIFORM HAZARDOUS WASTE MANIFEST <i>(Continuation Sheet)</i>		21 Generator's US EPA ID No	Manifest Document No	22 Page	Information in the shaded areas is not required by Federal law	
23 Generator's Name				L State Manifest Document Number		
				M State Generator's ID		
24 Transporter _____ Company Name		25 US EPA ID Number		N State Transporter's ID		
				O Transporter's Phone		
26 Transporter _____ Company Name		27 US EPA ID Number		P State Transporter's ID		
				Q Transporter's Phone		
28A HM	28 US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)	29 Containers No	Type	30 Total Quantity	31 Unit Wt Vol	R Waste No
	a					
	b					
	c					
	d					
	e					
	f					
	g					
	h					
	i					
S Additional Descriptions for Materials Listed Above				T Handling Codes for Wastes Listed Above		
32 Special Handling Instructions and Additional Information						
33 Transporter _____ Acknowledgement of Receipt of Materials					Date	
Printed/Typed Name			Signature		Month Day Year	
34 Transporter _____ Acknowledgement of Receipt of Materials					Date	
Printed/Typed Name			Signature		Month Day Year	
35 Discrepancy Indication Space						

EPA Form 8700-22 (3-84) White - original Pink-TSD Facility Yellow-Transporter Green-Generator's first copy
TDWR-0311B

Table 1

Types of Containers

DM = Metal drums, barrels, kegs
DW = Wooden Drums, barrels, kegs
DF = Fiberboard or plastic drums, barrels, kegs
TP = Tanks portable
TT = Cargo tanks (tank trucks)
TC = Tank cars
DT = Dump truck
CY = Cylinders
CM = Metal boxes, cartons, cases (including roll-offs)
CW = Wooden boxes, cartons, cases
CF = Fiber or plastic boxes, cartons, cases
BA = Burlap, cloth, paper or plastic bags.

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

Issued in Austin, Texas, on August 27, 1984

TRD-848864 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption
October 5, 1984

For further information, please call (512) 475-7845.

Subchapter B. Hazardous Industrial Solid Waste Management General Provisions

31 TAC §§335.41, 335.42, 335.48

The Texas Water Development Board proposes amendments to §§335.41, 335.42, and 335.48 of the industrial solid waste regulations to achieve compliance with the United States Environmental Protection Agency (EPA) and Department of Transportation (DOT) regulations promulgating a uniform manifest form to be used for shipments of hazardous waste under the Resource Conservation and Recovery Act (RCRA).

The Texas Department of Water Resources (TDWR) proposes to adopt this uniform manifest form for ship-

ments of all Class I industrial solid waste, and these amendments to Subchapter B (as well as Subchapters A, C, D, H, and V of the industrial solid waste regulations) would revise the current regulations to incorporate the new terminology of the "manifest" system (rather than the "shipping ticket" system) and to achieve consistency with the EPA regulations. The joint rule-making efforts of the EPA and the DOT resulted in a final rule adopting the uniform hazardous waste manifest form, which was published in the March 20, 1984, issue of the *Federal Register* (49 FedReg 10490) and becomes effective on September 20, 1984

The purpose of these amendments and other simultaneous amendments to this chapter is to adopt the use of the uniform hazardous waste manifest form for all shipments of Class I industrial solid waste; to impose exception reporting and manifest discrepancy reporting requirements on generators and facilities that prepare or receive manifests for all Class I industrial solid wastes; to adopt the use of the term "manifest" as a replacement for the term "shipping ticket"; and to simplify and consolidate manifest and reporting requirements into Subchapter A of the industrial solid waste regulations, which applies generally to industrial solid waste management

The amendments to the individual subchapters of the industrial solid waste regulations that are proposed simultaneously on this date achieve the previously mentioned purposes to varying degrees, as explained in detail as follows.

The proposal amends §335.41 to substitute the term "shipping ticket" with the term "manifest" to achieve consistency with the terminology in the recently promulgated EPA regulations establishing the uniform manifest system. These changes in terminology are made throughout the provision. The proposal would also correct a typographical error in §335.41(g)(2).

The proposal amends §335.42 by deleting the definitions of "shipping control ticket" or "shipping ticket" and "shipping ticket document number" and adding definitions of "manifest" and "manifest document number" that correspond to the deleted terms.

The proposal amends Appendix I of §335.48 (the appendices to Subchapter B) to correct two typographical errors in the record-keeping instructions of Appendix I. The proposal also revises the symbol for cubic meters in Table 1 to be "N" instead of "C" to correspond with the most recent EPA regulations listing abbreviations for units of measure. A table of abbreviations for units of measure appeared in the uniform manifest regulations on March 20, 1984, at 49 FedReg 10503.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Hodges also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the improvement of the state's ability to assure protection of human health and the environment, including ground and surface water resources, from the threat of contamination by Class I industrial solid wastes by establishing more uniform standards for the manifesting of Class I wastes. The manifest is a very important component of the "cradle to grave" regulation of hazardous wastes under the Resource Conservation and Recovery Act (RCRA), for the manifest must be prepared by generators who transport, or offer for transportation, hazardous waste for off-site treatment, storage, or disposal. The manifest is a control and transport document that accompanies the waste from its point of generation to its destination. The manifest system is designed to ensure that a waste actually reaches its destination. The Environmental Protection Agency's (EPA's) adoption of a uniform manifest form required for all regulated shipments of hazardous waste should alleviate the confusion and compliance difficulties that previously existed when each state had its own individual manifest system. In Texas, the term "shipping ticket" has been used in the regulations applicable to waste shipments. These sections propose to substitute the term "shipping ticket" with the term "manifest" to establish consistency with the terminology applied on a nationwide basis. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Cynthia C. Smiley, Staff Attorney, Texas Department of

Water Resources, P O Box 13087, Austin, Texas 78711.

These amendments are proposed under the Texas Water Code, §5 131 and §5 132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources. These amendments also are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and further directs the department to promulgate rules requiring persons who generate, transport, process, store, and dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose. Under the Solid Waste Disposal Act, §3(b), the Texas Department of Water Resources is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.41. Purpose, Scope, and Applicability

(a) (No change)

(b) Subchapter E of this chapter (relating to General Facility Standards), Subchapter F of this chapter (relating to Preparedness and Prevention), Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings), Subchapter H of this chapter (relating to [Shipping Ticket,] Record-Keeping and Reporting Requirements), Subchapter I of this chapter (relating to Groundwater Monitoring), Subchapter J of this chapter (relating to Closure and Postclosure), Subchapter K of this chapter (relating to Financial Requirements), Subchapter L of this chapter (relating to Use and Management of Containers), Subchapter M of this chapter (relating to Tanks), Subchapter N of this chapter (relating to Surface Impoundments), Subchapter O of this chapter (relating to Waste Piles), Subchapter P of this chapter (relating to Land Treatment), Subchapter Q of this chapter (relating to Landfills), Subchapter R of this chapter (relating to Incinerators), Subchapter S of this chapter (relating to Thermal Processing), Subchapter T of this chapter (relating to Chemical, Physical, and Biological Processing), and Subchapter V of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste, Storage, Processing, and Disposal Facilities); §335.12 of this title (relating to Shipping Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities); and §335.15 of

this title (relating to Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities) do not apply to an owner or operator of a totally enclosed treatment facility, as defined in §335 42(68) of this title (relating to Definitions)

(c) Except as provided in §335.47 of this title (relating to Special Requirements for Persons Eligible for a Federal Permit by Rule), Subchapter E of this chapter (relating to General Facility Standards), Subchapter F of this chapter (relating to Preparedness and Prevention), Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings), Subchapter H of this chapter (relating to [Shipping Ticket,] Record-Keeping and Reporting Requirements), Subchapter I of this chapter (relating to Groundwater Monitoring), Subchapter J of this chapter (relating to Closure and Postclosure), Subchapter K of this chapter (relating to Financial Requirements), Subchapter L of this chapter (relating to Use and Management of Containers), Subchapter M of this chapter (relating to Tanks), Subchapter N of this chapter (relating to Surface Impoundments), Subchapter O of this chapter (relating to Waste Piles), Subchapter P of this chapter (relating to Land Treatment), Subchapter Q of this chapter (relating to Landfills), Subchapter R of this chapter (relating to Incinerators), Subchapter S of this chapter (relating to Thermal Processing), Subchapter T of this chapter (relating to Chemical, Physical, and Biological Processing), and Subchapter V of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste, Storage, Processing, and Disposal Facilities) do not apply to

(1) (No change.)

(2) persons disposing of hazardous waste by means of underground injection. Note: Subchapter E of this chapter (relating to General Facility Standards), Subchapter F of this chapter (relating to Preparedness and Prevention), Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings), Subchapter H of this chapter (relating to [Shipping Ticket,] Record-Keeping and Reporting Requirements), Subchapter I of this chapter (relating to Groundwater Monitoring), Subchapter J of this chapter (relating to Closure and Postclosure), Subchapter K of this chapter (relating to Financial Requirements), Subchapter L of this chapter (relating to Use and Management of Containers), Subchapter M of this chapter (relating to Tanks), Subchapter N of this chapter (relating to Surface Impoundments), Subchapter O of this chapter (relating to Waste Piles), Subchapter P of this chapter (relating to Land Treatment), Subchapter Q of this chapter (relating to Landfills), Subchapter R of this chapter (relating to Incinerators), Subchapter S of this chapter (relating to Thermal Processing), and Subchapter T of this chapter (relating to Chemical, Physical, and Biological Processing) do apply to the aboveground storage or processing of hazardous waste before it is injected underground

(d) Subchapter E of this chapter (relating to General Facility Standards), Subchapter F of this chapter (relating to Preparedness and Prevention), Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings), Subchapter H of this chapter (relating to [Shipping Ticket,] Record-Keeping and Reporting Requirements), Subchapter I of this chapter (relating to

Groundwater Monitoring), Subchapter J of this chapter (relating to Closure and Postclosure), Subchapter K of this chapter (relating to Financial Requirements), Subchapter L of this chapter (relating to Use and Management of Containers), Subchapter M of this chapter (relating to Tanks), Subchapter N of this chapter (relating to Surface Impoundments), Subchapter O of this chapter (relating to Waste Piles), Subchapter P of this chapter (relating to Land Treatment), Subchapter Q of this chapter (relating to Landfills), Subchapter R of this chapter (relating to Incinerators), Subchapter S of this chapter (relating to Thermal Processing), Subchapter T of this chapter (relating to Chemical, Physical, and Biological Processing), and Subchapter V of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste, Storage, Processing, and Disposal Facilities) do not apply to

(1) (No change.)

(2) persons with respect to those activities which are carried out to immediately contain a spill of hazardous waste or material which, when spilled, becomes a hazardous waste, except that, with respect to such activities, the appropriate requirements of Subchapter F of this chapter (relating to Preparedness and Prevention) and Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings) are applicable to owners and operators of storage, processing, or disposal facilities. Note: Paragraph (2) only applies to activities taken in immediate response to a spill. After the immediate response activities are completed, Subchapter E of this chapter (relating to General Facility Standards), Subchapter F of this chapter (relating to Preparedness and Prevention), Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings), Subchapter H of this chapter (relating to [Shipping Ticket,] Record-Keeping and Reporting Requirements), Subchapter I of this chapter (relating to Groundwater Monitoring), Subchapter J of this chapter (relating to Closure and Postclosure), Subchapter K of this chapter (relating to Financial Requirements), Subchapter L of this chapter (relating to Use and Management of Containers), Subchapter M of this chapter (relating to Tanks), Subchapter N of this chapter (relating to Surface Impoundments), Subchapter O of this chapter (relating to Waste Piles), Subchapter P of this chapter (relating to Land Treatment), Subchapter Q of this chapter (relating to Landfills), Subchapter R of this chapter (relating to Incinerators), Subchapter S of this chapter (relating to Thermal Processing), Subchapter T of this chapter (relating to Chemical, Physical, and Biological Processing), Subchapter V of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste, Storage, Processing, and Disposal Facilities) apply fully to the management of any spill residue or debris which is a hazardous waste

(3) (No change.)

(e) Subchapter B of this chapter (relating to Hazardous Industrial Solid Waste Management in General), Subchapter C of this chapter (relating to Standards Applicable to Generators of Hazardous Industrial Solid Waste), Subchapter D of this chapter (relating to Standards Applicable to Transporters of Hazardous Solid Waste), Subchapter E of this chapter (relating to General Facility Standards), Subchapter F of this chapter

(relating to Preparedness and Prevention), Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings), Subchapter H of this chapter (relating to [Shipping Ticket,] Record-Keeping and Reporting Requirements), Subchapter I of this chapter (relating to Groundwater Monitoring), Subchapter J of this chapter (relating to Closure and Postclosure), Subchapter K of this chapter (relating to Financial Requirements), Subchapter L of this chapter (relating to Use and Management of Containers), Subchapter M of this chapter (relating to Tanks), Subchapter N of this chapter (relating to Surface Impoundments), Subchapter O of this chapter (relating to Waste Piles), Subchapter P of this chapter (relating to Land Treatment), Subchapter Q of this chapter (relating to Landfills), Subchapter R of this chapter (relating to Incinerators), Subchapter S of this chapter (relating to Thermal Processing), and Subchapter T of this chapter (relating to Chemical, Physical, and Biological Processing) do not apply to a person who stores, processes, or disposes of hazardous waste on-site and meets the requirements of §335 61(c) of this title (relating to Purpose, Scope, and Applicability) of this chapter

(f) The following requirements apply to residues of hazardous waste in containers

(1) Subchapter B of this chapter (relating to Hazardous Industrial Solid Waste Management in General), Subchapter C of this chapter (relating to Standards Applicable to Generators of Hazardous Industrial Solid Waste), Subchapter D of this chapter (relating to Standards Applicable to Transporters of Hazardous Solid Waste), Subchapter E of this chapter (relating to General Facility Standards), Subchapter F of this chapter (relating to Preparedness and Prevention), Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings), Subchapter H of this chapter (relating to [Shipping Ticket,] Record-Keeping and Reporting Requirements), Subchapter I of this chapter (relating to Groundwater Monitoring), Subchapter J of this chapter (relating to Closure and Postclosure), Subchapter K of this chapter (relating to Financial Requirements), Subchapter L of this chapter (relating to Use and Management of Containers), Subchapter M of this chapter (relating to Tanks), Subchapter N of this chapter (relating to Surface Impoundments), Subchapter O of this chapter (relating to Waste Piles), Subchapter P of this chapter (relating to Land Treatment), Subchapter Q of this chapter (relating to Landfills), Subchapter R of this chapter (relating to Incinerators), Subchapter S of this chapter (relating to Thermal Processing), Subchapter T of this chapter (relating to Chemical, Physical, and Biological Processing), and Subchapter V of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste, Storage, Processing, and Disposal Facilities) do not apply to any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in paragraph (2) of this subsection. This exemption does not apply to any hazardous waste in either a container that is not empty or an inner liner removed from a container that is not empty

(2) (No change)

(g) Subchapter B of this chapter (relating to Hazardous Industrial Solid Waste Management in General), Subchapter C of this chapter (relating to Standards Ap-

plicable to Generators of Hazardous Industrial Solid Waste), Subchapter D of this chapter (relating to Standards Applicable to Transporters of Hazardous Solid Waste), Subchapter E of this chapter (relating to General Facility Standards), Subchapter F of this chapter (relating to Preparedness and Prevention), Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings), Subchapter H of this chapter (relating to [Shipping Ticket,] Record-Keeping and Reporting Requirements), Subchapter I of this chapter (relating to Groundwater Monitoring), Subchapter J of this chapter (relating to Closure and Postclosure), Subchapter K of this chapter (relating to Financial Requirements), Subchapter L of this chapter (relating to Use and Management of Containers), Subchapter M of this chapter (relating to Tanks), Subchapter N of this chapter (relating to Surface Impoundments), Subchapter O of this chapter (relating to Waste Piles), Subchapter P of this chapter (relating to Land Treatment), Subchapter Q of this chapter (relating to Landfills), Subchapter R of this chapter (relating to Incinerators), Subchapter S of this chapter (relating to Thermal Processing), and Subchapter T of this chapter (relating to Chemical, Physical, and Biological Processing) do not apply to hazardous waste which is

(1) (No change)

(2) being accumulated, stored or physically, chemically or biologically processed prior to beneficial use or reuse or legitimate recycling or reclamation, provided that the [one] hazardous waste is not a sludge, a waste listed in 40 Code of Regulations Part 261, Subpart D, or a waste containing one or more hazardous wastes listed in Subpart D

§335 42 *Definitions* The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise

Manifest—The uniform hazardous waste manifest form furnished by the executive director to accompany shipments of Class I industrial solid waste.

Manifest document number—A number assigned to the manifest by the department for reporting and record-keeping purposes.

[Shipping control ticket (shipping ticket)—A form furnished by the executive director to accompany shipments of Class I industrial solid waste

[Shipping ticket document number—A number assigned to the shipping ticket by the department for reporting and record-keeping purposes]

§335 48 *Appendices I-IV* Appendices I-IV as amended October 1984 will be used for the purposes of this subchapter. Subchapter C of this chapter (relating to Standards Applicable to Generators of Hazardous Industrial Solid Waste), Subchapter D of this chapter (relating to Standards Applicable to Transporters of Hazardous Industrial Solid Waste), Subchapter E of this chapter (relating to General Facility Standards), Subchapter F of this chapter (relating to Preparedness and Prevention), Subchapter G of this chapter (relating to Contingency Plan and Emergency Proceedings), Subchapter H of this chapter (relating to [Shipping Ticket,] Record-Keeping and Reporting Requirements), Subchapter I of this chapter (relating to Groundwater Monitoring), Subchapter J of this chapter (relating to Closure and Postclosure), Subchapter K of this chapter (relating to

Financial Requirements), Subchapter I of this chapter (relating to Use and Management of Containers), Subchapter M of this chapter (relating to Tanks), Subchapter N of this chapter (relating to Surface Impoundments), Subchapter O of this chapter (relating to Waste Piles), Subchapter P of this chapter (relating to Land Treatment), Subchapter Q of this chapter (relating to Landfills), Subchapter R of this chapter (relating to Incinerators), Subchapter S of this chapter (relating to Thermal Processing), Subchapter T of this chapter (relating to Chemical, Physical, and Biological Processing), which relate to hazardous industrial solid waste. Appendix I—Record-keeping Instructions, Appendix II—Environmental Protection Agency Interim Primary Drinking Water Standards, Appendix III—Tests for Significance; and Appendix IV—Examples of Potentially Incompatible Waste. Copies of the appendices may be obtained from the Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-7845.

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

Issued in Austin, Texas, on August 23, 1984

TRD 848813 Susan Plettman
General Counsel
Texas Department of Water
Resources

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For further information, please call (512) 475 7845

Subchapter C. Standards Applicable to Generators of Hazardous Industrial Solid Waste

31 TAC §335.64

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Water Development Board, Room 613, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Water Development Board proposes the repeal of §335.64, concerning additional requirements for shipping tickets.

The substantive provisions of §335.64 will be incorporated into Subchapter A, §335.10, to consolidate the requirements for information in a manifest into one provision. As explained in §335.10, the U.S. Environmental Protection Agency (EPA) identification numbers and some other information required on the manifest are only required if a hazardous waste is involved. However, the proposal attempts to simplify the manifest process by consolidating the manifest requirements in Subchapter A for reference by generators of all Class I industrial solid waste, whether hazardous or nonhazardous.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Hodges also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the simplification and standardization of the manifest reporting requirements of the industrial solid waste regulations. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Cynthia C. Smiley, Staff Attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

The repeal is proposed under the Texas Water Code, §§ 131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources (TDWR); and the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and further directs the department to promulgate rules requiring persons who generate, transport, process, store, or dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose. Under the Solid Waste Disposal Act, §3(b), the TDWR is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.64. Additional Requirements for Shipping Ticket.

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

Issued in Austin, Texas, on August 23, 1984

TRD-848811 Susan Plettman
General Counsel
Texas Department of Water
Resources

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October 5, 1984
For further information, please call (512) 475-7845.

**31 TAC §§335 67, 335.69-335 71,
335.74-335.76**

The Texas Water Development Board proposes amendments to §§335 67, 335 69-335 71, and 335 74-335.76, concerning standards applicable to generators of hazardous industrial solid waste.

The purpose of these amendments and other amendments being simultaneously proposed is to adopt the use of the uniform hazardous waste manifest form for all shipments of Class I industrial solid waste, to impose exception reporting and manifest discrepancy reporting requirements on generators and facilities that prepare or receive manifests for all Class I industrial solid wastes; to adopt the use of the term "manifest" as a replacement for the term "shipping ticket", and to simplify and consolidate manifest and reporting requirements into Subchapter A of the industrial solid waste regulations, which applies generally to industrial solid waste management

The amendments to the individual subchapters of the industrial solid waste regulations that are proposed simultaneously in this issue achieve the previously mentioned purposes to varying degrees, as explained in detail as follows

The proposal amends §335 67 to update the terminology from the reference to a "shipping ticket" document number to a "manifest" document number. This change is in accordance with the amendments proposed for all other portions of the industrial solid waste regulations where the terms are substituted to provide consistency with the Environmental Protection Agency's (EPA's) manifest regulations

The proposal amends §335 69 to add new subsection (c), which clarifies that persons exempted under the 90-day accumulation time provision still remain subject to the requirements in Subchapter A applicable to generators of Class I waste. This addition emphasizes the applicability of the Subchapter A provisions, but does not impose new requirements on persons qualifying for the accumulation time exemption

The proposal amends §335 70(b) to clarify that annual reports and exception reports prepared by generators are required not only by Subchapter C but also by the applicable provisions in Subchapter A. This provision would be amended to reference the requirements of the title rather than the subchapter to indicate the appearance of the governing provisions in Subchapter A as well as in other subchapters governing hazardous waste

The proposal amends §335 71 to clarify that the method of processing, storage, or disposal for each hazardous waste described in the annual report shall be described using Table 2 of Appendix I in Subchapter B, titled "Handling Codes for Storage, Processing, and Disposal Methods." This clarification is consistent with the effort to simplify and standardize manifest reporting procedures

The proposal amends §335 74 to substitute the term "manifest" for the term "shipping ticket" in accor-

dance with the adoption of the uniform manifest system

The proposal amends §335 75 to clarify that exports or imports of a hazardous waste into the state must comply with the requirements of the entire title, rather than just Subchapter C, since the consolidation of requirements concerning the manifest system into Subchapter A expands the universe of applicable regulations beyond those imposed in Subchapter C. The proposal also substitutes the word "manifest" for the term "shipping ticket" wherever it appears. The references to §335 64 in §335 75(b)(2) and §335.75(d) are deleted because of the repeal of §335 64. The proposal also specifies that information regarding the point of departure from the United States through which a generator's waste must travel before entering a foreign country is appropriately entered on the manifest under the item labeled "Special Handling Instructions and Additional Information."

The proposal amends §335 76 to correct a typographical error in the reference to §335 41(f)(2)(C), which sets forth the rules applicable for the purposes of determining whether a container is empty.

Mike Hughes, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules

Mr. Hodges also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is improvement in the state's ability to assure protection of human health and the environment, including ground and surface water resources, from the threat of contamination by Class I industrial solid wastes by establishing more uniform standards for the manifesting of Class I wastes

The manifest is a very important component of the "cradle to grave" regulation of hazardous wastes under the Resource Conservation and Recovery Act (RCRA), because the manifest must be prepared by generators who transport, or offer for transportation, hazardous waste for off-site treatment, storage, or disposal. The manifest is a control and transport document that accompanies the waste from its point of generation to its destination. The manifest system is designed to ensure that a waste actually reaches its destination. The EPA's adoption of a uniform manifest form required for all regulated shipments of hazardous waste should alleviate the confusion and compliance difficulties that previously existed when each state had its own individual manifest system. In Texas, the term "shipping ticket" has been used in the regulations applicable to waste shipments. These amendments propose to substitute the term "shipping ticket" with the term "manifest" to establish consistency with the terminology applied on a nationwide basis. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed

Comments on the proposal may be submitted to Cynthia C. Smiley, Staff Attorney, Texas Department

of Water Resources, P.O. Box 13087, Austin, Texas 78711.

These amendments are proposed under the Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources; and the Solid Waste Disposal Act, §4(c), Texas Civil Statutes, Article 4477-7, which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and further directs the department to promulgate rules requiring persons who generate, transport, process, store, or dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose. Under the Solid Waste Disposal Act, §3(b), the Texas Department of Water Resources is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.67 Marking.

(a) (No change.)

(b) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 Code of Federal Regulations §172.304:

Hazardous Waste—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.
Generator's Name and Address _____
Manifest [Shipping Ticket] Document Number _____

§335.69. Accumulation Time

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

(c) **Persons exempted under this provision, who generate hazardous waste, are still subject to the requirements in Subchapter A applicable to generators of Class I waste.**

§335.70. Record Keeping

(a) (No change.)

(b) The generator shall keep a copy of each annual report and exception report required by this title [subchapter] for a period of at least three years from the due date of the report.

(c) (No change.)

§335.71. Annual Reporting. Any generator who stores, processes, or disposes of hazardous waste on-site shall prepare and submit a single copy of an annual report to the executive director by January 21 of each year. The annual report must cover facility activities during the previous calendar year and must include the following information:

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

(4) the method of processing, storage, or disposal for each hazardous waste, as described by codes in Table 2, "Handling Codes for Storage, Processing, and Disposal Methods," in Appendix I of Subchapter B of this title (relating to Hazardous Industrial Solid Waste Management General Provisions);

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

§335.74. Notification Requirements for Interstate Shipments

In the case of interstate shipments of hazardous waste for which a manifest [shipping ticket] has not been returned within 45 days of acceptance of the waste by the initial transporter, the generator shall notify the appropriate regulatory agency of the state in which the designated facility is located and the appropriate regulatory agency of the state in which the shipment may have been delivered. If a state required to be notified under this section has not received interim or final authorization pursuant to the Resource Conservation and Recovery Act of 1976, §3006, the generator shall notify the administrator that the manifest [shipping ticket] has not been returned.

§335.75. International Shipments.

(a) Any person who exports hazardous waste to a foreign country or imports hazardous waste from a foreign country into the state must comply with the requirements of this title [subchapter] and with the special requirements of this section.

(b) When shipping hazardous waste outside the United States, the generator must:

(1) require that the foreign consignee confirm the delivery of the waste in the foreign country. A copy of the manifest [shipping ticket] signed by the foreign consignee may be used for this purpose; and

(2) meet the requirements under [§335.64 of this title (relating to Additional Requirements for Shipping Ticket) of this subchapter and] §335.10(b) of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste) for the manifest [shipping ticket], except that:

(A) (No change.)

(B) the generator must identify the point of departure from the United States through which waste must travel before entering a foreign country. **This information must be placed in the item labeled "special handling instructions and additional information" on the manifest.**

(c) A generator must submit an exception report to the executive director if:

(1) he has not received a copy of the manifest [shipping ticket] signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter; or

(2) (No change.)

(d) When importing hazardous waste into the state from a foreign country, a person must meet the requirements of [§335 64 of this title (relating to Additional Requirements for Shipping Ticket) and] §335 10(b) of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste) for the **manifest** [shipping ticket] except that.

(1)-(2) (No change)

§335 76 *Farmers* A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with this chapter for those wastes provided that he triple rinses each emptied pesticide container in accordance with **§335.41(f)(2)(C)** [§335.41(h)(2)(C)] of this title (relating to Purpose, Scope, and Applicability) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

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

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General Counsel
Texas Department of Water
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For further information, please call (512) 475-7845

31 TAC §335.72

(Editor's note The text of the following rule proposed for repeal will not be published The rule may be examined in the offices of the Texas Water Development Board, Room 613, Stephen F Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The Texas Water Development Board proposes the repeal of §335 72, concerning exception reporting

The requirements of §335 72 will be incorporated into Subchapter A, §335 13, to impose requirements for exception reporting on all generators of Class I industrial solid waste, whether the waste is hazardous or nonhazardous This repeal is necessary to consolidate the provisions governing record-keeping and reporting procedures applicable to generators of Class I industrial solid waste under §335 13

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal

Mr Hodges also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the simplification and standardization of the manifest reporting requirements of the industrial solid waste regulations. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Cynthia C Smiley, Staff Attorney, Texas Department of Water Resources, P O. Box 13087, Austin, Texas 78711

The repeal is proposed under the Texas Water Code, §5 131 and §5 132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources (TDWR), and the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and further directs the department to promulgate rules requiring persons who generate, transport, process, store, or dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose Under the Solid Waste Disposal Act, §3(b), the TDWR is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities

§335 72 *Exception Reporting*

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

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General Counsel
Texas Department of Water
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Subchapter D. Standards Applicable to Transporters of Hazardous Industrial Solid Waste

31 TAC §335 91

The Texas Water Development Board proposes an amendment to §335 91, concerning the scope of standards applicable to transporters of hazardous industrial solid waste

The purpose of this amendment and other simultaneous amendments to this chapter is to adopt the use of the uniform hazardous waste manifest form for all shipments of Class I industrial solid waste, to impose exception reporting and manifest discrepancy reporting requirements on generators and facilities that prepare or receive manifests for all Class I industrial solid wastes, to adopt the use of the term "manifest" as a replacement for the term "shipping ticket", and to simplify and consolidate manifest and reporting requirements into Subchapter A of the industrial solid waste regulations, which applies generally to industrial solid waste management. The amendments to the individual subchapters of the industrial solid waste regulations that are proposed simultaneously in this issue achieve these purposes to varying degrees, as explained in detail in the following paragraph.

The proposal amends §335.91(a) to include the new provision added to Subchapter A of the industrial solid waste regulations. The provision emphasizes that the standards imposed on transporters of hazardous waste under Subchapter D are in addition to any applicable provisions contained in §§335.1-335.16, thus including proposed §335.16 in the list of provisions in Subchapter A.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Hodges also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is improvement in the state's ability to assure protection of human health and the environment, including ground and surface water resources, from the threat of contamination by Class I industrial solid wastes by establishing more uniform standards for the manifesting of Class I wastes.

The manifest is a very important component of the "cradle to grave" regulation of hazardous wastes under the Resource Conservation and Recovery Act (RCRA), for the manifest must be prepared by generators who transport, or offer for transportation, hazardous waste for off-site treatment, storage, or disposal. The manifest is a control and transport document that accompanies the waste from its point of generation to its destination. The manifest system is designed to ensure that a waste actually reaches its destination. The U.S. Environmental Protection Agency's (EPA) adoption of a uniform manifest form required for all regulated shipments of hazardous waste should alleviate the confusion and compliance difficulties that previously existed when each state had its own individual manifest system. In Texas, the term "shipping ticket" has been used in the regulations applicable to waste shipments. These rules propose to substitute the term "manifest" for the term "shipping ticket" to establish consistency with the terminology applied on a nationwide basis. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Cynthia C. Smiley, Staff Attorney, Texas Department of Water Resources, P O Box 13087, Austin, Texas 78711.

This amendment is proposed under the Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources. This amendment also is proposed under the Solid Waste Disposal Act, §4(c), Texas Civil Statutes, Article 4477-7, which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and further directs the department to promulgate rules requiring persons who generate, transport, process, store, or dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose. Under the Solid Waste Disposal Act, §3(b), the Texas Department of Water Resources is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.91 Scope

(a) This subchapter establishes standards for transporters transporting hazardous industrial solid waste to off-site storage, processing, or disposal facilities. These standards are in addition to any applicable provisions contained in §§335.1-335.16 [Subchapter A] of this title (relating to Industrial Solid Waste Management in General).

(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.

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Susan Plettman
General Counsel
Texas Department of Water
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Subchapter H. Shipping Ticket, Record-Keeping and Reporting Requirements

**31 TAC §§335.171, 335.173, 335.175,
335.177**

The Texas Water Development Board proposes amendments to §§335.171, 335.173, 335.175, and 335.177, concerning record-keeping and reporting requirements for owners and operators of hazardous industrial solid waste storage, processing, or disposal facilities.

The purpose of these amendments and other simultaneous amendments to this chapter is to adopt the use of the uniform hazardous waste manifest form for all shipments of Class I industrial solid waste, to impose exception reporting and manifest discrepancy reporting requirements on generators and facilities that prepare or receive manifests for all Class I industrial solid wastes; to adopt the use of the term "manifest" as a replacement for the term "shipping ticket", and to simplify and consolidate manifest and reporting requirements into Subchapter A of the industrial solid waste regulations, which applies generally to industrial solid waste management.

The amendments to the individual subchapters of the industrial solid waste regulations that are proposed simultaneously in this issue achieve these purposes to varying degrees, as explained in detail in the following paragraphs

The proposal amends §335 171 by deleting the references to §335.172 which is proposed for repeal to consolidate its requirements in another subchapter of the industrial solid waste regulations. The relevant portion of the sentence explaining that §335 172 and §335.176 do not apply to owners and operators that store, process, or dispose of hazardous waste on-site and do not receive hazardous waste from off-site sources is incorporated into §335 15 since §335 172 is incorporated into that provision.

The proposal amends §335 173 to substitute the term "manifest" for the term "shipping ticket" in accordance with the other amendments proposed to achieve consistency with the United States Environmental Protection Agency's (EPA) manifest regulations.

The proposal amends §335 175 to correct a typographical error in the reference to §335 15(b), which governs record-keeping and reporting requirements applicable to owners or operators of storage, processing, or disposal facilities. The proposal also deletes §335 175(a)(4), which lists the method of storage, processing, and disposal for each hazardous waste an item to be included in the monthly summary because that item would already be required by the proposed §335 15(c) for hazardous and nonhazardous Class I industrial solid waste. It is unnecessary to repeat that requirement in §335.175, so the proposal deletes it and renumbers the item following it accordingly.

The proposal amends §335 117 to clarify that the annual reports and waste reports required from owners or operators of hazardous waste storage, processing, or disposal facilities are described in §335.15 of Subchapter A and §335.175 of Subchapter H. These amendments reflect the transfer of the waste report requirement into Subchapter A and its repeal from Subchapter H

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules

Mr Hodges also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is improvement in the state's ability to assure protection of human health and the environment, including ground and surface water resources, from the threat of contamination by Class I industrial solid wastes by establishing more uniform standards for the manifesting of Class I wastes.

The manifest is a very important component of the "cradle to grave" regulation of hazardous wastes under the Resource Conservation and Recovery Act (RCRA), because the manifest must be prepared by generators who transport, or offer for transportation, hazardous waste for off-site treatment, storage, or disposal. The manifest is a control and transport document that accompanies the waste from its point of generation to its destination. The manifest system is designed to ensure that a waste actually reaches its destination. The EPA's adoption of a uniform manifest form required for all regulated shipments of hazardous waste should alleviate the confusion and compliance difficulties that previously existed when each state had its own individual manifest system. In Texas, the term "shipping ticket" has been used in the regulations applicable to waste shipments. These amendments substitute the term "shipping ticket" with the term "manifest" to establish consistency with the terminology applied on a nationwide basis. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Cynthia C Smiley, Staff Attorney, Texas Department of Water Resources, P O Box 13087, Austin, Texas 78711

These amendments are proposed under the Texas Water Code, §5 131 and §5 132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources. These amendments are proposed under the Solid Waste Disposal Act, §4(c), Texas Civil Statutes, Article 4477-7, which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and

further directs the department to promulgate rules requiring persons who generate, transport, process, store, or dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose. Under the Solid Waste Disposal Act, §3(b), the Texas Department of Water Resources is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.171 Applicability This subchapter applies to owners and operators of hazardous industrial solid waste storage, processing, or disposal facilities [Section 335 172 of this title (relating to Shipping Ticket Discrepancies) and §335 176 of this title (relating to Waste Report) do not apply to owners and operators that store, process, or dispose of hazardous waste on-site and do not receive any hazardous waste from off-site sources]

§335.173. Operating Record

(a) (No change)

(b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.

(1) (No change)

(2) the location of each hazardous waste within the facility and the quantity of each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific **manifest** [shipping ticket] document numbers, if the waste was accompanied by a **manifest** [shipping ticket].

(3)-(6) (No change)

§335.175 Reporting Requirements

(a) An owner or operator required to file a monthly summary under §335 15(b) of this title (relating to Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities) shall include the following information in that report

(1)-(3) (No change)

(4) [The method of storage, processing, and disposal for each hazardous waste, and

[(5)] The certification signed by the owner or operator of the facility or his authorized representative

§335 177 Additional Reports In addition to submitting the annual report and waste reports described in **§335.15 of this title (relating to Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities) and §335 175 of this title (relating to Reporting Requirements) [and §335 176 of this title (relating to Waste Report)],**

the owner or operator must also report to the executive director:

(1)-(3) (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.

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Susan Plettman
General Counsel
Texas Department of Water
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31 TAC §335.172

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Water Development Board, Room 613, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Water Development Board proposes the repeal of §335 172, concerning shipping ticket discrepancies.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Hodges also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is consolidation of the provisions regarding shipping ticket discrepancies (now referred to as manifest discrepancies) into §335 12 of Subchapter A of this chapter, which sets forth the shipping requirements applicable to owners or operators of storage, processing, or disposal facilities. The repeal of this provision and its inclusion in Subchapter A therefore imposes the requirements concerning manifest discrepancies on all transporters of Class I industrial solid waste, whether the waste is hazardous or nonhazardous. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Cynthia C. Smiley, Staff Attorney, Texas Department of Water Resources, P. O. Box 13087, Austin, Texas 78711.

The repeal is proposed under the Texas Water Code, §5 131 and §5 132, which provide the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources.

The repeal also is proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and further directs the department to promulgate rules requiring persons who generate, transport, process, or dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose. Under the Solid Waste Disposal Act, §3(b), the Texas Department of Water Resources is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.172. Shipping Ticket Discrepancies.

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

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General Counsel
Texas Department of Water
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31 TAC §335.176

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Water Development Board, Room 613, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Water Development Board proposes the repeal of §335.176, concerning waste reports prepared by owners or operators of storage, processing, or disposal facilities.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Hodges also has determined that for each year of the first five years the repeal as proposed is in effect

the public benefit anticipated as a result of the repeal is the consolidation of the provisions regarding waste reports into Subchapter A, §335.15(c), which sets forth the record-keeping and reporting requirements applicable to owners or operators of storage, processing, or disposal facilities. The repeal of this provisions and its inclusion in Subchapter A therefore clarifies that the provisions governing waste reports are applicable to owners or operators of storage, processing, or disposal facilities managing all Class I industrial solid waste, whether the waste is hazardous or non-hazardous. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Cynthia C. Smiley, Staff Attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

The repeal is proposed under the Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources (TDWR); and the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and further directs the department to promulgate rules requiring persons who generate, transport, process, store, or dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose. Under the Solid Waste Disposal Act, §3(b), the TDWR is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.176. Waste Report.

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

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General Counsel
Texas Department of Water
Resources

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For further information, please call (512) 475-7845

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

31 TAC §335.455

The Texas Water Development Board proposes amendments to §335.455, concerning waste reports required by owners or operators of storage, processing, or disposal facilities subject to the industrial solid waste permitting regulations.

The purpose of these amendments and other simultaneous amendments to this chapter is to adopt the use of the uniform hazardous waste manifest form for all shipments of Class I industrial solid waste, to impose exception reporting and manifest discrepancy reporting requirements on generators and facilities that prepare or receive manifests for all Class I industrial solid wastes, to adopt the use of the term "manifest" as a replacement for the term "shipping ticket", and to simplify and consolidate manifest and reporting requirements into Subchapter A of the industrial solid waste regulations, which applies generally to industrial solid waste management.

The amendments to the individual subchapters of the industrial solid waste regulations that are proposed simultaneously in this issue achieve these purposes to varying degrees, as explained in detail in the following paragraphs.

The proposal amends §335.455 to substitute the term "shipping ticket" with the term "manifest" in accordance with the amendments proposed for all other portions of the industrial solid waste regulations where the terms should be updated to achieve consistency with the U.S. Environmental Protection Agency's (EPA's) manifest regulations.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Hodges also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the improvement of the state's ability to assure protection of human health and the environment, including ground and surface water resources, from the threat of contamination by Class I industrial solid wastes by establishing more uniform standards for the manifesting of Class I wastes.

The manifest is a very important component of the "cradle to grave" regulation of hazardous wastes under the Resource Conservation and Recovery Act (RCRA), because the manifest must be prepared by generators who transport, or offer for transportation, hazardous waste for off-site treatment, storage, or disposal. The manifest is a control and transport document that accompanies the waste from its point of generation to its destination. The manifest system is designed to ensure that a waste actually reaches its

destination. The EPA's adoption of a uniform manifest form required for all regulated shipments of hazardous waste should alleviate the confusion and compliance difficulties that previously existed when each state had its own individual manifest system. In Texas, the term "shipping ticket" has been used in the regulations applicable to waste shipments. These amendments substitute the term "shipping ticket" with the term "manifest" to establish consistency with the terminology applied on a nationwide basis. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Cynthia C. Smiley, Staff Attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

These amendments are proposed under the Texas Water Code, §5.131 and §5.132, which provide the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources. These amendments also are proposed under the Solid Waste Disposal Act, §4(c), Texas Civil Statutes, Article 4477-7, which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and further directs the department to promulgate rules requiring persons who generate, transport, process, store, or dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose. Under the Solid Waste Disposal Act, §3(b), the Texas Department of Water Resources is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.455 Waste Report An owner or operator of a storage, processing, or disposal facility required to file a report under §335.15(c) of this title (relating to Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities) shall include within that report the following information:

- (1)-(3) (No change.)
- (4) a description and the quantity of each hazardous waste the facility received which was not accompanied by a **manifest** [shipping ticket];
- (5)-(6) (No change.)

(7) a brief explanation of why the waste was unaccompanied by a **manifest** [shipping ticket], if known

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

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 Texas Department of Water
 Resources

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Chapter 341. Consolidated Permits

31 TAC §341.346

The Texas Water Development Board proposes amendments to §341.346, concerning reporting, in its consolidated permit regulations

The proposed amendments correspond with the amendments proposed for the industrial solid waste management rules to adopt the uniform manifest form of the Environmental Protection Agency (EPA) and to update the applicable state requirements accordingly. The proposal amends §341.346 to replace the term "shipping ticket" with the term "manifest." This change in terminology is necessitated by the joint rule-making effort of the EPA and the Department of Transportation (DOT) resulting in a final rule published in the March 20, 1984, issue of the *Federal Register* (49 FedReg 10490). The new rule, which becomes effective on September 20, 1984, establishes a uniform hazardous waste manifest form and requires the use of the new form for all regulated shipments of hazardous waste.

In addition to its use for shipments of Resource Conservation and Recovery Act (RCRA) hazardous waste, the uniform manifest may also be used for shipments of DOT-regulated hazardous materials, for shipments of state-regulated wastes, or for any combination of these regulated materials. The Texas Department of Water Resources (TDWR) intends to use the uniform manifest form for all shipments of Class I industrial solid waste, and has adapted the federal form for the state's purposes as suggested in the EPA regulations. In addition, some of the provisions in the industrial solid waste rules that previously applied only to hazardous waste have been amended to apply to all Class I industrial solid waste. For this reason, the specific provisions requiring the discrepancy report, waste report, annual report, and monthly summary would be added to §341.346 to clarify the source of the reporting requirements.

The sentence in parentheses in §341.346(1) is amended to state its applicability to Class I industrial solid waste, instead of only hazardous waste, to correspond with the amendment to §335.12, which extends the manifest discrepancy reporting requirements

to owners or operators of nonhazardous, as well as hazardous, Class I industrial solid waste storage, processing, or disposal facilities.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Hodges also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification of the proposed standards for reporting under the state's manifest system for Class I industrial solid waste. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Cynthia C. Smiley, Staff Attorney, Texas Department of Water Resources, P. O. Box 13087, Austin, Texas 78711.

The amendments are proposed under the Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources. These amendments also are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the department to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of industrial solid waste, and further directs the department to promulgate rules requiring persons who generate, transport, process, store, or dispose of Class I industrial solid waste or hazardous waste to provide record keeping and use a manifest or other appropriate system to assure that such wastes are transported to a storage, processing, or disposal facility permitted or otherwise authorized for that purpose. Under the Solid Waste Disposal Act, §3(b), the Texas Department of Water Resources is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§341.346 Reporting. The following reports shall be submitted:

(1) **Manifest** [Shipping ticket] discrepancy report required by §335.12 of this title (related to **Shipping Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities**) if a significant discrepancy in a **manifest** [shipping ticket] is discovered, the permittee must attempt to reconcile the

discrepancy. If not resolved within 15 days, the permittee must submit a letter report including a copy of the **manifest** [shipping ticket] to the executive director. (This condition applies only to permits for off-site facilities that store, process, or dispose of **Class I industrial solid [hazardous] waste**.)

(2) Waste report **required by §335.15(c) of this title (relating to Record-keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities)** must be submitted to the executive director on a monthly basis. (This condition applies only to permits for off-site facilities that store, process, or dispose of Class I waste.)

(3) Annual report **required by §335.9 of this title (relating to Shipping and Reporting Procedures Applicable to Generators) and §335.71 of this title (relating to Annual Reporting)** an annual report must be submitted covering facility activities during the previous calendar year.

(4) Monthly summary **required by §335.15(b) of this title (relating to Record-keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities) and §335.175 of this title (relating to Reporting Requirements)**, a monthly summary must be submitted covering facility activities during the previous calendar year. (This condition applies only to permits for off-site facilities that store, process, or dispose of Class I waste.)

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

Issued in Austin, Texas, on August 23, 1984

TRD-848804 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption
October 5, 1984

For further information, please call (512) 475-7845.

TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter F. Motor Vehicle Sales Tax
34 TAC §3 65

The Comptroller of Public Accounts proposes amendments to §3 65, concerning motor vehicles purchased through another name. The amendments clarify the language and reflect the legislative change in the Motor Vehicle Sales and Use Tax Act, effective August 1, 1984. The tax rate was changed from 4.0% to 5.0%.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state

or local government as a result of enforcing or administering the rule. The amendments are promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the provision of new information to the public regarding its tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Busch, P O Box 13528, Austin, Texas 78711.

The amendments are proposed under the authority of the Texas Tax Code, § 111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.65. Motor Vehicles Purchased Through Another Name

(a) **If a vehicle is titled in the name of someone other than the buyer of the vehicle, the 5.0% motor vehicle sales and use tax is due. If title to a motor vehicle that is titled in someone other than the buyer's name is subsequently transferred to the buyer, the following taxes apply.** [When a motor vehicle is titled in a name other than the buyer's name, a 4.0% motor vehicle sales and use tax or a \$10 gift tax will be due if the vehicle is later transferred to the original buyer. The passing of title reflects a closed transaction and a change of ownership. (See Attorney General Opinion 0-4128.)]

(1) **If the vehicle is transferred to the buyer and no consideration is given by the buyer, the \$10 gift tax is due on this motor vehicle transfer.**

(2) **If the vehicle is transferred to the buyer and the buyer gives a consideration, a 5.0% motor vehicle sales or use tax is due and shall be based on the consideration given.**

(b) **The 5.0% motor vehicle sales or use tax is due when a motor vehicle is titled in the name of the parent or guardian of the vehicle buyer who has not reached the age of 21. The subsequent transfer of title to this vehicle to the buyer is not a taxable transaction.** [When a motor vehicle is titled in the name of the buyer's parents or guardians and the buyer has not reached age 21 at the time of purchase of the motor vehicle, no motor vehicle sales or use tax will be due if the vehicle is later transferred into the buyer's name.]

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

Issued in Austin, Texas, on August 29, 1984

TRD-848916 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption
October 5, 1984

For further information, please call (512) 475-1931.

34 TAC §3.90

The Comptroller of Public Accounts proposes an amendment to §3.90, concerning motor vehicles purchased for use outside Texas. The amendment reflects the legislative change in the Motor Vehicle Sales and Use Tax Act, effective August 1, 1984. The tax rate was changed from 4.0% to 5.0%.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. This amendment is promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the provision of new information to the public regarding tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Bush, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.90 Motor Vehicles Purchased for Use Outside of Texas

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

(c) Use tax

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

(3) The use tax rate is 5.0% [4.0%] of the original purchase price, less credit for any legally imposed tax previously paid to another state by the purchaser or operator.

(4)-(5) (No change.)

(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 August 29, 1984.

TRD-848917 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption
October 5, 1984

For further information, please call (512) 475-1931.

Subchapter O. State Sales and Use Tax

34 TAC §3.281

The Comptroller of Public Accounts proposes amendments to §3.281, concerning records required and information required. The amendments are necessary to include those persons performing taxable services

in the record-keeping requirement. It also extends the record-keeping requirement to those persons purchasing taxable services.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. The amendments are promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is informing the taxpayers of their record-keeping responsibilities. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Bush, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.281 Records Required, Information Required.

(a) Records required

(1) Every person engaged in

(A)-(B) (No change.)

(C) performing taxable services, such as amusement services, cable television services, personal services, motor vehicle parking and storage services, and the repair, remodeling, maintenance, and restoration of certain tangible personal property; or

(D)[(C)] purchasing taxable items must keep records in such form as may readily be examined by the comptroller or his authorized agents or employees.

(2) The records must reflect the total gross receipts from sales, rentals, leases, taxable services, and taxable labor. Purchasers' records must reflect the total purchases of taxable items. Additional records must be kept to substantiate any claimed deductions or exclusions authorized by law. When records regarding the amount and applicability of any deductions or exclusions from the measure of the tax, or evidence of compliance with optional reporting methods, are insufficient, the comptroller may estimate deductions or exclusions based on any records available or disallow all deductions and exclusions.

(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 August 29, 1984.

TRD-848920 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption
October 5, 1984

For further information, please call (512) 475-2148.

34 TAC §3.286

The Comptroller of Public Accounts proposes amendments to §3 286, concerning seller's responsibilities. The amendments limit the amount of time the seller has to obtain resale or exemption certificates after the sale. The seller has 60 days from the date of written notice from the comptroller in which to obtain any certificates not on file. Any certificates obtained after the 60-day limit will not be accepted. Those certificates presented before the expiration of the 60-day period will be subject to independent verification before the deductions will be allowed. The provisions of the 60-day limit are effective for audits beginning on or after October 2, 1984. The purpose of this amendment is to conform the rule to the legislative changes made in the Sales Tax Act, effective October 2, 1984.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. These amendments are promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the provision of new information to the public regarding its tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D Carolyn Busch, P O Box 13528, Austin, Texas 78711

The amendments are proposed under the Texas Tax Code, §111 002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.286 Seller's Responsibilities.

(a)-(b) (No change)

(c) Obtaining a permit

(1) An application will be furnished by the comptroller and must be filled out completely. After the application is filled out and returned to the comptroller, together with whatever bond or other security is required by [under] §3 327 of this title (relating to Retailer's Bond or Other Security), a separate permit under the same account will be issued to the applicant for each place of business. There will be no charge for the permit.

(2)-(4) (No change)

(d)-(g) (No change)

(h) Prepaying the tax, discounts

(1) (No change)

(2) A taxpayer who makes a prepayment based upon an estimate of tax liability may retain an additional 1.25% of the amount due. The prepayment must be made on or before the 15th day of the second month (February, May, August, and November) of the quarter for which the tax is due. Monthly prepayments are due on or before

the 15th day of the month and are also entitled to the additional 1.25% deduction.

(A) (No change.)

(B) If a taxpayer does not file a quarterly or monthly return together with payment on or before the due date, the taxpayer forfeits all discounts and incurs a mandatory 5.0% penalty. After the first 30 days delinquency, an additional mandatory penalty of 5.0% is assessed against the taxpayer, and after the first 60 days delinquency, interest begins to accrue at the rate of 10% per annum. Example of taxpayer who prepays and files a timely sales tax return: John Doe estimates that he will sell \$100,000 worth of taxable items during January, February, and March. Before February 15th, Mr. Doe files an estimated tax return with the comptroller and sends a check to the state for \$4,032.19 [\$3,910] (\$4,125 [\$4,000] estimated tax less 2.25% discount). In April, Mr. Doe files his quarterly return showing that the actual tax liability for the quarter is \$4,225 [\$4,100]. Mr. Doe remits \$99 with his final return (\$100 excess over prepayment less his 1.0%).

(i) Resale and exemption certificates

(1)-(5) (No change)

(6) The seller should obtain the properly executed resale or exemption certificates at the time the sale occurs. If the certificates are not obtained at the time of the sale, the seller has 60 days from the date written notice is given by the comptroller to the seller in which to obtain them. Any certificates presented during the 60-day period will be subject to verification before any deductions will be allowed. Certificates presented after the 60-day period will not be accepted and the deduction will not be granted. See §3.285 of this title (relating to Sales for Resale; Resale Certificates), §3.287 of this title (relating to Exemption Certificates), and §3.288 of this title (relating to Direct Payment Procedures and Qualifications).

(j) (No change)

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

Issued in Austin, Texas, on August 29, 1984

TRD-848918

Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption

October 5, 1984

For further information, please call (512) 475-1931

34 TAC §3.297

The Comptroller of Public Accounts proposes amendments to §3 297, concerning carriers. The amendments incorporate the legislative definition of aircraft. This definition includes fixed-wing propeller or jet-driven aircraft, helicopters, and flight simulators, but does not include rockets or missiles.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or as a result of enforcing or ad-

ministering the rule. The amendments are promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is reduction in the cost of flight training. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Busch, P O Box 13528, Austin, Texas 78711

These amendments are proposed under the Texas Tax Code, § 111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.297. Carriers

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

(c) Aircraft.

(1) **The term "aircraft" does not include rockets or missiles, but does include:**

(A) **a fixed-wing, heavier-than-air craft which is driven by propeller or jet and is supported by the dynamic reaction of the air against its wings;**

(B) **a helicopter;**

(C) **an airplane flight simulator approved by the Federal Aviation Administration for use as a Phase II or higher flight simulator under Appendix H, 14 Code of Federal Regulations Part 121.**

(2)[(1)] Sales or use tax is not due on aircraft sold to a nonresident or foreign government or sold to persons using the aircraft as a licensed and certificated carrier.

(3)[(2)] An aircraft is not subject to use tax if it is hangared outside this state and is used more than 50% outside this state. In order to qualify for exemption from the use tax, owners or operators of aircraft entering this state must maintain sufficient records to show the percentage of time the aircraft was used in this state.

(A)-(B) (No change)

(4)[(3)] An aircraft purchased outside this state is subject to Texas use tax, if not otherwise exempt, if it is hangared in this state. Some factors to be considered in determining whether an aircraft is hangared in this state include:

(A)-(C) (No change)

(5)[(4)] Sales or use tax is not due on aircraft repair and replacement parts acquired within or outside this state and actually affixed in this state to an aircraft qualified under subsection (a)(1) of this section.

(6)[(5)] Sales tax is due on the sale within this state of repair parts or the installation of taxable items in aircraft for nonresidents or foreign governments unless exported or delivered by the retailer after the sale to an out-of-state destination. A person repairing an aircraft for a lump-sum amount is not a seller but is a consumer of all items installed under a lump-sum repair contract. Sales tax is not due on separately stated installation or delivery charges.

(7)[(6)] Sales or use tax is not due on aircraft purchased and used for the exclusive purpose of pilot training

in a licensed course of instruction. Licensed course of instruction means pilot training or instruction conducted by a flight training school which has been certified or granted provisional certification under Federal Aviation Administration Regulations, 14 Code of Federal Regulations Part 141 [§141] (1974). Any nonexempt use of the aircraft will cause the purchaser to become liable for the sales tax on either the fair market rental value of the aircraft for the period of nonexempt use or upon the original purchase price. See § 3.287 of this title (relating to Exemption Certificates).

(d)-(f) (No change)

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

Issued in Austin, Texas, on August 29, 1984

TRD-848919 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption

October 5, 1984

For further information, please call (512) 475-2148

34 TAC §3.309

The Comptroller of Public Accounts proposes amendments to § 3.309, concerning electrical transcriptions, recording studios, and producers. The amendments reflect changes in the taxability of audio or audiovisual works and master tapes made by the legislature. The amendments change the tax responsibilities of the producer and production studio. The master tape, disc, or electrical transcription and the total charge to the customer for the production of that master tape or electrical transcription are exempt from sales and use tax.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. The amendments are promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the provision of new information to the public regarding its tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Busch, P O Box 13528, Austin, Texas 78711

The amendments are proposed under the Texas Tax Code, § 111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.309. *Electrical Transcriptions, Recording Studios, Producers.*

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

(1) Electrical transcription—Any **master tape** [phonograph record], disc, [tape,] or other item, not including motion picture film or video tape, capable of reproducing sound when used in conjunction with electrical equipment **and manufactured to produce copies or other recordings.**

(2) Producer—A person who, acting for himself or under contract with another, is responsible for producing an electrical transcription Generally, producing includes being responsible for preparing or furnishing, or having the right to approve the rehearsing, recording, editing, **mixing, dubbing,** talent direction, engineering, place of recording, and otherwise exercising control over the recording of an electrical transcription

(3) Recording studio/**company**—A place, location, [or] facility, **or service company where or through which** sound is transferred to an electrical transcription **and in or through** which are provided such items as microphones, amplifiers, speakers, recording turntables, record players, tape recorders, mixers, splicers, and personnel to operate this equipment

(b) (No change)

(c) Tax responsibilities of a recording studio

(1) Sales tax is not due on the charge made by a recording studio/**company** to a producer for the rental **or procurement of a** [the] studio, [its] facilities, and [studio] personnel when an electrical transcription is produced **by [at] the production studio/company** [by studio personnel] under the supervision or direction of the producer Under these circumstances, the recording studio/**company** is not renting the equipment but is providing services, the charge for which includes facilities, personnel, accounting, budgeting, janitorial services, etc

(2) If the recording studio/**company** does not furnish the personnel to operate the equipment and relinquishes total operational control of the equipment to the producer, then a taxable rental occurs A taxable rental also occurs if studio personnel merely render incidental services such as maintenance and repair or if equipment is rented to the producer for use at a location other than the studio A separately stated charge for an operator is not taxable See §3 294 of this title (relating to Rentals and Leases of Taxable Items)

(3) [Sales tax is due on the total amount charged a client when a recording studio acts as a producer and contracts to provide the customer a master record, original record, finished record, tape, or other electrical transcription No deductions are allowed for charges for studio facilities, labor or service costs, or any other charges or expenses incurred prior to the completion of production Even though such costs may be itemized in the billing to the client, they may not be deducted from the total selling price of the electrical transcription

[(4)] Sales tax is due on the total amount charged a client when a recording studio/**company** contracts to provide processing of an electrical transcription by **editing** [cutting], **mixing, dubbing,** etc , not as a part of paragraph (1) or paragraph (2) of this subsection No deduc-

tion is allowed for charges or expenses incurred by the studio/**company** in providing the processing

(4) **Sales tax is due on the total amount charged for making copies or other recordings of the electrical transcription.**

(d) Tax responsibilities of a producer

(1) **Sales tax is not due on the amount charged by the producer to produce the electrical transcription.** [Sales tax is due on the sale of an electrical transcription by a producer When a contract is for the production and sale of an electrical transcription, it is immaterial that title or possession to any item utilized by the producer in completing production does not pass to the customer, such as when a customer contracts to have a finished record produced and the producer retains the master record This is a sale of the finished electrical transcription and tax is due on the total amount charged the customer]

(2) **The producer may purchase tax-free any item that is purchased to produce the electrical transcription which becomes an ingredient or component part of the electrical transcription.** [The sales price of an electrical transcription produced for a customer must include all costs incurred prior to completion of production No deduction may be claimed for expenses such as studio facilities, rental charges, talent, labor, or any other expenses incidental to production of the item]

(3) **Sales tax is due on the total amount charged for making copies of other recordings of the electrical transcription.**

(e) [Sales to producers The sale of a master, stamper, or finished record to a producer by a third party is subject to sales tax

[(f)] Seller's responsibilities Sellers of electrical transcriptions should refer to §3 286 of this title (relating to Seller's Responsibilities)

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

Issued in Austin, Texas, on August 29, 1984

TRD-848921

Bob Bullock

Comptroller of Public Accounts

Earliest possible date of adoption

October 5, 1984

For further information, please call (512) 475-2148

34 TAC §3.312

The Comptroller of Public Accounts proposes amendments to §3 312, concerning persons engaged in the graphic arts or related occupation The amendments are necessary to incorporate the legislative change to the Tax Code regarding taxability of repairs Repair, remodeling, maintenance, and restoration of tangible personal property are now taxable

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state

or local government as a result of enforcing or administering the rule. The amendments are promulgated under the Tax Code, Title 2, and no fiscal implications for small businesses are required.

Mr. Hamilton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the provision of new information to the public regarding its tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to D. Carolyn Busch, P. O. Box 13528, Austin, Texas 78711.

The amendments are proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.312 Persons Engaged in the Graphic Arts or Related Occupation

(a) Persons who furnish their own supplies in pursuit of their work, including photographers, commercial artists, portrait painters, etc., shall pay a tax on their supplies, equipment, and any other **taxable items** [tangible personal property] used by them. However, when supplies or materials will become an ingredient or compo-

nent part of a finished product held for sale, the [such] materials are [shall] not [be] subject to tax at the time of purchase by the artist. See §3.300 of this title (relating to Manufacturing, Custom Manufacturing; Fabricating; Processing). The total charge for the finished product is subject to [the] tax.

(b) Persons who produce, process, print, or imprint tangible personal property, when the materials used in these processes have been furnished by the customer, [shall] include photo finishers, book binders, printers, etc.; the total charge made by them for such work is [shall be] taxable. When printing, imprinting, or processing is performed in compliance with an order from a customer, it is subject to tax based upon the total price charged to the [such] customers.

(c) **The repair, remodeling, maintenance, and restoration of tangible personal property is a taxable service. The total amount charged the customer for labor and materials is subject to tax. See §3.292 of this title (relating to Repairs).**

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

Issued in Austin, Texas, on August 29, 1984.

TRD-848922

Earliest possible date of adoption

October 5, 1984

For further information, please call (512) 475-1922.

Withdrawn Rules

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

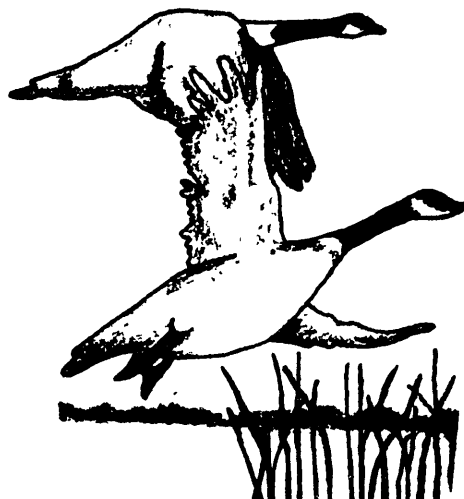
Part X. Texas Water Development Board

Chapter 341. Consolidated Permits Application for Permit

31 TAC §341.152, §341.153

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §341.152 and §341.153 submitted by the Texas Water Development Board have been automatically withdrawn, effective August 27, 1984. The amendments as proposed appeared in the February 24, 1984, issue of the *Texas Register* (9 TexReg 1140).

TRD 848854
Filed August 27, 1984



An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule 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.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which explain the legal justification for the rule, how the rule will function, contain comments received on the proposal, list parties submitting comments for and against the rule, explain why the agency disagreed with suggested changes, and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

Adopted Rules

TITLE 7. BANKING AND SECURITIES

Part II. Banking Department of Texas

Chapter 10. Trust Companies

General

7 TAC §10.1

The Banking Department of Texas adopts new §10.1, without changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2515).

The new section clarifies the applicability of Texas Civil Statutes, Article 1513a, to all trust companies exercising fiduciary powers, regardless of the statute under which such trust companies were formed. The new section requires all corporations organized under Texas law which exercise fiduciary powers to comply with the requirements of this article, which requires a minimum capital of \$500,000 and annual examination by the department.

The department received one comment in favor of the new section, stating that this section is needed to prevent abuses to the public by those few trust companies that operate with marginal capitalization and inadequate management. No negative comments were received. Jeffery L. Hart, Reynolds, Allen, and Cook, commented in favor of the new section.

The new section is adopted under Texas Civil Statutes, Article 1513a, which provide the banking com-

missioner with the authority to supervise trust companies organized under the laws of the State of Texas.

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

Issued in Austin, Texas, on August 23, 1984

TRD-848878 Archie P. Clayton III
General Counsel
Banking Department of Texas

Effective date: October 1, 1984
Proposal publication date: May 8, 1984
For further information, please call (512) 475-4451.

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 65. Boiler Division Administration

16 TAC §65.20

The Texas Department of Labor and Standards adopts an amendment to §65.20, without changes to the proposed text published in the February 28, 1984, issue of the *Texas Register* (9 TexReg 1192).

The amendment increases the cost of the boiler certificate of operation from \$5 00 to \$10. The fee increase was recommended by the Boiler Advisory Board. Boiler certificates of operation will cost \$10 for an owner-user who operates a boiler in Texas.

No comments were received regarding adoption of the amendment.

The amendment is adopted pursuant to the authority vested in the commissioner of the Texas Department of Labor and Standards by Texas Civil Statutes, Article 5221c, to promulgate rules and regulations.

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

Issued in Austin, Texas, on August 23, 1984

TRD-848836 Allen Parker, Sr.
Commissioner
Texas Department of Labor and
Standards

Effective date: September 14, 1984
Proposal publication date: February 28, 1984
For further information, please call (512) 475-0155.



TITLE 34. PUBLIC FINANCE
Part IV. Employees Retirement
System of Texas
Chapter 79. Social Security
34 TAC §79.4

The Employees Retirement System of Texas adopts new §79.4, without changes to the proposed text published in the July 24, 1984, issue of the *Texas Register* (9 TexReg 4022).

This new section implements requirements of Senate Bill 7, 68th Legislature, Second Called Session, 1984, which directs that the agency prescribe reporting and payment deadlines necessary for its compliance with federal requirements presently described in 42 United States Code §418(e)(1).

The new section clearly defines the filing deadlines for reports and payments of contributions under the Social Security programs for eligible public entities.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 695g, §8(b), and Article 695h, §6(c), which provide the Employees Retirement System of Texas with the authority to adopt rules prescribing deadlines for the filing of reports and payments of contributions necessary for the agency's compliance with federal requirements governing the Social Security program for public employees.

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

Issued in Austin, Texas, on August 27, 1984

TRD-848877 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Effective date: September 17, 1984
Proposal publication date: July 24, 1984
For further information, please call (512) 476-6431,
ext. 176

Chapter 81. Insurance

34 TAC §81.5

The Employees Retirement System of Texas adopts amendments to §81.5, without changes to the proposed text published in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3795) and the July 24, 1984, issue of the *Texas Register* (9 TexReg 4023).

The amendments provide returning state employees with the same rights to postpone group insurance and health maintenance organization coverages presently available to new state employees.

Employees terminating employment and returning to active duty within the same contract year may reinstate coverages no greater than those that were in effect upon their termination of state service. Additionally, employees who select coverages less than those permitted may reinstate any waived coverages during the 30 days following the date of reinstatement to active service.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 350-2, §4(b) and (h), which provides the Employees Retirement System of Texas with the authority to prescribe the time at which and the condition under which an employee is eligible for all coverages provided and to carry out all statutory duties to the Uniform Group Insurance 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.

Issued in Austin, Texas, on August 27, 1984

TRD-848876 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Effective date September 17, 1984
Proposal publication date July 13, 1984,
July 24, 1984

For further information, please call (512) 476-6431,
ext 176

34 TAC §81.11

The Employees Retirement System of Texas adopts amendments to §81.11, without changes to the proposed text published in the July 24, 1984, issue of the *Texas Register* (9 TexReg 4023).

A returning state employee will have the same right to postpone dependent coverages as a new employee does when enrolling in the State Uniform Group Insurance Program

A state employee who terminates employment and returns to state service within the same contract year will be allowed to reinstate dependent coverages that

were in effect upon termination of employment. Should a returning state employee decline the reinstatement of dependent coverages, the employee may reinstate any waived coverages during the 30 days following the date of return to active duty.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 350-2, §4(b) and (h), which provides the Employees Retirement System of Texas with the authority to prescribe the time at which and the condition under which an employee is eligible for all coverages provided and to carry out all statutory duties to the Uniform Group Insurance 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.

Issued in Austin, Texas, on August 27, 1984

TRD-848875 Clayton T. Garrison
Executive Director
Employees Retirement System of
Texas

Effective date September 17, 1984
Proposal publication date July 24, 1984
For further information, please call (512) 476-6431,
ext. 176.

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. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or 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. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Department of Agriculture

Monday, September 17, 1984, 10 a.m. The Texas Department of Agriculture will meet in the district office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will conduct an administrative hearing to review the possible violation(s) of the Texas Agriculture Code relating to the handling and marketing of citrus fruit by Marvin Schwarz Produce as petitioned by Fred Seip and Seip Oil Company.

Contact: Patrick D. Redman, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686

Filed: August 29, 1984, 1:36 p.m.
FRD-848939

Texas Antiquities Committee

Thursday, August 30, 1984, 9:30 a.m. The Executive Committee of the Texas Antiquities Committee met in a rescheduled emergency session in Room 100B, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee met in executive session to discuss personnel matters. The emergency status was neces-

sary because the meeting had to be postponed from Tuesday, August 28, 1984, to Thursday, August 30, 1984.

Contact: Debra Frierson, P.O. Box 12276, Austin, Texas 78711, (512) 475-6328

Filed: August 28, 1984, 4:51 p.m.
TRD-848908

Texas County and District Retirement System

Thursday, September 13, 1984, 9 a.m. The Board of Trustees of the Texas County and District Retirement System will meet at the Hyatt Regency, 208 Barton Springs Road, Austin. According to the agenda summary, the board will consider the June 15, 1984, minutes; consider and pass on applications for service retirement benefits, review and act on reports from the actuary, legal counsel, investment counsel, and director, and set the date of the December meeting.

Contact: J. Robert Brown, 802 Perry-Brooks Building, Austin, Texas 78701, (512) 476-6651

Filed: August 30, 1984, 9:45 a.m.
TRD-848954



Economic Development Commission

Wednesday, August 29, 1984, 10 a.m. The Personnel Committee of the Economic Development Commission met in emergency session in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda, the committee heard a report on recommendations to the board of commissioners and met in executive session to discuss personnel matters under Texas Civil Statutes, Article 6252-17, §2(g). The emergency status was necessary to finalize the report to the full board of commissioners at the board meeting held at 11 a.m. on August 29, 1984.

Wednesday, August 29, 1984, 11 a.m. The Board of Commissioners of the Economic Development Commission met in emergency session in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda, the board considered action on the report of the Personnel Committee and met in executive session to discuss personnel matters under Texas Civil Statutes, Article

6252-17, §2(g) The emergency status was necessary to take action on the Personnel Committee's report

Contact: Alexa Richter, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059

Filed: August 28, 1984, 12:33 p m
TRD-848886, 848887

Texas Education Agency

Committees of the State Board of Education of the Texas Education Agency (TEA) and the full board will meet in the TEA North Building, 1200 East Anderson Lane, Austin. Days, times, rooms, committees, and agendas follow.

Friday, September 7, 1984, 1:30 p.m. In the Joe Kelly Butler Boardroom, the Committee of the Whole will consider requirements for pupil attendance accounting for state funding purposes; rules for special education funding and for day and residential placements; testing and classification of limited English-speaking students, occupational education and technology rules amended as a result of House Bill 72, 68th Legislature, second called session, 1984; a schedule of activities for preparing the master plan for vocational education; the addition of ROTC and Computer Science I and II as approved courses in essential elements for grades nine-12; State Textbook Program rules amended as a result of House Bill 72; an amendment to textbook Proclamation 61, and a notice of a request to increase the price for producing large type textbooks.

Contact: Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: August 29, 1984, 8:41 a.m.
TRD-848910

Friday, September 7, 1984, 3 p.m. In Room 101-E, the Committee for Investment of the Permanent School Fund will hear a presentation by Touche Ross and Company; review securities transactions, review the investment portfolio; consider the recommended investment program of the permanent school fund for September; consider estimated funds available for the September investment program of the permanent school fund; and hear the report of the investment officer.

Contact: Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: August 29, 1984, 8:42 a.m.
TRD-848911

Saturday, September 8, 1984, 8:30 a.m. In the Joe Kelly Butler boardroom, the State

Board of Education will consider agency administration; appeals from decisions of the commissioner of education, motions for rehearing of State Board of Education decisions; requirements for pupil attendance accounting for state funding purposes; rules for special education funding and for day and residential placements; testing and classification of limited English-speaking students; occupational education and technology rules amended as a result of House Bill 72, 68th Legislature, second called session, 1984; a schedule of activities for preparing the master plan for vocational education, the addition of ROTC and Computer Science I and II as approved courses in essential elements for grades nine-12, State Textbook Program rules amended as a result of House Bill 72; an amendment to textbook Proclamation 61; a notice of a request to increase the price for producing large type textbooks, estimated funds available for the September investment program of the permanent school fund, educational aid for teachers, including designation of areas and fields of acute teacher shortage; fees for testing, including fees required of candidates to register for the preprofessional skills tests; composition of the Commission on Standards for the Teaching Profession, approval of a contractor for development of teacher certification tests, Phase I, travel for members of the State Board of Education; and requests by the staff to hold other positions of honor, trust, or profit

Contact: Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: August 29, 1984, 8:42 a.m.
TRD-848912

Texas Employment Commission

Thursday, August 30, 1984, 9 a.m. The Texas Employment Commission (TEC) met in emergency session in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission considered prior meeting notes and internal procedures of the Office of Commission Appeals; considered and acted on higher level appeals in unemployment compensation cases on Docket 35A, and set the date of the next meeting. The emergency status was necessary to comply with federal time lapse requirements regarding consideration of cases on Docket 35A.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415

Filed: August 29, 1984, 1 58 p m
TRD-848955

Wednesday, September 5, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes, conduct a public comment period, discuss the establishment of a policy on Hispanic translations; hear a report on the sale/exchange of property, discuss benefits for temporary employees, consider an inter-agency contract with the Texas Merit System Council and expenditures from the unemployment compensation special administration fund, discuss the TEC building program; hear reports of administrative staff on operations, funding, and legislation, consider actions, if any, resulting from the executive session, and set the date of and agenda items for the next meeting. The commission also will meet in executive session under Texas Civil Statutes, Article 6252-17, §2(e) and (f), to consider Senate Bill 1355 as it affects the TEC's sale, lease, or purchase of real property and related matters; conduct a discussion with its attorneys concerning *Tullis v. Grisham*, and related matters, and consider other matters permitted by Article 6252-17, §2(e), (f), (g), or (j).

Contact: Steve Hollahan, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4400

Filed: August 28, 1984, 3:59 p m
TRD-848907

Office of the Governor

Thursday, September 6, 1984, 10:30 a.m. The Job Injury Advisory Committee of the Office of the Governor will meet in emergency session in Room E, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will review job injury data collected by state agencies, private sources, and the federal government. The emergency status is necessary expedite the review of data collected to make recommendations to the Job Injury Interagency Council.

Contact: Luis F. B. Plascencia, P. O. Box 13561, Austin, Texas 78711, (512) 475-6156.

Filed: August 30, 1984, 9 16 a m
TRD-848946

Texas Register

Friday, September 7, 1984, 8:30 a.m. The Job Injury Interagency Council of the Office of the Governor will meet in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the council will review the recommendations of the Job Injury Advisory Committee regarding the collection of job injury data

Contact: Luis F B Plascencia, P O Box 13561, Austin, Texas 78711, (512) 475-6156.

Filed: August 30, 1984, 9 11 a.m.
TRD-848947

Texas Health and Human Services Coordinating Council

Wednesday, September 5, 1984, 2 p.m. The Texas Health and Human Services Coordinating Council will meet in Room 304T, 1117 Trinity Street, Austin. According to the agenda summary, the council will approve the minutes, hear committee reports and the executive director's report, conduct a discussion session concerning workgroups, and consider new business

Contact: Lynn H Levery, P O Box 12428, Austin, Texas, (512) 475-1306

Filed: August 28, 1984, 3 30 p m
TRD-849009

Texas Department of Health

Sunday, September 16, 1984, 9:30 a.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet in the conference room, Bureau of Radiation Control, 1212 East Anderson Lane, Austin. According to the agenda summary, the board will approve minutes, hear reports from the Executive Committee, the Radioactive Waste Task Team, the Industrial Radiography Task Team, the Public Information Committee, and the Sunset Task Team, consider an update on rules and a regulatory guide; discuss program activities in general and of the Division of Environmental Programs, the Division of Compliance and Inspection, and the Division of Licensing, Registration, and Standards; and determine the next meeting date and location. The board also will meet in executive session

Contact: David M Cochran, P E , 1100 West 49th Street, Austin, Texas, (512) 458-7541

Filed: August 30, 1984, 9 42 a m
TRD-848949

Texas Health Facilities Commission

Thursday, September 6, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Nunc Pro Tunc Orders

The University of Texas Medical Branch at Galveston, Galveston
AH84-0321-178
Southeast Outpatient Surgical Center, Houston
AS83-0908-145

Declaratory Ruling

Med West Healthcare Management Corporation, Omaha, Nebraska
AN84-0612-383

Notices of Intent to Acquire Existing Health Care Facilities

July Associates, an Illinois general partnership, Chicago, Illinois
AN84-0625-406

Maxim Healthcare Corporation, a Delaware corporation, Erdenheim, Pennsylvania
AH84-0621-399

Senior Care, Inc., a Delaware corporation, Plano
AN84-0718-471, AN84-0718-472
BSB Investments, Inc., a Texas corporation, Dallas
AN84-0723-478

Southwest Health Villas of Texas, Inc., Dallas
AN84-0727-491

Southwest Health Villas, Inc., Dallas
AN84-0727-492
American Health Investors of El Paso, Inc , a Georgia corporation, El Paso
AN84-0730-498

Midland Camelback Samaritan Group, a Texas nonprofit corporation, Scottsdale, Arizona
AH84-0731-503

Notices of Intent to Acquire Major Medical Equipment

El Paseo Diagnostic Center-Joint Venture, El Paso
AO84-0730-497

MR North Medical Center, Ltd.-Houston, a to-be-formed Texas limited partnership, Houston
AS84-0724-481

Amendment of Certificate of Need Order Memorial Hospital of Galveston County, Texas City
AH80-0103-003A(062784)

Certificates of Need

Newton Eye Outpatient Surgi-Center, Texarkana
AS84-0308-152

Texhoma Christian Care Center, Wichita Falls
AN84-0301-143

Youthcare Center, Port Arthur
AH83-1228-470

Rivendell Children and Youth Center, Bulverde
AH84-0215-096

South Texas Eye Surgicenter, Inc , Victoria
AS84-0104-011

Orange County Convalescent Center, Orange
AN84-0103-008

Jones Health Center, Inc., Orange
AN84-0330-200

Westgate Hospital and Medical Center, Denton
AH83-1121-389

Memorial Hospital of Garland, Garland
AS84-0103-004

Fondren Dialysis Clinic, Houston
AS84-0103-005

Motions for Rehearing

Humana Hospital Amarillo, Amarillo
AH83-0512-482

Northwest Texas Hospital, Amarillo
AH83-0801-071

Contact: John R Neel, P O Box 50049, Austin, Texas 78763

Filed: August 29, 1984, 9.39 a m
TRD-848932

State Board of Insurance

Friday, August 31, 1984, 10 a.m. The State Board of Insurance submitted an emergency revised agenda for a meeting held in Room 414, 1110 San Jacinto Street, Austin. According to the revised agenda, the board considered extending for an additional 60 days the emergency effectiveness of emergency Rule 059.01 15 271, as published at 9 TexReg 2587. The emergency status was necessary to extend the effectiveness before the rule expired

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: August 29, 1984, 4.21 p.m.
TRD-848942

Thursday, September 6, 1984, 10 a.m. The State Board of Insurance revised the agenda of a meeting to be held in Room 414, 1110 San Jacinto Street, Austin. According to the revised agenda, the board will consider ex-

tending for an additional 60 days the emergency effectiveness of Emergency Rules 059 .21 53.001- 007, as published at 9 TexReg 2806 and as thereafter modified

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: August 29, 1984, 4 21 p m
TRD-848943

Thursday, September 6, 1984, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin According to the agenda summary, the board will consider a written application by Dependable Insurance Company for a meeting with the board to consider the approval of its 1,342 or more consent to rate applications on immigration bonds which are currently pending, and the reconsideration of the denial of 42 other consent to rate applications by Board Order 45139

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950

Filed: August 29, 1984, 4 21 p m
TRD-848944

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin Days, times, and dockets follow

Friday, September 7, 1984, 9 a.m. Docket 7780—application of George R Green, Houston, for a legal reserve life insurance agent's license

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287

Filed: August 29, 1984, 1 28 p m
TRD-848936

Monday, September 10, 1984, 2 p.m. Docket 7787—application for approval of asset purchase agreement among Sanus Health Plan, Inc., Irving, Medcon, Inc., Euless, Conn-Care Independent Practice Association, Fort Worth, and William C Conner, Fort Worth, and the expansion of the Sanus service area

Contact: J C Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: August 29, 1984, 1:28 p m.
TRD-848937

Legislative Education Board

Thursday, September 6, 1984, 9 a.m. The Legislative Education Board will meet in the Speaker's Committee Room, State Capitol, Austin Items on the agenda include consid-

eration of nominations for appointment to the State Board of Education and other matters that may come before the chair

Contact: Steve Collins, P.O. Box 12128, Austin, Texas 78711, (512) 475-2736.

Filed: August 28, 1984, 3:56 p.m.
TRD-848906

Texas State Library and Archives Commission

Thursday, September 6, 1984, 10:30 a.m. The Texas State Library and Archives Commission will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. According to the agenda, the commission will consider the policy for the Regional Historical Resource Depository Program

Contact: Dorman H Winfrey, P O Box 12927, Austin, Texas 78711, (512) 475-2166

Filed: August 29, 1984, 1 26 p.m
TRD-848935

Texas State Board of Medical Examiners

Thursday, August 30, 1984, 2:30 p.m. The Texas State Board of Medical Examiners met in emergency session at 1101 Camino La Costa, Austin According to the agenda, the board considered the executive director position, possibly in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4 05(d) and §5.06(e)(1), and attorney general Opinion H-484, 1974 The emergency status was necessary because the previous executive director resigned effective August 31, 1984, and the position had to be filled

Contact: Jean Davis, P O. Box 13562, Austin, Texas, (512) 452-1078

Filed: August 29, 1984, 1:28 p m.
TRD-848938

Board of Nurse Examiners

Monday-Thursday, September 10-13, 1984, 8 a.m. daily. The Board of Nurse Examiners will meet at the Sunrise Motor Hotel, 7622 IH 35 North, Austin According to the agenda summary, the board will conduct disciplinary hearings; consider consent orders, conduct reinstatement hearings, hear a report of the executive director concerning a report from the Ad Hoc Committee re-

garding an impaired nurse, hear an education report concerning a request for new programs, with public hearings set for Schreiner College, Kerrville, at 2 30 p m on September 10, 1984, and the University of Texas at Arlington request for an extended campus to East Texas State University at 2 p m on September 10, 1984, summary of an examination, and consider old business, new business, and miscellaneous, including the election of officers

Contact: Margaret Rowland, 1300 East Anderson Lane, C-225, Austin, Texas 78752, (512) 835-4880

Filed: August 28, 1984, 2 08 p.m
TRD-848889

Board of Pardons and Paroles

Wednesday, September 5, 1984, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin According to the agenda, the board will conduct full board interviews, meeting with interested parties in connection with the following cases subject to the board's jurisdiction.

9 30 a m —Oscar Turner, TDC #214,871
10 30 a m —William Wilkinson, probation

Contact: Daniel R Guerra, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2700

Filed: August 28, 1984, 10 19 a m
TRD-848881

Polygraph Examiners Board

Tuesday and Wednesday, September 11 and 12, 1984, 9 a.m. daily. The Polygraph Examiners Board will meet at the Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin According to the agenda, the board will conduct and grade licensing examinations and consider and act upon any other polygraph-related business which may come before the board

Contact: Candy Moore, P O Box 4083, Austin, Texas 78773, (512) 465-2058

Filed: August 29, 1984, 9.26 a m
TRD-848925

Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite

Texas Register

450N, 7800 Shoal Creek Boulevard, Austin
Days, times, and dockets follow

Thursday, September 6, 1984, 1:30 p.m. A prehearing conference in Docket 5596—application of McCulloch Electric Cooperative, Inc., for a rate increase

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 29, 1984, 9:25 a.m.
TRD-848926

Wednesday, September 12, 1984, 10 a.m. A prehearing conference in Docket 5855—petition of Louis Delesandi to terminate water service

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 30, 1984, 9:43 a.m.
TRD-848950

Friday, September 14, 1984, 1 p.m. An informal rate hearing in Docket 5872—customer protest in the matter of a \$43(h) rate increase of Little Creek Acres water supply in Hunt County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 30, 1984, 9:42 a.m.
TRD-848952

Tuesday, October 9, 1984, 10 a.m. A hearing on the merits in Docket 5820—application of Gulf States Utilities Company for authority to change rates—step two

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 30, 1984, 9:43 a.m.
TRD-848951

Tuesday, October 16, 1984, 10 a.m. A rescheduled hearing on the merits in Docket 5663—application of the City of Leon Valley to amend its certificate of convenience and necessity within Bexar County

Addition to the previous agenda

A hearing in Docket 5881—application of Continental Telephone Company of Texas for authority to regularize the base rate area and establish two special rate areas in the Caddo Mills exchange

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 29, 1984, 9:25 a.m.
TRD-848927, 848928

Tuesday, October 23, 1984, 10 a.m. A hearing on the merits in Docket 5769—application of Ladd Water Supply for a certificate of convenience and necessity within Kerr County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 30, 1984, 9:41 a.m.
TRD-848953

Thursday, November 8, 1984, 1:30 p.m. A hearing on the merits in Docket 5819—application of Robertson Electric Cooperative, Inc., merging with Limestone Electric Cooperative, Inc., within Robertson County

Monday, December 10, 1984, 10 a.m. A hearing on the merits in Docket 5835—application of Hill Country Water Works to amend its certificate of convenience and necessity within Bexar County, and application of the City Water Board of San Antonio to amend its certificate of convenience and necessity within Bexar County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 29, 1984, 9:25 a.m.
TRD-848929, 848930

University Interscholastic League

Thursday, August 30, 1984, noon. The State Executive Committee of the University Interscholastic League met in emergency session in Room 3102, Thompson Conference Center, University of Texas campus, 26th and Red River Streets, Austin. According to the agenda summary, the committee conducted two evidentiary hearings, considered two appeals of Waiver Review Board decisions, and considered new business, including a television contract, a broadcasting contract, a district awards contract, and interpretation of the Constitution and Contest Rules, §1250 G(6). The emergency status was necessary because it was determined that a quorum had been assembled

Contact: Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883

Filed: August 28, 1984, 2:03 p.m.
TRD-848888

Texas Water Commission

The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North

Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Wednesday, September 12, 1984, 9:30 a.m. In Room 118, the commission will consider the following applications

Application TA-5042 of Allan Construction Company, Inc., seeking a permit to divert and use five acre-feet of water for a one-year period from the San Saba River, Colorado River Basin, for industrial (highway construction) purposes in Menard County

Application TA-5044 of Foremost Paving, Inc., seeking a permit to divert and use 90 acre-feet of water for a 1½-year period from the Nueces River, Nueces River Basin, for industrial (highway construction) purposes in Nueces County.

Application TA-5028 of Q. L. Corporation, doing business as Quick Line Service Company, seeking a permit to divert and use 10 acre-feet of water for a one-year period from the Rio Grande, Rio Grande Basin, for mining (well drilling) purposes in Webb County

Application TA-5041 of Corpus Christi Petrochemical Company seeking a permit to divert and use 1,600 acre-feet of water for a two-year period from an unnamed drainage ditch, tributary of Oso Creek, tributary of Cayo Del Oso, tributary of Corpus Christi Bay, Nueces-Rio Grande Coastal Basin, for industrial (water cooling) purposes in Nueces County

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 28, 1984, 2:15 p.m.
TRD-848892-848895

Tuesday, September 18, 1984, 2 p.m. In Room 118, the commission will consider the application of Bill Milburn for proposed Permit 12747-01 to authorize the discharge of 250,000 gallons per day of treated domestic sewage in the Brazos River Basin, Williamson County

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 29, 1984, 9:43 a.m.
TRD-848934

Wednesday, September 26, 1984, 10 a.m. In Room 118, the commission will consider Application 4481 of the City of Alice seeking a permit to divert and use 659.3 acre-feet per annum of treated sewage effluent created by the permittee's use of water pursuant to Contractual Permit 295, which authorizes the use of water from Lake Corpus Christi, Nueces River Basin, and Permit 2056, which authorizes diversion of runoff into Lake Alice on Chiltipin Creek,

tributary of San Fernando Creek, Nueces-Rio Grande Coastal Basin, and storage in Lake Alice of water diverted from Lake Corpus Christi, for irrigation use in Jim Wells County.

Contact: Mary Ann Hefner, P O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 28, 1984, 2:19 p.m.
TRD-848896

Friday, September 28, 1984, 10 a.m. In Room 124A, the commission will consider Application 4477 of Charles B. Martin, Jr., and wife, Laverne Gregory Martin, seeking a permit to divert and use 290 acre-feet of water per annum directly from the San Saba River, tributary of the Colorado River, Colorado River Basin, for irrigation use in San Saba County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 28, 1984, 2:19 p.m.
TRD-848897

Tuesday, October 2, 1984, 9:30 a.m. The Texas Water Commission will meet in the Fiesta Room, El Mercado, San Saba and Commerce Streets, San Antonio. According to the agenda summary, the commission will consider the application of the City of San Antonio, P.O. Box 9066, San Antonio, Texas 78285, to the Texas Department of Water Resources for an amendment to Permit 10137-02 to obtain authorization to dispose of waste activated sludge (WAS) generated by the Leon Creek Sewage Treatment Plant and the Rilling Road Sewage Treatment Plant by soil injection on city-owned sites located in the immediate vicinity of the Leon Creek and Rilling Road Wastewater Treatment Plants and north of Mitchell Lake. Sludge from the Leon Creek plant is to be piped to the injection site. In addition to the currently permitted sludge disposal methods, the applicant proposes to utilize injection vehicles to dispose of WAS on city property dedicated for the sole purpose of sludge disposal. The current permit authorizes a discharge of treated domestic wastewater effluent from the Rilling Road Wastewater Treatment Plant at a volume not to exceed an average flow of 94 million gallons per day, which will remain the same.

Contact: Teresa B Salamone, P O Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: August 28, 1984, 10:26 a.m.
TRD-848882

The Texas Water Commission will meet at the Stephen F Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Tuesday, October 9, 1984, 10 a.m. In Room 152, the commission will consider Application 4475 of John L Stewart, trustee for Kyle Anderson, Willie Mae Judd, Harold Clark, and John L. Stewart, seeking a permit to divert and use 25 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation use in McLennan County.

Addition to the previous agenda:

Application 4474 of Gary B. Young seeking a permit to divert and use 25 acre-feet of water per annum directly from the Brazos River, Brazos River Basin, for irrigation use in McLennan County

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 28, 1984, 2:19 p m
TRD-848898, 848899

Wednesday, October 10, 1984, 10 a.m. In Room 118, the commission will conduct a hearing on a petition for creation of Cypress Hill Municipal Utility District 2, containing 496.380 acres of land.

Contact: Mary Ann Hefner, P O. Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: August 28, 1984, 10:26 a.m.
TRD-848883

Thursday, October 11, 1984, 9:30 a.m. The Texas Water Commission will meet in the Fiesta Room, El Mercado, San Saba and Commerce Streets, San Antonio. According to the agenda summary, the commission will consider the application of the City of San Antonio, P O. Box 9066, San Antonio, Texas 78285, to the Texas Department of Water Resources for an amendment to Permit 10137-08 to obtain authorizations to dispose of waste activated sludge (WAS) generated by the Salado Creek Sewage Treatment Plant by soil injection on city-owned property located adjacent to the treatment site. In addition to the currently permitted sludge disposal methods, the applicant proposes to utilize injection vehicles to dispose of WAS on city property dedicated for the sole purpose of sludge disposal. The current permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 36 million gallons per day, which will remain the same.

Contact: Gwendolyn H Webb, P O. Box 13087, Austin, Texas 78711, (512) 475-1317

Filed: August 28, 1984, 10:26 a m
TRD-848884

The Texas Water Commission will meet in Room 618, Stephen F Austin Building,

1700 North Congress Avenue, Austin. Days, times, and agendas follow

Friday, October 12, 1984, 10 a.m. The commission will consider the following applications

Application 4476 of Eugene W Nelson and wife, Naomi I Nelson, seeking a permit to divert and use 50 acre-feet of water per annum from Chacon Creek, tributary of San Miguel Creek, tributary of the Frio River, tributary of the Nueces River, Nueces River Basin, for irrigation use in Medina County

Application 3962A of W T Averitt seeking an amendment to Permit 3569, which authorizes the maintenance of two existing dams and reservoirs on Monahans Draw, tributary of Midland Draw, tributary of Johnson Draw, tributary of Mustang Creek, tributary of Beals Creek, tributary of the Colorado River, and to impound therein not to exceed 28 acre-feet and 43 acre-feet of water, respectively, and the diversion of not to exceed 1,485 acre-feet per annum for irrigation use in Ector County. The applicant seeks to increase the number of acres to be irrigated, increase the area within which irrigation is authorized, increase the amount of water diverted annually, increase the number of diversion points, and increase the total maximum diversion rate.

Contact: Mary Ann Hefner, P O Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: August 28, 1984, 2:20 p m
TRD-848900, 848901

Friday, October 19, 1984, 10 a.m. The commission will consider the following applications

Application 4478 of Corpus Christi Land Venture Associates seeking a permit to divert and use 682 acre-feet of water per annum from Oso Creek, tributary of Corpus Christi Bay, Nueces-Rio Grande Coastal Basin. The applicant proposes to divert 645 acre-feet of water per annum to a 40-acre-foot off-channel reservoir for irrigation use and to divert 37 acre-feet to the reservoir for recreational use in Nueces County

Application 4479 of Henry L. Tucker seeking a permit to divert 127 acre-feet of water per annum directly from Oso Creek, tributary of Corpus Christi Bay, Nueces-Rio Grande Coastal Basin, into a pipeline and existing off-channel lake system with a combined capacity of 185 acre-feet for recreational purposes associated with a development located approximately 8.5 miles south-southwest of Corpus Christi, Nueces County

Texas Register

Contact: Mary Ann Hefner, P O Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 28, 1984, 2:20 p.m.
TRD-848902, 848903

Friday, October 26, 1984, 10 a.m. The commission will consider the following applications

Application 4482 of Tom Kouri seeking a permit to impound water in an existing 19 acre-foot capacity exempt reservoir on an unnamed tributary of Lake Creek, tributary of Brushy Creek, tributary of the San Gabriel River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin, for recreational use in Williamson County

Application 4480 of D B Lundy, D B Lundy, Jr, and Peyton Lundy seeking a permit to divert and use 70 acre-feet of water per annum directly from the North Llano River, tributary of the Llano River, tributary of the Colorado River, Colorado River Basin, for irrigation use in Kimble County

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: August 28, 1984, 2 20 p m
TRD-848904, 848905

Regional Agencies

Meetings Filed August 28

The Houston-Galveston Area Council, Project Review Committee, will meet in the conference room, Suite 500, fourth floor, 3555 Timmons Lane, Houston, on September 4, 1984, at 9 30 a m Information may be obtained from Geraldine McCray, P O Box 22777, Houston, Texas 77027, (713) 627-3200, ext 599

The Limestone County Appraisal District, Board of Directors, will meet at the Limestone County Courthouse, Groesbeck, on

September 12, 1984, at 7 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

TRD-848890

Meetings Filed August 29

The Gregg County Appraisal District, Board of Review, met in emergency session at 2010 Gilmer Road, Longview, on August 31, 1984, at 1:15 p m. Information may be obtained from William T Carroll, P O Box 6700, Longview, Texas 75608, (214) 759-0015

The Hunt County Tax Appraisal District, Board of Directors, will meet in the board room, 4815-B King Street, Greenville, on September 18, 1984, at 7 p m Information may be obtained from Henry J Popp or Jeanne Penney, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510.

TRD-848915

Meetings Filed August 30

The Archer County Appraisal District, Board of Directors, will meet at 106 West Main Street, Archer City, on September 12, 1984, at 5 p m Information may be obtained from A G Reis, P O Box 1141, Archer City, Texas 76351, (817) 574-2172

The Comal Appraisal District, Board of Directors, will meet at 644 North Loop 337, New Braunfels, on September 6, 1984, at 7 30 p m Information may be obtained from Glenn L Brucks, P O Box 1222, New Braunfels, Texas 78130, (512) 625-8597

The Edwards Underground Water District, Board of Directors, will meet in the conference room, 1615 North St Mary's, San Antonio, on September 11, 1984, at 10 a.m. Information may be obtained from Thomas

P. Fox, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

The Hays County Central Appraisal District, Board of Directors, will meet at the courthouse annex, San Marcos, on September 6, 1984, at 5.30 p m Information may be obtained from Lynnell Sedlar, Blair Room, Courthouse Annex, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777.

The Middle Rio Grande Development Council—Area Agency on Aging, Area Advisory Council on Aging, will meet at the Uvalde Fairgrounds, Highway 90 West, Uvalde, on September 6, 1984, at 10 a m Information may be obtained from Estella Hernandez, P O Box 702, Carrizo Springs, Texas 78834, (512) 876-3533

The Palo Pinto Appraisal District, Appraisal Review Board, will meet at the Palo Pinto Courthouse, Palo Pinto, on September 5, 1984, at 1 30 p m Information may be obtained from Carol Holmes, P O. Box 250, Palo Pinto, Texas 76072, (817) 659-3651.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at the air terminal, Midland, on September 12, 1984, at 1 30 p m Information may be obtained from Pam K Hammit, P O Box 6391, Midland, Texas 79701, (915) 563-1061

The San Patricio County Appraisal District, Board of Directors, will meet in Room 226, Courthouse Annex, Sinton, on September 13, 1984, at 9 30 a m Information may be obtained from Bennie L Stewart, P O Box 938, Sinton, Texas 78387, (512) 364-5402.

The Scurry County Appraisal District, Board of Directors, will meet at 2612 College Avenue, Snyder, on September 4, 1984, at 8 p m Information may be obtained from L R Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

TRD-848948

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner), notices of rate ceilings (filed by the consumer credit commissioner), changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner), and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission)

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board), applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission), applications for waste disposal permits (filed by the Texas Water Commission), and notices of public hearing

In Addition

Banking Department of Texas Applications to Acquire Control of State Banks

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On June 27, 1984, the banking commissioner received an application to acquire control of the Early Bank, Early, by G. A. Day, Brownwood.

On August 24, 1984, 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) 475-4451.

Issued in Austin, Texas, on August 24, 1984

TRD-848872 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed August 27, 1984
For further information, please call (512) 475-4451

On August 24, 1984, the banking commissioner received an application to acquire control of Nixon Bancshares, Inc., Nixon, by Ashley H. Turberville and Sedley H. Martin, Jr., both of Nixon.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on August 24, 1984

TRD-848873 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: August 27, 1984
For further information, please call (512) 475-4451.

Comptroller of Public Accounts Consultant Contract Award

This notice of consultant contract award is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the May 25, 1984, issue of the *Texas Register* (9 TexReg 2884).

Description of the Study. The consultant will be responsible for the preliminary systems design phase of the enhancement and rewrite of petroleum tax data systems for oil and gas, motor fuels, and liquefied gas-decals taxes.

Name and Address of Consultant. Arthur Andersen & Company, Suite 2000, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701, is the consultant under contract for the work.

Total Value and Dates of Contract. The total amount of the contract may not exceed \$382,500. The contract began August 15, 1984, and ends upon completion of consultant's work or August 31, 1985, unless amended and extended as provided for in the contract.

Due Dates. Completion of the work contracted for is expected not later than January 31, 1985. No documents or reports are to be filed with the comptroller, except a cost-benefit study upon completion of the work phase contracted for. This cost-benefit study will be used to determine whether to proceed to the installation phase of the systems preliminarily designed under this contract using a consultant, comptroller employees, or a combination of both.

Issued in Austin, Texas, on August 29, 1984

TRD 848923 Bob Bullock
Comptroller of Public Accounts

Filed August 29, 1984
For further information, please call (512) 475-6076



Decision 14,623

For copies of the following opinion, contact **Bob Bullock**, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. The taxpayer contended that the resolution of its board of directors to pay salary bonuses and to pay amounts to its profit sharing trust created legally enforceable debts at the time the resolution was passed. The comptroller held that the board's decision was made after the employee's services were rendered, and was therefore made without consideration. The taxpayer's assets/surplus/taxable capital should not be reduced for franchise tax purposes.

Issued in Austin, Texas, on August 24, 1984

TRD-848848 Bob Bullock
Comptroller of Public Accounts

Filed August 24, 1984
For further information, please call (512) 475-1938

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
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Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/84-12/31/84	19.32%	N/A
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Judgment Rate— Article 1.05, §2 09/01/84-09/30/84	10.79%	10.79%
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- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on August 28, 1984

TRD-848880 Sam Kelley
Consumer Credit Commissioner

Filed August 28, 1984
For further information, please call (512) 475-2111.

Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 09/03/84-09/09/84	21.50%	21.50%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 09/01/84-09/30/84	21.31%	21.31%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 10/01/84-12/31/84	21.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 10/01/84-12/31/84	21.19%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 10/01/84-12/31/84	21.00%	N/A

Court Reporters Certification Board Certification of Court Reporters

Following examination of applicants on August 10, 1984, the Court Reporters Certification Board has certified to the Supreme Court that the following persons are qualified in the method indicated to practice shorthand reporting pursuant to Texas Civil Statutes, Article 2324b, §12(e).

Oral Stenography

Walter R. Lauckner - Houston
Kathleen Ann Pallatromi - Houston

Machine Shorthand

Linda M. Abner - Dallas
James Todd Anderson - Coahoma
Sharon Dale Anderson - Agua Dulce
Stacy Amy Baklik - Jasper
Karen M. Bialick - Beaumont
Barby Donna Black - Garland
Patricia W. Brumley - Alvin
Fanchon T. Carmichael - Houston
Julia E. Cochran - Houston
Yvonne D. Compean - Richmond
Jeanette L. Darnell - Houston
Lisa Gay Davis - Dallas
Jane Lee Dugger - Allen
Mercedes Z. Galdo - Houston
Angela Louise Gentry - Dallas
Robin L. Hayden - Dallas
Cal M. Henderson, Jr. - Del Norte, Colorado
Mary Kay Hendricks - Houston
Carol Lynn Jenkins - Alvin
Karren K. King - Mesquite
Kathryn L. Klapp - Houston
Joan E. Kregel - Houston
Gayla R. May - Abilene

Monica Miller - Alvarado
Mamie R. Penny - Dallas
Debra A. Phillips - Kilgore
Marilyn S. Poage - San Antonio
Anna Louise Renken - Austin
Virginia Ann Sheblak - Edna
Clifton Vance Smith - Baytown
Lisa A. Solis - Houston
Stephanie C. Trambley - Mora, New Mexico
Susan Marie Van Bommel - Houston
Pamela Wright - Carrollton

Certified April 13, 1984—Sharon Rogstad - Corpus Christi

Issued in Austin, Texas, on August 28, 1984

TRD-848891 Jim Hutcheson
General Counsel
Court Reporters Certification
Board

Filed August 28, 1984
For further information, please call (512) 475-3404.

Texas Education Agency Consultant Proposal Request

Description. In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Education Agency is requesting proposals to assist the agency's Division of Services for the Deaf, which is charged with the responsibility of developing and administering a statewide program of education services for deaf students, in the refinement and continued implementation of an objective data-based accountability system for measuring educational outcomes within the regional day school programs for the deaf. The system must include the revision or design of data collection instruments which will, when data so collected has been entered on computer, provide ready access to individual and composite pupil profiles. Pupil data to be collected may include, but shall not necessarily be limited to, name, sex, date of birth, address, audiological finding, cause of hearing loss, age at onset of hearing loss, additional handicapping conditions, ethnic background, and results of standardized achievement tests. A plan for output products and data analyses appropriate to local, regional, state, and national levels will be required.

Continuation of Service Previously Performed. This is a continuation of a service previously performed by the Center for Assessment and Demographic Studies, Gallaudet College, Washington, D.C. This agency intends to award a contract to Gallaudet College unless a better offer is submitted.

Procedure for Selecting Consultant. The organization demonstrating the broadest and deepest knowledge of demographic and educational performance data analysis of the deaf will be selected for cost and contract negotiations.

Contact. Further information may be obtained by writing or calling Gary A. Curtis, Director, Division of Ser-

vices for the Deaf, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 834-4428.

Deadline. Proposals must be received in the agency no later than September 28, 1984

Issued in Austin, Texas, on August 24, 1984

TRD-848850 Raymon L. Bynum
Commissioner of Education

Filed August 24, 1984
For further information, please call (512) 475-7077.

Texas Department of Health Order Amending Controlled Substances Schedules

The Texas Controlled Substances Act, Texas Civil Statutes, Article 4476-15, contains schedules of controlled substances, i.e., lists of drugs and chemical entities which have potential for addiction or abuse. The Act gives the Texas commissioner of health the power to modify the schedules by adding or deleting substances. The Act also requires the commissioner, whenever he makes a change to the schedules, to file a notice of this change with the Office of the Secretary of State. Furthermore, so the public can be informed of these changes, the commissioner files notice of the changes with the *Texas Register*.

The most recent change to the schedules was made by the commissioner on August 14, 1984, when he deleted the substance "Sufentanil" from the list of controlled substances in Schedule I, §2.03(b), and added the substance to the list of controlled substances in Schedule II, §2.04(c).

Copies of the revised lists in §2.03(b) and §2.04(c) are filed in the Division of Food and Drug, Texas Department of Health, 1100 West 49th Street, Austin, and are available for public review during regular working hours.

Issued in Austin, Texas, on August 28, 1984

TRD-848913 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: August 29, 1984
For further information, please call (512) 458-7248.

Public Hearings

The department will conduct public hearings on the following proposed rules.

A public hearing will be held on proposed amendments to 22 TAC §711.5, concerning preprofessional experience and internship programs in the profession of dietetics. The amendments provide a means by which licensure applicants may satisfy the experience requirements to qualify for the licensing examinations set out in the Licensed Dietitian Act, Texas Civil Statutes, Article 4512h, §9,

without joining a professional association, and will meet the needs of applicants in remote areas of the state who are unable to obtain approval of such programs from a professional association. Compliance with the proposed amendments is voluntary. The amendments were published in the August 14, 1984, issue of the *Texas Register* (9 TexReg 4408).

The public hearing is to be held at 1:30 p.m. on Monday, September 10, 1984, in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin.

For further information, contact Donna S. Hardin, Executive Secretary, Texas State Board of Examiners of Dietitians, 1100 West 49th Street, Austin, Texas 78756-3183, (512) 458-7501.

A public hearing will be held on two proposed new sections concerning emergency medical care. Proposed new 25 TAC §157.75 concerns specialized vehicle requirements for a permit, specifically helicopters and fixed-wing aircraft. Proposed new 25 TAC §157.76 concerns continuing education requirements for recertification of emergency medical services personnel. The proposed new rules were published in the August 17, 1984, issue of the *Texas Register* (9 TexReg 4441).

The public hearing is to be held at 10 a.m. on Thursday, October 4, 1984, in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin.

For further information, contact Charles H. Gregory, M.D., Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-1393.

Issued in Austin, Texas, on August 28, 1984.

TRD-848914 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed August 29, 1984

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



**Texas Health Facilities
Commission
Applications Accepted for
Amendment, Declaratory Ruling,
and Notices of Intent**

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed

first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling, AMD indicates amendment of previously issued commission order, CN indicates certificate of need, PFR indicates petition for reissuance, NIE indicates notice of intent to acquire major medical equipment, NIEH indicates notice of intent to acquire existing health care facilities, NIR indicates notice of intent regarding a research project, NIE/HMO indicates notice of intent for exemption of HMO-related project, and EC indicates exemption certificate.

Should any person wish to become a party to any of the previously stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

American Medical International, Inc. Houston,
AO84-0817-528

DR—Request for a declaratory ruling that neither a certificate of need nor a notice of intent to acquire an existing health care facility is required for American Medical International, Inc., to acquire and/or develop, equip, and operate a comprehensive outpatient rehabilitation center which does not serve inpatients and which does not provide ambulatory surgery.

**Seguin Associates Investment Group, Walnut
Creek, California**
AN84-0808-516

NIEH—Request for a declaratory ruling that a certificate of need is not required for Seguin Associates Investment Group to acquire by purchase Seguin Convalescent Home, an existing 103-bed nursing facility with 58 ICF and 45 skilled beds located in Seguin, from D-H-I Company, a partnership composed of Harold Haines, Norma Haines Hallmark, Cliftine Dwyer, and D-H-I of Seguin, Inc., a Texas corporation.

**Sisters of Charity of the Incarnate Word of
Houston, Inc., for Saint Joseph Hospital,
Houston**
AN80-0707-015A(082084)

CN/AMD—Request for an extension of the completion deadline from January 31, 1986, to January 31, 1987, and an increase in the total project cost from \$8,078,000 to \$14,008,777 in Certificate Need AH80-0707-015, as amended by AH80-0707-15A(091481), which authorized the certificate holder to construct an addition and to renovate ex-

isting space to relocate and expand the nuclear medicine department, business office, autopsy/morgue, coffee shop, and kitchen, and to purchase additional equipment for these areas.

Issued in Austin, Texas, on August 29, 1984

TRD-848933 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed August 29, 1984

For further information, please call (512) 475-6940

Houston-Galveston Area Council Consultant Proposal Request

This request for consultant services is filed pursuant to Texas Civil Statutes, Article 6252-11c

The Houston-Galveston Area Council is requesting proposals for consulting services related to the production of audio-visual and other material on the subject of airport height hazard and land use compatibility zoning. The production will include research, location photography and sound recording, script writing, and preparation of graphics and printed matter.

The proposals will be evaluated based upon:

- (1) comprehension of subject matter, production requirements, and final products;
- (2) qualifications of key personnel,
- (3) management of production tasks, and
- (4) previous related work experience

A detailed scope of services and list of instructions for preparation of proposals can be obtained by contacting Jim Robertson, Transportation Planner, Houston-Galveston Area Council, P O Box 22777, Houston, Texas 77227-9972, (713) 627-3200

The submittal deadline for proposals is September 28, 1984

Issued in Houston, Texas, on August 24, 1984

TRD-848931 Jack Steele
 Executive Director
 Houston-Galveston Area Council

Filed August 29, 1984

For further information, please call (713) 627-3200

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of August 20-24, 1984

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number

of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P O. Box 13087, Austin, Texas 78711, (512) 475-2678

Listed is the name of the applicant and the city in which each facility is located, type of facility, location of the facility; permit number, and type of application—new permit, amendment, or renewal

Period of August 20-24, 1984

Permian Brine Sales, Inc., Big Spring; brine well; on a 43.5-acre site approximately nine miles east of Big Spring at the intersection of IH 10 and Salem Road, in Howard County; BR50061; new permit

Westinghouse Electric Corporation, Uranium Resources Division, Three Rivers, uranium mine; approximately eight miles northeast of Three Rivers and four miles northeast of Oakville, on FM Road 1358, in Surveys 150, 152, and 6, Live Oak County, UR01949, amendment

Am-Pen Investment Company, Houston, proposed retail/office complex and restaurant, on State Highway 6 approximately 10,000 feet north of its intersection with Clay Road and 361 feet south of Langham Creek Crossing in Harris County, Houston; 02721; new permit

Ken Burge, Austin, wastewater treatment plant; on Thornberry Road approximately 3,300 feet southwest of Dalton Road and 4,200 feet northeast of State Highway 71 in Travis County; 12972-01, new permit

Mitchell Development Corporation of the Southwest, Austin; sewage treatment plant, in the Point Venture II development at the end of Lohman's Crossing Road in Travis County, 12970-01, new permit

Treasure Resorts, Inc., Austin, recreation park and campground; adjacent to and north of Cox Crossing Road approximately two miles north of U S Highway 71, along the west bank of the Pedernales River in Travis County; 12957 01, new permit

Texas Commercial Investments of Austin, Inc., Austin; wastewater treatment plant, approximately 3,400 feet west of Pilot Knob and approximately 2,900 feet east-northeast of the intersection of Bluff Springs Road and Scenic Loop Drive in Travis County, 12938-01; new permit

South Austin Growth Corridor Municipal Utility District 1, Austin; wastewater treatment plant, on the

northwest corner of the intersection of Slaughter Lane and Manchaca Road in Travis County; 12973-01; new permit

Jack Frey Properties, Inc., Tomball; wastewater treatment plant; approximately ¼ mile north of the intersection of Roberts Cemetery Road and FM Road 2920 (Waller-Tomball Road) in Harris County; 12995-01; new permit

The City of Pearland; sewage treatment plant; at Garden Road and Hickory Slough, approximately ½ mile north of Highway 518 in northeast Brazoria County; 10134-06; new permit

The City of Pearland; sewage treatment plant, on Cowart Creek at the intersection of County Road 127 and Dixie Farm Road in Brazoria County, 10134-05; new permit

Vern Norman, Pearland; wastewater treatment plant; on King Arthur Court in the northeast corner of Somerseshire Estates, approximately 2,000 feet southeast of the intersection of County Road 93 with Hughes Ranch Road in Brazoria County; 12978-01; new permit

Joseph W. Petrov, Bellaire; mobile home park; ½ mile east of the intersection of FM Road 1462 and FM Road 521 in Brazoria County; 12990-01; new permit

Kansas City Southern Railway Company, Beaumont; railroad switching and mechanical facilities; at 4095 Port Arthur Road, northeast of Lamar State University, in the City of Beaumont, Jefferson County, 02722; new permit

Brookwood Community, Houston; planned community for the handicapped, approximately 200 feet north of FM Road 1489 and 1,300 feet west of FM Road 1489 in Waller County, 12974-01, new permit

Snap Investments, Inc., Keller, wastewater treatment plant; approximately 800 feet north of the St. Louis Southwestern Railroad and approximately 2,600 feet west of the State Highway 114, St. Louis Railroad intersection in the City of Southlake, Tarrant County; 02723; new permit

Issued in Austin, Texas, on August 24, 1984

TRD-848885

Mary Ann Hefner
Chief Clerk
Texas Water Commission

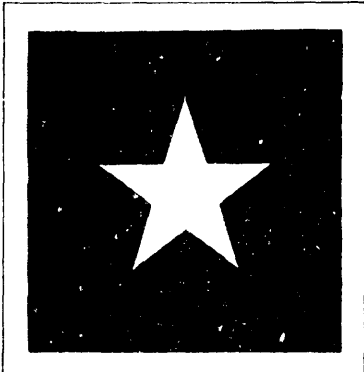
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