

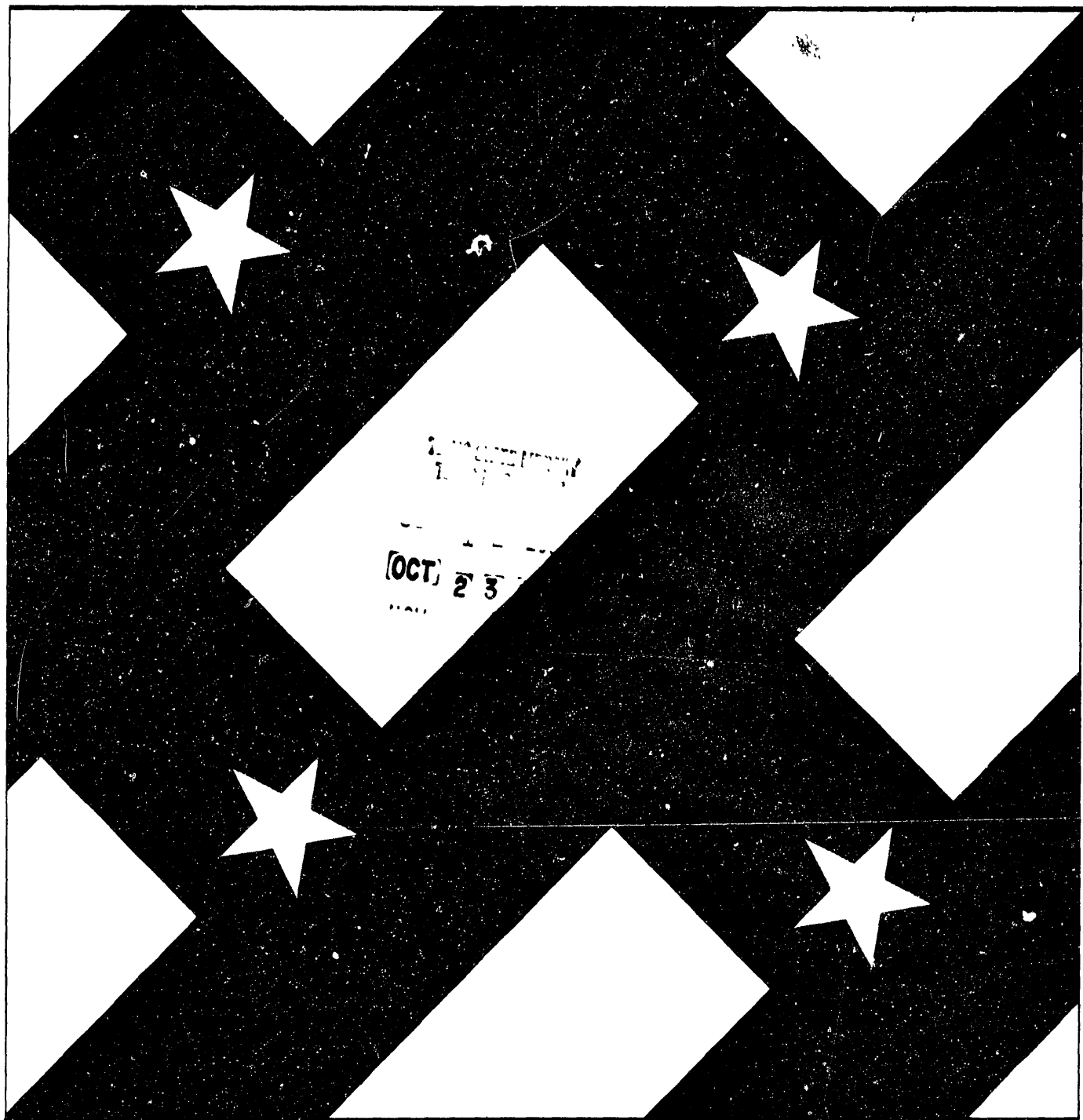
cc. 6
163

FILE COPY

Texas Register

Volume 9, Number 78, October 16, 1984

Pages 5287 - 5406



Highlights

The Texas Water Development Board proposes new sections concerning Texas surface water quality standards. Earliest possible date of adoption - November 16 page 5295

The Comptroller of Public Accounts proposes a

new section concerning cable television service. Earliest possible date of adoption - November 16 page 5373

The Texas Department on Aging proposes a new section concerning grant-related income. Earliest possible date of adoption - November 16 page 5377

**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.

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

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-475-7886

Myra McDaniel
Secretary of State

Director
Susan Johnson
Deputy Director
Dave Harrell

Documents Section Coordinator
Jane Hooks

Document Editors
Cynthia Cooke, Phyllis Smith
Open Meetings Specialist
Roberta Knight

Production Section Coordinator
Sue Bumpous

Production Editors
Richard Salinas, Kathy Kincade
Typographers
**Virginia J. Gregory,
Gale Hathcock-Inman**

Circulation Section Coordinator
Dee Wright

Circulation Assistant
Kristine Hopkins Mohajer

TAC Editor
**William Craig Howell
Jes Simmons**

Assistant to the Director
Donna A. Matkin

Administrative Assistant
Jeff Richardson

Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

Contents

The Governor

Appointment Made October 2

5291 Pilot Commission for the Port of Galveston and Texas City

Appointment Made October 3

5291 Joint Interim Committee on Industrial Development Bonds

Appointments Made October 5

5291 Galveston Bar and Houston Ship Channel

5291 Ports of Galveston Bar and Houston Ship Channel

Proposed Rules

Texas State Board of Dental Examiners

5292 Conduct

Texas State Board of Public Accountancy

5293 Certification as CPA

Texas Water Development Board

5294 Area Water Quality Management

5368 Water Loan Assistance Fund

Comptroller of Public Accounts

5372 Tax Administration

Texas Department of Human Resources

5375 ICF/SNF

5376 General Licensing Procedures

Texas Department on Aging

5377 Grant-Related Income

Adopted Rules

Texas Department of Health

5379 Home Health Care Agencies

State Board of Insurance

5385 General Provisions

Comptroller of Public Accounts

5387 Tax Administration

Texas Department of Human Resources

5389 Child Protective Services

5389 Child Welfare Services

Texas Department on Aging

5389 Interest Earned on Aging Funds

Open Meetings

5392 Texas Alcoholic Beverage Commission

5392 State Banking Board

5392 Battleship Texas Advisory Board

5392 Credit Union Department

5393 Council on Disabilities

5393 Texas Employment Commission

5393 Finance Commission of Texas

5393 Texas Health and Human Services Coordinating Council

5393 Texas Health Facilities Commission

5394 Texas Department of Human Resources

5394 State Board of Insurance

5394 Texas Board of Irrigators

5394 State Board of Morticians

5395 Board of Pardons and Paroles

5395 Texas Parks and Wildlife Department

5395 Texas State Board of Pharmacy

5395 Texas State Board of Physical Therapy Examiners

5395 Public Utility Commission of Texas

5395 Railroad Commission of Texas

5395 Commission on Standards for the Teaching Profession

5396 University of Texas System

5396 Veterans Land Board

5396 Texas Water Commission

5396 Texas Department of Water Resources

5396 Regional Agencies

In Addition

Office of Consumer Credit Commissioner

5399 Rate Ceilings

Texas Department of Corrections

5399 Consultant Proposal Request

Texas Health Facilities Commission

5400 Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

State Board of Insurance

5402 Company Licensing

Legislative Budget Board

5402 Consultant Contract Award

Texas State Library and Archives Commission

5403 Consultant Contract Reports

Texas Rehabilitation Commission

5403 Autism Task Force Report

5404 Consultant Contract Award

Texas Water Commission

5404 Applications for Waste Disposal Permits



Please send me more information about the TEXAS ADMINISTRATIVE CODE, including prices for individual titles and update services, and any available discounts and terms.

**HART
INFORMATION
SYSTEMS**
P.O. Box 6802 #588
Austin, TX 78766
(512) 454-3822

Name _____

Company/Organization _____

Address _____

City _____ State _____ Zip _____ Telephone _____

The TEXAS ADMINISTRATIVE CODE

The official and completely revised compilation of the rules of Texas administrative agencies will be available by the end of 1984 as the companion publication to the TEXAS REGISTER. The full set comprises 15 titles in a convenient 8 1/2" by 11" loose-leaf format and includes all new three-ring binders and reference tabs. The set comes complete with an Index of Agencies, Tables of Contents, Complete Title Contents, Tables of Authorities, Authority Notes, Source Notes, Cross References, Editor's Notes, and Full Annotations to Court Cases and Attorney General Opinions.

The CODE is sold in complete sets or by individual title. The Quarterly Update Service is also available to ensure that your new CODE is accurate, dependable, and current.

The TEXAS ADMINISTRATIVE CODE is published by Hart Information Systems (a subsidiary of Hart Graphics in Austin) under the editorial direction of the Office of the Secretary of State. Please call or write today for additional information.

TABLE OF TITLES

TITLE 1. ADMINISTRATION	TITLE 25. HEALTH SERVICES
TITLE 4. AGRICULTURE	TITLE 28. INSURANCE
TITLE 7. BANKING AND SECURITIES	TITLE 31. NATURAL RESOURCES AND CONSERVATION
TITLE 10. COMMUNITY DEVELOPMENT	TITLE 34. PUBLIC FINANCE
TITLE 13. CULTURAL RESOURCES	TITLE 37. PUBLIC SAFETY AND CORRECTIONS
TITLE 16. ECONOMIC REGULATION	TITLE 40. SOCIAL SERVICES AND ASSISTANCE
TITLE 19. EDUCATION	TITLE 43. TRANSPORTATION
TITLE 22. EXAMINING BOARDS	

FULL SET
QUARTERLY UPDATE SERVICE

LIST
\$995
\$480

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.

The Governor

Appointment Made October 2

Pilot Commission for the Port of Galveston and Texas City

For a term to expire April 15, 1985:

Robert Cardenas
27 Willow Lane
Galveston, Texas 77551

Mr. Cardenas is replacing Edward Eugene Minocchi of Galveston, who resigned.

Issued in Austin, Texas, on October 2, 1984.

TRD-8410225 Mark White
Governor of Texas

Appointment Made October 3

Joint Interim Committee on Industrial Development Bonds

L. Lowry Mays
President
Clear Channel Communications, Inc.
711 Navarro, Suite 540
San Antonio, Texas 78205

Issued in Austin, Texas, on October 3, 1984.

TRD-8410225 Mark White
Governor of Texas

Appointments Made October 5

Galveston Bar and Houston Ship Channel

To be branch pilots for terms to expire September 18, 1988:

Leslie D. Palmer
11027 Sageleaf Lane
Houston, Texas 77089

Jack W. Rowland
930 Plantation Drive
League City, Texas 77573

Ports of Galveston Bar and Houston Ship Channel

To be branch pilots for terms to expire August 4, 1988:

Francis Michael Kershaw
1100 Desirable Lane
Huffman, Texas 77336

Jimmie Lee Williams
5103 Berry Creek
Houston, Texas 77017

Issued in Austin, Texas, on October 5, 1984.

TRD-8410225 Mark White
Governor of Texas

Proposed Rules

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 and 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.

TITLE 22. EXAMINING BOARDS Part V. Texas State Board of Dental Examiners Chapter 109. Conduct Definitions

22 TAC §109.211

The Texas State Board of Dental Examiners proposes an amendment to §109.211, concerning definitions. The board is proposing an amendment to delete the language that a physician can request a dentist to prescribe controlled substances to himself or another nondental person because it feels that dentists should not self-prescribe controlled substances to themselves or nondental patients for nondental ailments.

William S. Nail, 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.

Mr. Nail 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 prevention of dentists from prescribing for nondental-related purposes. 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 William S. Nail, Executive Director, 411 West 13th Street, Suite 503, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of this state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.211. *Unprofessional, Dishonorable, and Immoral Conduct.*

Unprofessional conduct, dishonorable conduct, and immoral conduct are synonymous terms when applied to the conduct of a dental licensee and include the following:

(1)-(8) (No change.)

(9) Prescribing or dispensing narcotic drugs, dangerous drugs, or controlled substances to or for a person who is not his dental patient, or not for a dental problem [except upon the request of another doctor legally entitled to so prescribe or dispense any of same].

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 October 4, 1984.

TRD-8410192

William S. Nail
Executive Director
Texas State Board of Dental
Examiners

Earliest possible date of adoption:
November 16, 1984

For further information, please call (512) 475-2443.

**Part XXII. Texas State Board of
Public Accountancy
Chapter 511. Certification as CPA
Certification by Examination**

22 TAC §511.21

The Texas State Board of Public Accountancy proposes amendments to §511.21, concerning the application to take the Uniform CPA Examination, the establishment of groups of individuals from whom the board will not accept attestation of the applicant's moral character, and deleting the requirement for knowing applicant for five years.

Bob E. Bradley, 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.

Mr. Bradley 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 that the board will not receive a letter of character reference from college instructors who have not had contact with the applicant other than in the classroom, thus having only limited knowledge of the applicant. The removal of the five-year requirement will assist applicants in obtaining character references. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendments are proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct and to ensure that the conduct and competitive practice of licensees serves the best interest of the public.

§511.21. Application. All applications for certification by examination shall be made on forms prescribed by the board and shall also be in compliance with board rules and law. Each applicant must also submit authenticated copies of transcripts showing compliance with the applicable education requirements. Each applicant shall submit with his initial application, and as instructed thereafter, references from three certified public accountants or other substantial and representative business or professional individuals[.] residing in Texas who can attest to applicant's moral character. Character references shall not be submitted by the following individuals:

- (1) relative of the applicant;
- (2) students;
- (3) university or college instructor unless they have had significant contact with the applicant outside the classroom; or
- (4) person having a financial or business connection with the applicant, other than that of client or employer. [Preferably, the references should be submitted by Texas residents who have known the applicant for five years or more. A character reference should not be sub-

mitted by a relative of the applicant or by a person having a financial or business connection with the applicant, other than that of client or employer. Each applicant must also submit authenticated copies of transcripts showing compliance with the applicable education requirements].

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

Issued in Austin, Texas, on October 5, 1984.

TRD-8410171 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Earliest possible date of adoption:
November 16, 1984

For further information, please call (512) 451-0241.

CPA Examination

22 TAC §511.76

The Texas State Board of Public Accountancy proposes amendments to §511.76, concerning the allowance of the retention of examination fees of \$10 per part of the examination to defray processing expenses.

Bob E. Bradley, executive director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The anticipated effect on state government for the first five-year period the rule will be in effect is \$10 per part of examination times the number of parts withdrawn from each year. There is no anticipated economic effect on local government or small businesses.

Mr. Bradley 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 that expenses incurred in the processing of applications, preparing required identification cards, and securing seating space for individuals not attending the examination will be defrayed by the \$10 retained, rather than requiring other funds to meet these expenses. The anticipated economic cost to individuals who are required to comply with the rule as proposed is that individuals applying but asking for a refund after the deadline for applying for the examination will lose \$10 per part of the examination.

Comments on the proposal may be submitted to William A. Sansing, Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendments are proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct and to ensure that the conduct and competitive practice of licensees serves the best interest of the public.

§511.76. Refund Policy.

(a) The board will grant a full refund of the examination fee if the candidate withdraws from the examination and notifies the board in writing prior to the deadline for applying for the examination (February 28/29 or August 31). [Requests which conform to the following will be considered by the board.

(1) if the candidate withdraws from the examination and notifies the board in writing prior to the deadline for applying for the examination (March 1 or September 1), or

(2) if the candidate submits adequate documentation to establish an extreme hardship case.]

(b) The board will grant a refund of all but \$10 per part of the examination of the total fee paid by the candidate if he/she withdraws after the filing deadline because of extreme hardship. Extreme hardship for refund purpose shall be defined as a serious illness of the candidate or member of immediate family or death of immediate family member. Any other extreme hardship situation will be determined on a case-by-case basis by the board. For refund purposes Accounting Practice is considered as two parts. [No partial refunds will be made and no examination fee will be transferred to a subsequent examination.]

(c) No examination fee will be transferred to a subsequent examination.

(d) All requests for refunds based on extreme hardship must be in writing and provide documentation of the extreme hardship requiring withdrawal from the examination. The requests for refunds for the May examination must be received by the board on or before the 15th of November following the examination. The request for refund for the November examination must be received by the board on or before the 15th of May following the examination.

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 October 5, 1984

TRD-8410170 Bob E Bradley
Executive Director
Texas State Board of Public
Accountancy

Earliest possible date of adoption:
November 16, 1984
For further information, please call (512) 451-0241.



**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**

**Part X. Texas Water Development
Board**

**Chapter 333. Area Water Quality
Management**

Surface Water Quality Standards

31 TAC §§333.11-333.21

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Water Development Board, Room 511, 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 Department of Water Resources proposes the repeal of §§333.11-333.21, concerning Surface Water Quality Standards. The repeal of §§333.11-333.21 allows for the adoption of new §§333.11-333.21, which will allow for revisions to the Texas Surface Water Quality Standards, including editorial revisions, substantive changes, and changes deemed warranted in response to standards established by the United States Environmental Protection Agency (EPA). The new sections will also comply with provisions of Public Law 97-117, the Municipal Wastewater Treatment Construction Grants Amendments of 1981, §24, which requires states to promulgate revised water quality standards pursuant to §303(c) of Public Law 92-500, 33 United States Code §1313, within three years after enactment of the effective date of the 1981 amendments (December 29, 1981).

Mike Hodges, fiscal services director, 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, there is no public benefit anticipated as a result of the repeal. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Kenneth L. Petersen, Jr., Assistant General Counsel for the Water Quality Section, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

The repeal is proposed under the Texas Water Code, §5.131 and §26.023, which provides the Texas Water Development Board with the authority to make rules setting water quality standards for the water in the state.

- §333.11. Policy Statement.
- §333.12. Antidegradation Statement.
- §333.13. Classification of Surface Waters.
- §333.14. Description of Standards.
- §333.15. General Criteria.

- §333.16. *Numerical Criteria.*
- §333.17. *Water Uses.*
- §333.18. *Application of Standards.*
- §333.19. *Determination of Compliance.*
- §333.20. *Comments.*
- §333.21. *Appendices A through C.*

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 October 10, 1984.

TRD-8410227 Susan Plettman
 General Counsel
 Texas Department of Water
 Resources

Earliest possible date of adoption:
November 16, 1984

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

The Texas Department of Water Resources proposes new §§333.11-333.21, concerning the Texas Surface Water Quality Standards. The new sections will allow for revisions to the Texas Surface Water Quality Standards, including editorial revisions, substantive changes, and changes deemed warranted in response to standards established by the United States Environmental Protection Agency (EPA). (See 40 Code of Federal Regulations Part 131.) The new sections also will comply with provisions of §24 of the Municipal Wastewater Treatment Construction Grants Amendments of 1981, Public Law 97-117, which requires states to promulgate revised water quality standards pursuant to §303(c) of Public Law 92-500, 33 United States Code §1313, within three years after enactment of the effective date of the 1981 amendments (December 29, 1981).

Editorial changes include grammatical corrections, reformatting intended to promote consistency, and deletions of nonoperational and duplicative language. One important editorial change involved changing the term "standards violation or compliance" to "standards attainment" throughout the regulation. In a related reformatting change, all methodological procedures and sampling and analytical requirements have been moved to a retitled section on determination of standards attainment.

Several substantive changes have been proposed to promote agency flexibility and accommodate previous Texas Water Development Board actions. First, an aquifer protection (AP) use category has been established. The new AP designation replaces the asterisk and the footnote reference to the Edwards Aquifer rules that were contained in the 1981 standards. Second, the former Propagation of Fish and Wildlife classification has been renamed Aquatic Life and subdivided into five categories. The five are limited quality aquatic habitat, intermediate quality aquatic habitat, high quality aquatic habitat, exceptional quality aquatic habitat, and shellfish waters. The first four categories are based on dissolved oxygen levels, are applicable to both freshwater and saltwater, and are

intended to accurately reflect the variability of natural environmental conditions and aquatic organism requirements in Texas. The last category, shellfish waters, is limited to saltwater segments recognized as viable shellfish production areas. Third, a new water use category, Other Uses, has been proposed for waters where aquatic life, domestic water supply, or recreational uses classifications may not apply. The new category includes, but is not necessarily limited to, navigation, agricultural water supply, and industrial water supply uses. Last, approximately 60 segments have been designated or subdivided. It is anticipated that the majority of the 60 segments (resulting from moves, splits, combinations, lake construction, and new segment selection) will be classified as effluent-limited water bodies.

EPA-initiated changes include making several minor revisions to promote administrative consistency between the Texas standards and the new national regulations, indicating that implementation measures or approaches would be explained in the state's continuing planning process (CPP) or annual 106 work plan, and revising the general criteria to more adequately protect currently unclassified water bodies. Supporting general criteria changes include proposing dissolved oxygen and fecal coliform criterion goals of 3.0 mg/l and 2,000 colonies per 100/ml, respectively, for all unclassified waters in the state.

Mike Hodges, fiscal services director, 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 there is no public benefit anticipated as a result of enforcing the rules as proposed. 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 Kenneth L. Petersen, Jr., Assistant Counsel for the Water Quality Section, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841

The new sections are proposed under the Texas Water Code, §5.131 and §26.023, which provides the Texas Water Development Board with the authority to make rules setting water quality standards for the water in the state.

§333.11. *Policy Statement.* It is the policy of this state and the purpose of this chapter to maintain the quality of water in the state consistent with public health and enjoyment, propagation and protection of terrestrial and aquatic life, operation of existing industries, and economic development of the state; to encourage and promote development and use of regional and areawide wastewater collection, treatment, and disposal systems to serve the wastewater disposal needs of the citizens of the state; and to require the use of all reasonable methods to implement this policy.

§333.12. Antidegradation Statement. In implementing the legislative policy expressed in the Texas Water Code, §26.003, it is the policy of the Texas Department of Water Resources (hereinafter, the "department") that:

(1) The waters in the state whose existing quality is better than applicable water quality standards as of the effective date of this rule will be maintained at their higher quality, and no waste discharges may be made which will result in a lowering of quality unless and until it has been demonstrated to the department that lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. Additionally, no degradation shall be allowed in higher quality waters within or adjacent to national parks and wildlife refuges or wild and scenic rivers designated by law if the department determines that such degradation would significantly impair water quality necessary to maintain the established purpose of the area.

(2) Existing instream water uses and associated water quality levels or requirements established by general and numerical criteria in these standards will be maintained and protected consistent with the provisions of the Texas Water Code, Chapter 11, and in accordance with the Clean Water Act (33 United States Code 1251), §101(g). Designated uses will be reviewed when appropriate, and necessary changes will be proposed and justified in accordance with 40 Code of Federal Regulations Part 131.20 and Part 131.21.

(3) The department will not authorize or approve any waste discharge that will result in the quality of any water being lowered below water quality standards without complying with federal and state laws applicable to water quality standards amendment.

(4) Anyone discharging wastewater which would constitute a new source of pollution or an increased source of pollution from any industrial, public, or private project or development will be required to provide a level of wastewater treatment consistent with the provisions of the Texas Water Code and the Clean Water Act (33 United States Code 1251 *et seq.*) As necessary, cost-effective and reasonable best management practices (BMP) established through the Texas water quality management (WQM) program shall be achieved for nonpoint sources of pollution.

(5) Application of antidegradation provisions shall not preclude the department from establishing modified thermal discharge limitations consistent with the Clean Water Act (33 United States Code 1326), §316(a).

(6) Antidegradation policy implementation is partially achieved through specific reviews and approvals identified in paragraphs (3), (4), and (5) of this subsection. Additional implementation activities are accomplished according to the rules of the Texas Water Development Board (hereinafter, the "board"), as set out in the Texas Water Code and the Texas Administrative Code, and procedures established through the state water quality management (WQM) program and the continuing planning process (CPP).

§333.13. Classification of Surface Waters. The surface waters of the state are divided into four categories:

(1) River basin waters. Surface inland waters comprising the major rivers, their tributaries, including listed impounded waters, and the tidal portions of rivers

to the extent that they are confined in channels.

(2) Coastal basin waters. Surface inland waters, including listed impounded waters but exclusive of paragraph (1) of this subsection, discharging, flowing, or otherwise communicating with bays or the gulf, including the tidal portion of streams to the extent that they are confined in channels.

(3) Bay waters. All tidal waters, exclusive of those included in river basin waters, coastal basin waters, and gulf waters.

(4) Gulf waters. Waters which are not included in or do not form a part of any bay or estuary but which are a part of the open waters of the Gulf of Mexico to the limit of the state's jurisdiction.

§333.14. Description of Standards.

(a) The policy, antidegradation, and application statements in §333.11 of this title (relating to Policy Statement), §333.12 of this title (relating to Antidegradation Statement), and §333.16 of this title (relating to Application of Standards), respectively, are integral parts of the standards, and the standards shall be interpreted in accordance with these statements.

(b) The standards consist of three parts.

(1) General criteria in §333.17 of this title (relating to General Criteria) that are applicable to all surface waters of the state, except as provided otherwise in §333.16 of this title (relating to Application of Standards) and §333.20 of this title (relating to Determination of Standards Attainment).

(2) Numerical criteria in §333.18 of this title (relating to Numerical Criteria) and in §333.19 of this title (relating to Water Uses) that are applicable to specific surface waters listed in Appendix A of §333.21 of this title (relating to Appendices A-C) of the standards.

(3) Water uses in §333.19 of this title (relating to Water Uses) that are deemed desirable for specific surface waters listed in Appendix A of §333.21 of this title (relating to Appendices A-C) of the standards. The specification of desirable uses reflects the department's objective to attain and protect a quality of water appropriate to maintain the water uses designated for a stream segment.

(c) Desirable water uses and associated numerical criteria are set out in §333.18 of this title (relating to Numerical Criteria) and §333.19 of this title (relating to Water Uses). Appendix A of §333.21 of this title (relating to Appendices A-C) lists surface waters that have been specifically designated for desired water uses.

(d) Modification of standards.

(1) The board reserves the right to amend these standards following the completion of special studies.

(2) Any errors in water quality standards resulting from clerical errors or errors in data may be corrected by the board through amendment of the affected standards. Water quality standards not affected by such clerical errors or errors in data remain valid until changed by the board.

§333.15. Definitions and Abbreviations.

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

(1) Ambient—The natural conditions that would be expected to occur in waters unaffected or not in-

fluenced by the activities of man.

(2) **Best management practice**—A practice or combination of practices determined to be the most practicable means of preventing or reducing, to a level compatible with water quality goals, the amount of pollution generated by nonpoint sources.

(3) **Bioaccumulative toxic**—A toxic substance which has a tendency to accumulate in organisms.

(4) **Board**—The Texas Water Development Board.

(5) **Contact recreation**—Recreational activities involving a significant risk of ingestion of water, including wading by children, swimming, water skiing, diving, and surfing.

(6) **Continuing planning process (CPP)**—A document that describes the state's planning and management process and procedures for making water quality decisions. The CPP is required by §303(e) of the Clean Water Act (33 United States Code 1313).

(7) **Criteria**—Concentrations of water constituents or characteristics which, if not exceeded, are expected to support and protect desired uses.

(8) **Department**—The Texas Department of Water Resources

(9) **Dissolved solids**—The amount of material (inorganic salts and small amounts of organic material) dissolved in water and commonly expressed as a concentration in terms of milligrams per liter. The term is equivalent to the term "filtrable residue," as used in the 15th edition of *Standard Methods for the Examination of Water and Wastewater*.

(10) **Effluent**—Wastewater discharged from any point source prior to entering a water body.

(11) **Epilimnion**—The upper layer of a lake (including impoundments, ponds, and reservoirs) lying above the metalimnion.

(12) **Fecal coliform**—That portion of the coliform bacteria group which is present in the intestinal tracts and feces of warm-blooded animals.

(13) **Halocline**—A vertical gradient in salinity under conditions of density stratification that is usually recognized as the point where salinity exhibits the greatest difference in a vertical direction.

(14) **LC₅₀**—The concentration of a toxicant that is lethal (fatal) to 50% of organisms tested in a specified time period

(15) **Mixing zone**—The area contiguous to a discharge where initial dilution takes place and which may not meet numerical criteria applicable to the receiving water

(16) **Noncontact recreation**—Recreational pursuits not involving a significant risk of water ingestion, including fishing, commercial and recreational boating, and limited body contact incidental to shoreline activity.

(17) **Nonpersistent toxic**—A toxic substance that readily degrades in the aquatic environment, exhibits a half-life of less than 96 hours, and does not have a tendency to accumulate in organisms.

(18) **Persistent toxic**—A toxic substance that is not readily degraded, exhibits a half-life of 96 hours or more, is bioaccumulative, or acts additively, synergistically, or antagonistically with other pollutants.

(19) **Salinity**—The total dissolved solids in water after all carbonates have been converted to oxides, all bro-

midite and iodide have been replaced by chloride, and all organic matter has been oxidized. For most purposes, salinity is considered equivalent to total dissolved salt content.

(20) **Settleable solids**—Material which will settle out of a water sample in a specified period of time. Settleable solids are measured as either volume or weight and are calculated by subtracting nonsettleable matter from total suspended matter.

(21) **Seven-day, two-year low flow**—The lowest flow that has been known to occur for seven consecutive days during a two-year period as statistically determined from historical data. It is the flow used for determining the allowable discharge load to a stream.

(22) **Shellfish water**—Waters producing edible species of clams, oysters, or mussels.

(23) **Standards**—The designation of water bodies for desirable uses and the general and numerical criteria deemed necessary to protect those uses.

(24) **Suspended solids**—Total suspended matter in water which is equivalent to nonfiltrable residue, as defined in the 15th edition of *Standard Methods for the Examination of Water and Wastewater*.

(25) **Water quality management (WQM) program**—The department's overall program for attaining and maintaining water quality consistent with state standards, as authorized under the Texas Water Code, the Texas Administrative Code, and §§106, 205(j), 208, 303(e), and 314 of the Clean Water Act (33 United States Code 1251 *et seq.*).

(b) **Abbreviations.**

- (1) AP—aquifer protection.
- (2) AS—agricultural water supply.
- (3) CFR—Code of Federal Regulations.
- (4) CR—contact recreation.
- (5) CPP—continuing planning process.
- (6) DO—dissolved oxygen.
- (7) E—exceptional quality aquatic habitat.
- (8) °F—degree(s) Fahrenheit.
- (9) ft³/s—cubic feet per second.
- (10) H—high quality aquatic habitat.
- (11) I—intermediate quality aquatic habitat.
- (12) IS—industrial water supply.
- (13) L—limited quality aquatic habitat.
- (14) mg/l—milligrams per liter.
- (15) ml—milliliter.
- (16) N—navigation.
- (17) NCR—noncontact recreation.
- (18) NPDES—National Pollutant Discharge Elimination System, as set out in §402 of the Clean Water Act (33 United States Code 1342).
- (19) PS—public water supply.
- (20) 7Q2—seven-day, two-year low flow.
- (21) S—shellfish waters.
- (22) TDS—total dissolved solids.
- (23) USC—United States Code.
- (24) USEPA—U.S. Environmental Protection Agency.
- (25) USGS—U.S. Geological Survey.
- (26) WQM—water quality management.

§333.16. *Application of Standards.*

(a) **General criteria.** General criteria set forth in §333.17 of this title (relating to General Criteria) apply to all surface waters of the state at all times and specifi-

cally apply to substances attributed to waste discharges or the activities of man. General criteria do not apply to those instances in which surface water, as a result of natural phenomena, occasionally exhibit characteristics beyond the limits established by §333.17 of this title (relating to General Criteria). Specific exemptions stated in this section or in a classified segment water quality standard supersede general criteria.

(b) Numerical criteria. Numerical criteria may apply to one or more water uses and are set forth in §333.18 of this title (relating to Numerical Criteria) and in §333.19 of this title (relating to Water Uses). The criteria apply to segments listed in Appendix A of §333.21 of this title (relating to Appendices A-C) and specifically apply to substances attributed to waste discharges or the activities of man. Numerical criteria do not apply to surface waters which, as a result of natural phenomena, occasionally exhibit characteristics beyond the limits established by §333.18 of this title (relating to Numerical Criteria) and §333.19 (relating to Water Uses).

(c) Flow criteria.

(1) Flow criteria in Appendix B of §333.21 of this title (relating to Appendices A-C) are solely for the purpose of defining the flow conditions under which water quality standards apply to a given water body. Low-flow criteria listed in Appendix B of §333.21 of this title (relating to Appendices A-C) are not for the purpose of regulating flows in water bodies in any manner or requiring that minimum flows be maintained in classified segments.

(2) Flow criteria defined in this section and listed in Appendix B of §333.21 of this title (relating to Appendices A-C) apply only to river basin and coastal basin waters. They do not apply to bay or gulf waters or reservoirs or estuaries.

(3) Seven-day, two-year low flows (7Q2) in Appendix B of §333.21 of this title (relating to Appendices A-C) were calculated from historic U.S. Geological Survey (USGS) daily streamflow records where available. Where a USGS flow station was not located at a department monitoring station, the low-flow condition was interpolated/extrapolated from the nearest comparable USGS stations. The low flow was set at one-tenth (0.1) of one cubic foot per second (ft³/s) when the calculated 7Q2 was equal to or less than one-tenth (0.1) of one ft³/s.

(4) Flow values will be periodically recomputed to reflect alterations in the hydrologic characteristics of a segment, including reservoir construction, climatological trends, and other phenomena.

(d) General and numerical criteria.

(1) Inorganic chemical parameters. Water quality standards for chloride, sulfate, and total dissolved solids represent average annual values from a single sampling point or multiple sampling points within a segment and shall apply when flow equals or exceeds the specified flow criterion.

(2) Dissolved oxygen and pH. Dissolved oxygen, which represents an absolute minimum value, and pH standards shall apply throughout the segment at all times that the daily flow equals or exceeds the specified flow criterion.

(3) Temperature. The temperature standard shall apply throughout the segment at all times that the daily flow equals or exceeds the specified flow criterion.

(4) Other parameters and general criteria. General criteria and numerical criteria not specifically discussed in this subsection shall apply throughout the segment at all times regardless of flow unless exempted under subsection (h) of this section.

(e) Mixing zones.

(1) The department shall determine mixing zones on a case-by-case basis, taking into account other nearby mixing zones. Applicable limits may include, but are not limited to, linear distances from the point of discharge, surface area involvement, and volume of receiving water. Consideration will be given to guidance contained in the U.S. Environmental Protection Agency's (EPA) *Water Quality Standards Handbook* (1983) when determining mixing zones.

(2) Where a mixing zone is defined in a valid department or National Pollutant Discharge Elimination System (NPDES) waste discharge permit, the defined zone shall apply.

(3) A reasonable mixing zone shall be allowed when a specific mixing zone has not been defined in a valid permit. Mixing zones should normally be limited to no more than 25% of the cross-sectional area or volume of flow of a water body; 75% of the cross-sectional area or volume of flow should be maintained as a zone of passage unless otherwise specified in a discharge permit. The mixing zone shall not preclude passage of free-swimming or drifting aquatic organisms, to the extent that populations are significantly affected, where aquatic life is considered significant.

(4) Toxic material concentrations shall not exceed the 96-hour LC₅₀ for representative indigenous aquatic organisms within the mixing zone.

(f) Temperature.

(1) Temperature criteria can apply to freshwater streams, freshwater impoundments, and tidal river reaches and bay and gulf waters.

(2) Temperature differentials shall not apply where the temperature increase is due to the discharge of treated domestic (sanitary) sewage effluent.

(3) Temperature for classified segments shall not exceed the maximum criteria listed in Appendix A of §333.21 of this title (relating to Appendices A-C).

(g) Toxic materials. Toxic material concentrations represent levels that should not be exceeded at any time or place after mixing.

(h) Exceptions.

(1) Water quality standards do not apply to treated effluents.

(2) Numerical criteria established in §333.18 of this title (relating to Numerical Criteria) and §333.19 of this title (relating to Water Uses) and set forth in Appendix A of §333.21 of this title (relating to Appendices A-C) do not apply to:

(A) mixing zones defined in a valid department or NPDES waste discharge permit or according to subsection (d)(3) of this section;

(B) dead-end barge or ship channels constructed for navigation purposes unless specifically designated in Appendix A of §333.21 of this title (relating to Appendices A-C); or

(C) intermittent or effluent-dominated streams.

§333.17. General Criteria.

(a) Aesthetic parameters.

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

(2) Surface waters shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms or putrescible sludge deposits or sediment layers which adversely affect benthic biota or any lawful uses.

(3) Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays

(4) Surface waters shall be maintained in an aesthetically attractive condition.

(5) Turbidity and color shall not be substantially changed from ambient conditions due to waste discharges.

(6) There shall be no foaming or frothing of a persistent nature

(7) Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse

(b) Radiological parameters. Radioactive materials shall not be discharged in excess of the amount regulated by the *Texas Regulations for Control of Radiation* (25 TAC §289.1, *et seq.*)

(c) Toxic parameters. Surface waters will not be toxic to man or terrestrial or aquatic life.

(d) Nutrient parameters. Generally applicable criteria for nitrogen, phosphorus, carbon, and trace elements cannot be established because sufficient information on nutrient cycling in Texas waters and cause-effect relationships between nutrient concentrations and water quality is not presently available. Case-by-case nutrient criteria, where appropriate, will be established as information becomes available and after public participation and proper hearing.

(e) Temperature. Consistent with §333.11 of this title (relating to Policy Statement) and in accordance with state water rights permits, temperature in industrial cooling lake impoundments and all other surface waters of the state shall be maintained so as to not interfere with the reasonable use of such waters. Numerical temperature criteria have not been specifically established for industrial cooling lake impoundments, which in most areas of the state contribute to water conservation and water quality objectives.

(f) Salinity.

(1) Estuarine salinity criteria have not been established, despite the recognition that proper salinity gradient maintenance is important for the continuation of balanced and desirable populations of estuarine dependent marine life, because weather is the dominant factor influencing salinity gradients.

(2) Absence of numerical salinity criteria shall not preclude evaluations and regulatory actions based on estuarine salinity, and careful consideration will be given to all activities which may detrimentally affect salinity gradients in estuarine waters.

(g) Dissolved oxygen. A dissolved oxygen (DO) goal of not less than three mg/l shall apply to all water bodies not specifically listed in Appendix A of §333.21 of this title (relating to Appendices A-C). In unclassified waters where a DO value of less than three mg/l is justifiable, which will most often apply to intermittent and effluent-dominated streams and dead-end barge and ship canals, a DO level of two mg/l shall be recognized as a minimum water quality objective. Nothing in this subsection shall be construed to prevent the application of more stringent dissolved oxygen criteria for perennial and noneffluent dominated water bodies if the department determines that such action is necessary to protect existing water quality or desirable water uses.

(h) Bacteria. A fecal coliform goal of not more than 2,000 colonies per 100 ml shall apply to all water bodies not specifically listed in Appendix A of §333.21 of this title (relating to Appendices A-C.)

§333.18. Numerical Criteria.

(a) Numerical criteria specified in this section are for one or more water uses. Numerical criteria associated with individual water uses are enumerated in §333.19 of this title (relating to Water Uses).

(b) Chemical parameters. Criteria for chloride, sulfate, and total dissolved solids concentrations applicable to classified segments, except as qualified in §333.16 of this title (relating to Application of Standards), are listed in Appendix A of §333.21 of this title (relating to Appendices A-C).

(c) Dissolved oxygen. Minimum dissolved oxygen criteria for classified segments, except as qualified in §333.16 of this title (relating to Application of Standards), are listed in Appendix A of §333.21 of this title (relating to Appendices A-C).

(d) pH. Minimum and maximum pH range criteria for classified segments, except as qualified in §333.16 of this title (relating to Application of Standards), are listed in Appendix A of §333.21 of this title (relating to Appendices A-C).

(e) Temperature.

(1) Temperature criteria consist of a maximum temperature value and a maximum temperature differential attributable to heated effluents. Except as qualified in §333.16 of this title (relating to Application of Standards), temperature shall not exceed the maximum criteria in Table 1 in paragraph (2) of this subsection.

(2) Table 1. Temperature Criteria for Surface Waters.

Surface Water Classification	Temperature Criteria	
	Maximum Temperature	Maximum Temperature Differential (rise over ambient)
Freshwater Streams	See Appendix A of §333.21 of this title (relating to Appendices A-C) for classified segment value	5°F
Freshwater Impoundments	See Appendix A of §333.21 of this title (relating to Appendices A-C) for classified segment value	3°F

Tidal River Reaches, Bay and Gulf Waters		
Fall, Winter, Spring	95°F	4°F
Summer (June, July, August)	95°F	1.5°F

(f) Bacteriological criteria.

(1) Bacteriological criteria are for fecal coliform organisms and consist of a measure of general quality and a limit on variations from general quality.

(2) Criteria for recreational uses are established in §333.19 of this title (relating to Water Uses) and specifically listed for classified segments in Appendix A of §333.21 of this title (relating to Appendices A-C).

(3) Criteria for shellfish waters are established in §333.19 of this title (relating to Water Uses) and specifically listed for classified segments in Appendix A of §333.21 of this title (relating to Appendices A-C).

§333.19. *Water Uses.*

(a) The following list represents uses and supporting criteria deemed desirable by the department. The order of the following list does not denote priority of use.

(b) Recreation. Recreational use consists of two subcategories, contact recreation waters and noncontact recreation waters.

(1) Contact recreation waters.

(A) Fecal coliform content shall not exceed 200 colonies per 100 ml as a geometric mean based on a representative sampling of not less than five samples collected over not more than 30 days.

(B) Fecal coliform content shall not equal or exceed 400 colonies per 100 ml in more than 10% of all samples, but based on at least five samples, taken during any 30-day period. If 10 or fewer samples are analyzed, no more than one sample shall exceed 400 colonies per 100 ml.

(2) Noncontact recreation waters.

(A) Fecal coliform content shall not exceed 2,000 colonies per 100 ml as a geometric mean based on a representative sampling of not less than five samples collected over not more than 30 days.

(B) Fecal coliform content shall not equal or exceed 400 colonies per 100 ml in more than 10 percent of all samples, but based on at least five samples, taken during any 30-day period. If 10 or fewer samples are analyzed, no more than one sample shall exceed 4,000 colonies per 100 ml.

(c) Domestic water supply

(1) Use categories. Domestic water supply consists of two use subcategories, public water supply and aquifer protection.

(A) Public water supply. Segments designated for public water supply are those known to be used or exhibit characteristics that would allow them to be used as the supply source for community and noncommunity water supply systems, as defined by regulations promulgated pursuant to the Safe Drinking Water Act (42 United States Code 300f *et seq.*)

(B) Aquifer protection. Segments designated for aquifer protection are capable of recharging the Edwards Aquifer. In accordance with board rules, the principal purpose of this use designation is to protect the quality of water infiltrating into and recharging the aquifer.

(2) Use criteria. The following use criteria apply to both domestic water supply use subcategories.

(A) Radioactivity associated with dissolved minerals in the freshwater portions of river basin and coastal basin waters should not exceed levels established by regulations promulgated pursuant to the Safe Drinking Water Act unless the conditions are of natural origin.

(B) Surface waters utilized for domestic water supply shall not exceed toxic material concentrations that prevent them from being treated to meet regulatory requirements promulgated pursuant to the Safe Drinking Water Act.

(C) Chemical and microbiological quality of surface waters used for domestic water supply should conform to regulatory requirements promulgated pursuant to the Safe Drinking Water Act. Surface waters that do not meet drinking water standards but that are the only supply source may be designated for public water supply where chemical and microbiological constituents do not pose a potential health hazard.

(d) Aquatic life.

(1) Aquatic life subcategories. The establishment of numerical criteria for aquatic life is highly dependent on desired use, sensitivities of usual aquatic communities, and local physical and chemical characteristics. Five subcategories of use are established. They include limited quality, intermediate quality, high quality, and exceptional quality aquatic habitat and shellfish waters. Aquatic life subcategories designated for segments listed in Appendix A of §333.21 of this title (relating to Appendices A-C) recognize the natural variability of aquatic community requirements and local environmental conditions.

(2) Limited, intermediate, high, and exceptional quality aquatic habitat.

(A) Limited quality aquatic habitat. Dissolved oxygen (DO) shall be maintained at not less than three mg/l for freshwater aquatic habitat.

(B) Intermediate quality aquatic habitat. Dissolved oxygen (DO) shall be maintained at not less than four mg/l for freshwater aquatic habitat and not less than three mg/l for saltwater aquatic habitat.

(C) High quality aquatic habitat. Dissolved oxygen (DO) shall be maintained at not less than five mg/l for freshwater aquatic habitat and not less than four mg/l for saltwater aquatic habitat.

(D) Exceptional quality aquatic habitat. Dissolved oxygen (DO) shall be maintained at not less than six mg/l for freshwater aquatic habitat and not less than five mg/l for saltwater aquatic habitat.

(3) Shellfish waters.

(A) A 1,000-foot buffer zone, measured from the shoreline at ordinary high tide, is established for all bay and gulf waters, except those contained in river or coastal basins as defined in §333.13 of this title (relating to Classification of Surface Waters). Fecal coliform content in buffer zones shall not exceed 200 colonies per 100 ml as a geometric mean of not less than five samples collected over not more than 30 days, or equal or exceed 400 colonies per 100 ml in more than 10 percent of all samples taken during a 30-day period.

(B) Median fecal coliform concentration in bay and gulf waters, exclusive of buffer zones, shall not exceed 14 colonies per 100 ml, with not more than 10 per-

cent of all samples exceeding 43 colonies per 100 ml.
(C) Shellfish waters should be maintained so that heavy metal and pesticide concentrations do not cause shellfish to exceed accepted guidelines for the protection of public health.

(4) Toxic materials.

(A) Concentrations of nonpersistent toxic materials shall not exceed 0.1 of the 96-hour median lethal concentration (LC_{50}) for a representative indigenous aquatic organism.

(B) Concentrations of persistent toxic materials that do not bioaccumulate shall not exceed 0.05 of the 96-hour median lethal concentration (LC_{50}) for a representative indigenous aquatic organism.

(C) Concentrations of toxic materials that bioaccumulate shall not exceed 0.01 of the 96-hour median lethal concentration (LC_{50}) for a representative indigenous aquatic organism.

(e) Other uses. The quality of surface waters, other than intermittent streams and classified segments with specifically designated uses and numerical criteria, will be protected so that certain minimal uses such as navigation, agricultural water supply, and industrial water supply will be maintained.

§333.20. *Determination of Standards Attainment.*

(a) Sampling locations.

(1) Representative samples to determine standards attainment will be collected at locations approved by the department. To ensure comparability with past sampling data, samples will be collected at established monitoring stations. Monitoring stations may be established or discontinued by the department.

(2) Field investigation samples may be collected at points not established or approved as standards attainment sampling locations at the discretion of the department.

(b) Sample collection and preservation.

(1) To ensure that representative samples are collected and to minimize alterations prior to analysis, collection and preservation of attainment determination samples will be in accordance with procedures set forth in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, the most recent version of the Quality Assurance Program Plan for the department, or other reliable procedures acceptable to the department.

(2) Depth collection procedures to determine standards attainment will vary depending on the water body being sampled.

(A) Nontidal flowing streams. In flowing streams, a profile should be obtained to determine if the water column is uniformly mixed. Samples shall be collected one foot below the water surface in streams exhibiting a vertically mixed water column. A depth-integrated sample shall be used to determine attainment in unmixed streams. Where depth is less than 1.5 feet, the collection depth shall be 1/3 of the water depth measured from the water surface.

(B) Impoundments. Representative samples shall be collected from the entire water column in the absence of thermal stratification. Collection of representative samples shall be confined to the epilimnion when an impoundment is thermally stratified.

(C) Bays. A depth-integrated (vertical composite) sample shall be collected from the surface to the natural bottom. Dredged areas shall not be considered part of the natural bottom.

(D) Tidal streams. A surface-to-bottom profile of DO, pH, conductivity, and temperature shall be obtained in all cases. When complete density stratification exists, only sample values collected from the water surface to the halocline shall be used in determining standards attainment. In the absence of density stratification, sample values collected from the water surface to the natural bottom shall be used in the determination of attainment.

(c) Sample analysis.

(1) Numerical values in the water quality standards shall be determined by analytical procedures recommended in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, the Quality Assurance Program Plan for the department, or other reliable methods acceptable to the department.

(2) Radioactivity. Measurements will be made on filtered samples to determine radioactivity associated with dissolved minerals in nontidal waters.

(3) Toxicity. Bioassay techniques will be selected as testing situations dictate, but will generally be conducted using representative organisms indigenous or native to the receiving waters being tested and water quality conditions which approximate those of the receiving waters. Consideration will be given to using USEPA bioassay procedures.

(4) Bacteria. Bacteriological levels shall be determined by either multiple-tube fermentation or membrane filter techniques.

(d) Interpretation of results.

(1) Chemical parameters. Standards attainment determinations shall be based on at least four measurements per segment and made by averaging results from all monitoring stations within the segment to allow for reasonable parametric gradients. TDS determinations may be based on conductivity observations.

(2) Radioactivity. The impact of radioactive discharges on the surface waters of Texas will be evaluated utilizing information developed by the Sanitary Engineering Research Laboratory at the University of Texas and presented in the June 30, 1960, report titled *Report on Radioactivity—Levels in Surface Waters—1958-1960*.

§333.21. *Appendices A-C.* The following appendices are integral components of the *Texas Surface Water Quality Standards* (Appendix A—Segment Standards, Appendix B—Low-Flow S-Criteria, Appendix C—Segment Descriptions).

Appendix A.

Segment Standards (Uses and Criteria). The following tables identify the state's classified segments by number and a short title description. Each river and coastal basin is described in a separate table. Water uses and supporting numerical criteria are also listed by individual segment. Applicable low-flow values and complete segment boundary descriptions are provided in Appendices B and C, respectively, of §333.21 of this title (relating to Appendices A-C).

	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
0101	CR	H			1,300	625	2,940	5.0	6.5-9.0	200	95
0102	CR	E	PS		350	350	1,250	6.0	6.5-9.0	200	85
0103	CR	H			900	500	2,500	5.0	6.5-9.0	200	95
0104	CR	H			300	100	1,000	5.0	6.5-9.0	200	93
0105	CR	H	PS		50	40	300	5.0	6.5-9.0	200	85

SEGMENT - Canadian River Basin

SEGMENT - Red River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
0201	Red River	CR	H	PS		375	250	1,100	5.0	6.5-9.0	200
0202	Red River	CR	H	PS		375	250	1,100	5.0	6.5-9.0	200
0203	Lake Texoma	CR	H	PS		600	300	1,500	5.0	6.5-9.0	200
0204	Red River	CR	H			2,000	1,200	6,000	5.0	6.5-9.0	200
0205	Red River	CR	H			5,000	2,000	10,000	5.0	6.5-9.0	200
0206	Red River	CR	H			12,000	4,000	25,000	5.0	6.5-9.0	200
02 7	Prairie Dog Town Fork Red River	CR	H			30,000	4,500	65,000	5.0	6.5-9.0	200
0208	Lake Crook	CR	H	PS		75	150	350	5.0	6.5-9.0	200
0209	Pat Mayse Lake	CR	H	PS		100	175	350	5.0	6.5-9.0	200
0210	Farmers Creek Reservoir	CR	H	PS		150	100	500	5.0	6.5-9.0	200
0211	Little Wichita River	CR	H	PS		250	50	500	5.0	6.5-9.0	200
0212	Lake Arrowhead	CR	H	PS		250	50	500	5.0	6.5-9.0	200
0213	Lake Kickapoo	CR	H	PS		100	50	400	5.0	6.5-9.0	200
0214	Wichita River	CR	H			1,800	800	5,000	5.0	6.5-9.0	200
0215	Diversion Lake	CR	H			1,800	800	5,000	5.0	6.5-9.0	200
0216	Wichita River	CR	H			1,800	800	5,000	5.0	6.5-9.0	200
0217	Lake Kemp	CR	H			7,000	2,500	15,000	5.0	6.5-9.0	200

SEGMENT - Red River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
0218	Wichita/North Fork Wichita River	CR	H			7,500	2,800	16,250	5.0	6.5-9.0	200
0219	Lake Wichita	CR	H			1,000	400	1,800	5.0	6.5-9.0	200
0220	Pease/North Fork Pease River	CR	H			12,000	3,500	30,000	5.0	6.5-9.0	200
0221	Middle Fork Pease River	CR	H			740	1,200	3,300	5.0	6.5-9.0	200
0222	Salt Fork Red River	CR	H			400	1,400	3,000	5.0	6.5-9.0	200
0223	Greenbelt Lake	CR	H	PS		250	200	750	5.0	6.5-9.0	200
0224	North Fork Red River	CR	H			800	1,200	2,500	5.0	6.5-9.0	200
0225	McKinney Bayou	NCR	L	PS		60	90	400	3.0	6.0-8.5	2,000
0226	South Fork Wichita River	CR	H			12,000	3,650	31,000	5.0	6.5-9.0	200
0227	South Fork Pease River	CR	H			75	150	450	5.0	6.5-9.0	200
0228	Mackenzie Reservoir	CR	H	PS		20	160	350	5.0	6.5-9.0	200

SEGMENT - Sulphur River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
0301	Sulphur River	CR	H			120	100	500	5.0	6.0-8.5	200
0302	Wright Patman Lake	CR	H	PS		75	75	400	5.0	6.0-8.5	200
0303	Sulphur/South Sulphur River	CR	H			60	150	600	5.0	6.0-8.5	200
0304	Days Creek	NCR	L			525	75	850	3.0	6.0-8.5	2,000
0305	North Sulphur River	CR	H			190	475	1,320	5.0	6.0-8.5	200

SEGMENT - Cypress Creek
River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	
0401	Caddo Lake	CR	H	PS		100	50	300	5.0	6.0-8.5	200	9
0402	Lower Big Cypress Creek	CR	H	PS		100	50	300	5.0	6.0-8.5	200	9
0403	Lake O' the Pines	CR	H	PS		80	50	300	5.0	6.0-8.5	200	9
0404	Upper Big Cypress Creek	NCR	I			100	100	500	4.0	6.0-8.5	2,000	9
0405	Lake Cypress Springs	CR	H	PS		100	100	500	5.0	6.0-8.5	200	9
0406	Black Bayou	NCR	I	PS		80	50	300	4.0	6.0-8.5	2,000	9
0407	James' Bayou	NCR	I	PS		100	50	300	4.0	6.0-8.5	2,000	9
0408	Lake Bob Sandlin	CR	H	PS		35	40	150	5.0	6.5-9.0	200	9

SEGMENT - Sabine River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
0501	Sabine River Tidal	CR	H						4.0	6.0-8.5	200
0503	Sabine River	CR	H	PS		30	25	120	5.0	6.0-8.5	200
0504	Toledo Bend Reservoir	CR	H	PS		70	30	240	5.0	6.0-8.5	200
0505	Sabine River	NCR	H	PS		175	75	400	5.0	6.0-8.5	2,000
0506	Sabine River	CR	H	PS		200	100	500	5.0	6.0-8.5	200
0507	Lake Tawakoni	CR	H	PS		20	35	200	5.0	6.0-8.5	200
0508	Adams Bayou Tidal	NCR	H						4.0	6.0-8.5	2,000
0509	Murvaul Lake	CR	H	PS		150	75	500	5.0	6.5-9.0	200
0510	Lake Cherokee	CR	H	PS		75	50	250	5.0	6.0-8.5	200
0511	Cow Bayou Tidal	CR	H						4.0	6.0-8.5	200
0512	Lake Fork Reservoir	CR	H	PS		130	100	300	5.0	6.5-9.0	200

SEGMENT - Neches River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
0601	Neches River Tidal	NCR	I						3.0*	6.0-8.5	2,000
0602	Neches River	CR	H	PS		50	30	150	5.0	6.0-8.5	200
0603	B. A. Steinhagen Lake	CR	H	PS		50	30	150	5.0	6.0-8.5	200
0604	Neches River	CR	H	PS		50	30	150	5.0	6.0-8.5	200
0605	Lake Palestine	CR	H	PS		50	30	150	5.0	6.0-8.5	200
0606	Neches River	CR	L	PS		50	30	150	3.0	6.0-8.5	200
0607	Pine Island Bayou	CR	H	PS		150	50	300	5.0	6.0-8.5	200
0608	Village Creek	CR	H	PS		150	75	300	5.0	6.0-8.5	200
0609	Lower Angelina River	CR	H	PS		70	40	250	5.0	6.0-8.5	200
0610	Sam Rayburn Reservoir	CR	H	PS		70	40	250	5.0	6.0-8.5	200
0611	Upper Angelina River	CR	H	PS		125	40	250	5.0	6.0-8.5	200
0612	Attoyac Bayou	CR	H	PS		75	50	150	5.0	6.0-8.5	200
0613	Lake Tyler and Lake Tyler East	CR	H	PS		100	50	250	5.0	6.5-9.0	200
0614	Lake Jacksonville	CR	H	PS		50	75	150	5.0	6.5-9.0	200

*Does not apply to flows of less than 1,000 ft³/s.

SEGMENT - Neches-Trinity Coastal
Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
0701	Taylor Bayou Above Tidal	CR	I			100	75	600	4.0	6.5-9.0	200
0702	Intracoastal Waterway	NCR	H						4.0	6.5-9.0	2,000
0703	Sabine-Neches Canal	NCR	H						4.0	6.5-9.0	2,000

SEGMENT - Trinity River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
0801	Trinity River Tidal	CR	H						4.0	6.5-9.0	200
0802	Trinity River	CR	H	PS		125	100	600	5.0	6.5-9.0	200
0803	Lake Livingston	CR	H	PS		150	50	500	5.0	6.5-9.0	200
0804	Trinity River	NCR	H			150	150	600	5.0	6.5-9.0	2,000
0805	Trinity River/West Fork Trinity River	NCR	L			175	175	850	3.0*	6.5-9.0	2,000
0806	West Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200
0807	Lake Worth	CR	H	PS		100	100	500	5.0	6.5-9.0	200
0808	West Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200
0809	Eagle Mountain Reservoir	CR	H	PS		75	75	300	5.0	6.5-9.0	200
0810	West Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200
0811	Bridgeport Reservoir	CR	H	PS		75	75	300	5.0	6.5-9.0	200
0812	West Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200
0813	Houston County Lake	CR	H	PS		75	75	300	5.0	6.5-9.0	200
0814	Chambers Creek	CR	H	PS		65	110	500	5.0	6.5-9.0	200
0815	Bardwell Reservoir	CR	H	PS		50	50	300	5.0	6.5-9.0	200
0816	Lake Waxahachie	CR	H	PS		50	50	300	5.0	6.5-9.0	200
0817	Navarro Mills Lake	CR	H	PS		50	75	300	5.0	6.5-9.0	200

*When headwater flow at USGS gauge Station 0804800 (located at West Fork Trinity River at Ft. Worth, Texas) is less than 80.0 ft³/s, the DO criterion shall be 1.0 mg/L.

SEGMENT - Trinity River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
0818	Cedar Creek Reservoir	CR	H	PS		50	50	200	5.0	6.0-8.5	200
0819	East Fork Trinity River	NCR	I			75	50	400	4.0	6.5-9.0	2,000
0820	Lake Ray Hubbard	CR	H	PS		40	40	300	5.0	6.5-9.0	200
0821	Lavon Lake	CR	H	PS		40	40	300	5.0	6.5-9.0	200
0822	Lower Elm Fork Trinity River	CR	H	PS		80	60	500	5.0	6.5-9.0	200
0823	Lewisville Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200
0824	Upper Elm Fork Trinity River	CR	H	S		80	60	500	5.0	6.5-9.0	200
0825	Denton Creek	CR	H	PS		80	60	500	5.0	6.5-9.0	200
0826	Grapevine Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200
0827	White Rock Lake	CR *	H			100	100	400	5.0	6.5-9.0	200
0828	Lake Arlington	CR	H	PS		100	100	300	5.0	6.5-9.0	200
0829	Clear Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200
0830	Benbrook Lake	CR	H	PS		75	75	300	5.0	6.5-9.0	200
0831	Clear Fork Trinity River	CR	H	PS		100	100	500	5.0	6.5-9.0	200
0832	Lake Weatherford	CR	H	PS		100	100	500	5.0	6.5-9.0	200
0833	Clear Fork Trinity River	CR	H	PS		125	125	750	5.0	6.5-9.0	200
0834	Lake Amon G. Carter	CR	H	PS		150	150	400	5.0	6.5-9.0	200

*While Segment 0827 may exhibit quality characteristics which would make it suitable for contact recreation, the use is prohibited by local regulation for reasons unrelated to water quality.

SEGMENT - Trinity River Basin

0835	Richland Creek	CR	H	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
								75	150	570	5.0	6.5-9.0	200	90

SEGMENT - Trinity-San Jacinto Coastal Basin

0901	Cedar Bayou Tidal	CR	H	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
								200	100	400	4.0	6.5-9.0	200	95
0902	Cedar Bayou Above Tidal	NCR	H	PS							5.0	6.5-9.0	2,000	90

SEGMENT - San Jacinto River
Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
1001	San Jacinto River Tidal	CR	H						4.0	6.5-9.0	200
1002	Lake Houston	CR	H	PS		100	50	200	5.0	6.5-9.0	200
1003	East Fork San Jacinto River	CR	H	PS		80	40	400	5.0	6.0-8.5	200
1004	West Fork San Jacinto River	CR	H	PS		80	40	300	5.0	6.5-9.0	200
1005	Houston Ship Channel/San Jacinto River	NCR	H						4.0	6.5-9.0	2,000
1006	Houston Ship Channel				N/IS				2.0	6.5-9.0	2,000
1007	Houston Ship Channel/Buffalo Bayou				N/IS				1.0	6.5-9.0	2,000
1008	Spring Creek	NCR	H	PS		80	40	300	5.0	6.5-9.0	2,000
1009	Cypress Creek	NCR	H	PS		80	40	300	5.0	6.5-9.0	2,000
1010	Caney Creek	CR	H	PS		50	40	300	5.0	6.0-8.5	200
1011	Peach Creek	CR	H	PS		50	40	200	5.0	6.0-8.5	200
1012	Lake Conroe	CR	H	PS		50	40	200	5.0	6.5-9.0	200
1013	Buffalo Bayou Tidal	NCR							2.0	6.5-9.0	2,000
1014	Buffalo Bayou Above Tidal	NCR	L			110	65	600	3.0	6.5-9.0	2,000

SEGMENT - San Jacinto-Brazos
Coastal Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
1101	Clear Creek Tidal	NCR	H						4.0	6.5-9.0	2,000
1102	Clear Creek Above Tidal	NCR	H			200	100	600	5.0	6.5-9.0	2,000
1103	Dickinson Bayou Tidal	CR	H						4.0	6.5-9.0	200
1104	Dickinson Bayou Above Tidal	NCR	H			200	100	600	5.0	6.5-9.0	2,000
1105	Bastrop Bayou Tidal	CR	H						4.0	6.5-9.0	200
1107	Chocolate Bayou Tidal	CR	H						4.0	6.5-9.0	200
1108	Chocolate Bayou Above Tidal	NCR	H			150	50	600	5.0	6.5-9.0	2,000
1109	Oyster Creek Tidal	NCR	H						4.0	6.5-9.0	2,000
1110	Oyster Creek Above Tidal	NCR	H			300	150	750	5.0	6.5-9.0	2,000
1111	Old Brazos River Channel	CR	H						4.0	6.5-9.0	200
1113	Armand Bayou Tidal	CR	H						4.0	6.5-9.0	200

SEGMENT - Brazos River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
1201	Brazos River Tidal	CR	H	PS					4.0	6.5-9.0	200
1202	Brazos River	CR	H	PS		300	200	750	5.0	6.5-9.0	200
1203	Whitney Lake	CR	H			600	300	1,500	5.0	6.5-9.0	200
1204	Brazos River	CR	H			600	300	1,600	5.0	6.5-9.0	200
1205	Lake Granbury	CR	H			1,000	600	2,500	5.0	6.5-9.0	200
1206	Brazos River	CR	E			600	300	1,600	6.0	6.5-9.0	200
1207	Possum Kingdom Lake	CR	H	PS		1,200	500	3,500	5.0	6.5-9.0	200
1208	Brazos River	CR	H			5,000	2,000	12,000	5.0	6.5-9.0	200
1209	Lower Navasota River	CR	H	PS		120	80	500	5.0	6.5-9.0	200
1210	Lake Mexia	CR	H	PS		100	50	400	5.0	6.5-9.0	200
1211	Yegua Creek	CR	H	PS		75	75	250	5.0	6.5-9.0	200
1212	Somerville Lake	CR	H	PS		75	75	250	5.0	6.5-9.0	200
1213	Little River	CR	H	PS		75	75	400	5.0	6.5-9.0	200
1214	San Gabriel River	CR	H	PS		45	40	375	5.0	6.5-9.0	200
1215	Lower Lampasas River	CR	H	PS		100	75	500	5.0	6.5-9.0	200
1216	Stillhouse Hollow Lake	CR	H	PS		100	75	500	5.0	6.5-9.0	200
1217	Upper Lampasas River	CR	H			200	100	700	5.0	6.5-9.0	200

SEGMENT - Brazos River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1218	Nolan Creek	NCR	H	PS		100	75	500	5.0	6.5-9.0	2,000	93
1219	Lower Leon River	CR	H	PS		150	75	500	5.0	6.5-9.0	200	91
1220	Belton Lake	CR	H	PS		100	75	500	5.0	6.5-9.0	200	93
1221	Mid Leon River	CR	H	PS		150	75	500	5.0	6.5-9.0	200	90
1222	Proctor Lake	CR	H	PS		200	75	500	5.0	6.5-9.0	200	93
1223	Upper Leon River	CR	H	PS		150	75	500	5.0	6.5-9.0	200	93
1224	Leon Reservoir	CR	H	PS		150	75	500	5.0	6.5-9.0	200	93
1225	Waco Lake	CR	H	PS		60	60	400	5.0	6.5-9.0	200	93
1226	North Bosque River	CR	H			75	60	540	5.0	6.5-9.0	200	91
1227	Nolan River	NCR	H			75	75	500	5.0	6.5-9.0	2,000	95
1228	Lake Pat Cleburne	CR	H	PS		100	100	300	5.0	6.5-9.0	200	93
1229	Paluxy River	CR	H	PS		35	65	400	5.0	6.5-9.0	200	91
1230	Lake Palo Pinto	CR	H	PS		100	100	450	5.0	6.5-9.0	200	93
1231	Lake Graham	CR	H	PS		200	75	500	5.0	6.5-9.0	200	95
1232	Clear Fork Brazos River	CR	H			1,030	1,700	4,050	5.0	6.5-9.0	200	93
1233	Hubbard Creek Reservoir	CR	H	PS		350	75	750	5.0	6.5-9.0	200	93
1234	Lake Cisco	CR	H	PS		75	75	350	5.0	6.5-9.0	200	93

SEGMENT - Brazos River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
1235	Lake Stamford	CR	H	PS		425	350	1,100	5.0	6.5-9.0	200
1236	Fort Phantom Hill Reservoir	CR	H	PS		200	100	600	5.0	6.5-9.0	200
1237	Lake Sweetwater	CR	H	PS		175	225	500	5.0	6.5-9.0	200
1238	Salt Fork Brazos River	CR	H			23,000	4,000	40,000	5.0	6.5-9.0	200
1239	White River	CR	H	PS		100	100	500	5.0	6.5-9.0	200
1240	White River Lake	CR	H	PS		150	100	450	5.0	6.5-9.0	200
1241	Double Mountain Fork Brazos River	CR	H			2,100	1,900	5,500	5.0	6.5-9.0	200
1242	Brazos River	CR	H	PS		400	250	1,650	5.0	6.5-9.0	200
1243	Salado Creek	CR	H	PS		50	50	300	5.0	6.5-9.0	200
1244	Brushy Creek	CR	H	PS		125	150	600	5.0	6.5-9.0	200
1245	Upper Oyster Creek	CR	H	PS		140	75	1,070	5.0	6.5-9.0	200
1246	Middle Bosque/South Bosque River	CR	H			45	260	700	5.0	6.5-9.0	200
1247	Granger Lake	CR	H	PS		25	30	290	5.0	6.5-9.0	200
1248	San Gabriel/North Fork San Gabriel River	CR	H	PS		35	30	350	5.0	6.5-9.0	200
1249	Lake Georgetown	CR	H	PS		20	20	280	5.0	6.5-9.0	200
1250	South Fork San Gabriel River	CR	H	PS		30	35	330	5.0	6.5-9.0	200
1251	North Fork San Gabriel River	CR	H	PS		35	30	330	5.0	6.5-9.0	200

SEGMENT - Brazos River Basin

1252	Lake Limestone	CR	RECREATION	CR	H	PS	OTHER USES	30	20	200	5.0	6.5-9.0	200	90
1253	Upper Navasota River	CR	AQUATIC LIFE	H	PS	OTHER USES	CHLORIDE	440	150	1,350	5.0	6.5-9.0	200	93
1254	Aguilla Reservoir	CR	DOMESTIC WATER SUPPLY	H	PS	OTHER USES	CHLORIDE	110	310	600	5.0	6.5-9.0	200	90

SEGMENT - Brazos-Colorado Coastal Basin

1301	San Bernard River Tidal	CR	RECREATION	CR	H	PS	OTHER USES	100	50	500	4.0	6.5-9.0	200	95
1302	San Bernard River Above Tidal	CR	AQUATIC LIFE	H	PS	OTHER USES	CHLORIDE	50	500	5.0	6.5-9.0	200	90	
1304	Caney Creek Tidal	CR	DOMESTIC WATER SUPPLY	H	PS	OTHER USES	SULFATE	75	1,000	5.0	6.5-9.0	200	95	
1305	Caney Creek Above Tidal	MCR	OTHER USES	H	PS	OTHER USES	TDS	200	5.0	6.5-9.0	2,000	90		

SEGMENT - Colorado River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	TEMPERATURE
1401	Colorado River Tidal	CR	H						4.0	6.5-9.0	200	9
1402	Colorado River	CR	H	PS		65	50	350	5.0	6.5-9.0	200	9
1403	Lake Austin	CR	H	PS		100	75	400	5.0	6.5-9.0	200	9
1404	Lake Travis	CR	H	PS		100	75	400	5.0	6.5-9.0	200	9
1405	Marble Falls Lake	CR	H	PS		100	75	400	5.0	6.5-9.0	200	9
1406	Lake Lyndon B. Johnson	CR	H	PS		100	75	400	5.0	6.5-9.0	200	9
1407	Inks Lake	CR	H	PS		100	75	400	5.0	6.5-9.0	200	9
1408	Lake Buchanan	CR	H	PS		100	75	400	5.0	6.5-9.0	200	9
1409	Colorado River	CR	H	PS		200	200	500	5.0	6.5-9.0	200	9
1410	Colorado River	CR	H	PS		450	450	1,500	5.0	6.5-9.0	200	9
1411	E. V. Spence Reservoir	CR	H	PS		950	450	1,500	5.0	6.5-9.0	200	9
1412	Colorado River	CR	H			11,000	2,500	20,000	5.0	6.5-9.0	200	9
1413	Lake J. B. Thomas	CR	H	PS		50	60	500	5.0	6.5-9.0	200	9
1414	Pedernales River	CR	H	PS		80	50	500	5.0	6.5-9.0	200	9
1415	Llano River	CR	H	PS		50	50	300	5.0	6.5-9.0	200	9
1416	San Saba River	CR	H	PS		80	50	500	5.0	6.5-9.0	200	9
1417	Lower Pecan Bayou	NCR	H			410	120	1,100	5.0	6.5-9.0	2,000	9

SEGMENT - Colorado River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM	
1418	Lake Brownwood	CR	H	PS		150	100	500	5.0	6.5-9.0	200	9
1419	Lake Coleman	CR	H	PS		150	100	500	5.0	6.5-9.0	200	9
1420	Pecan Bayou	CR	H	PS		500	500	1,500	5.0	6.5-9.0	200	9
1421	Concho River	CR	H	PS		600	500	2,000	5.0	6.5-9.0	200	9
1422	Lake Nasworthy	CR	H	PS		450	400	1,500	5.0	6.5-9.0	200	9
1423	Twin Buttes Reservoir	CR	H	PS		150	150	700	5.0	6.5-9.0	200	9
1424	Middle Concho/South Concho River	CR	H	PS		150	150	700	5.0	6.5-9.0	200	9
1425	O. C. Fisher Lake	CR	H	PS		150	150	700	5.0	6.5-9.0	200	9
1426	Colorado River	CR	H	PS		425	750	1,400	5.0	6.5-9.0	200	9
1427	Onion Creek	CR	H	PS		50	50	300	5.0	6.5-9.0	200	9
1428	Colorado River	CR	H	PS		105	55	425	5.0	6.5-9.0	200	9
1429	Town Lake	CR*	H	PS		70	50	410	5.0	6.5-9.0	200	9
1430	Barton Creek	CR	H			40	40	500	5.0	6.5-9.0	200	9
1431	Middle Pecan Bayou				AS	410	120	1100	2.0	6.5-9.0	2000	9
1432	Upper Pecan Bayou	CR	H	PS		190	140	760	5.0	6.5-9.0	200	9

*While Segment 1429 may exhibit quality characteristics which would make it suitable for contact recreation, the use is prohibited by local regulation for reasons unrelated to water quality.

SEGMENT - Colorado-Lavaca
Coastal Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
1501	Tres Palacios Creek Tidal	CR	E						5.0	6.5-9.0	200
1502	Tres Palacios Creek	CR	H			250	100	600	5.0	6.5-9.0	200

SEGMENT - Lavaca River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
1601	Lavaca River Tidal	CR	H						4.0	6.5-9.0	200
1602	Lavaca River Above Tidal	CR	H	PS		150	75	500	5.0	6.5-9.0	200
1603	Lower Navidad River	CR	H	PS		80	25	450	5.0	6.5-9.0	200
1604	Lake Texana	CR	H	PS		80	25	450	5.0	6.5-9.0	200
1605	Upper Navidad River	CR	H	PS		100	30	550	5.0	6.5-9.0	200

SEGMENT - Lavaca-Guadalupe
Coastal Basin

1701 Victoria Barge Canal

NCR H

RECREATION

AQUATIC LIFE

DOMESTIC
WATER SUPPLY

OTHER USES

CHLORIDE

SULFATE

TDS

4.0 DISSOLVED OXYGEN

6.5-9.0 PH RANGE

2,000 FECAL COLIFORM

95 TEMPERATURE

SEGMENT - Guadalupe River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
1801	Guadalupe River Tidal	CR	E						5.0	6.5-9.0	200
1803	Guadalupe River	CR	H	PS		100	50	400	5.0	6.5-9.0	200
1804	Guadalupe River	CR	H	PS		80	50	400	5.0	6.5-9.0	200
1805-	Canyon Lake	CR	H	PS/AP		40	40	400	5.0	6.5-9.0	200
1806	Guadalupe River	CR	H	PS		40	40	400	5.0	6.5-9.0	200
1807	Coletto Creek	CR	H	PS		250	100	500	5.0	6.5-9.0	200
1808	Lower San Marcos River	CR	H	PS		60	50	400	5.0	6.5-9.0	200
1809	Lower Blanco River	CR	H	PS		40	50	400	5.0	6.5-9.0	200
1810	Plum Creek	NCR	H			350	150	1,120	5.0	6.5-9.0	2,000
1811	Comal River	CR	H	PS		25	30	400	5.0	6.5-9.0	200
1812	Guadalupe River	CR	E	PS/AP		40	40	400	6.0	6.5-9.0	200
1813	Upper Blanco River	CR	H	PS/AP		25	30	400	5.0	6.5-9.0	200
1814	Upper San Marcos River	CR	E			25	25	380	6.0	6.5-9.0	200

SEGMENT - San Antonio River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
1901	Lower San Antonio River	NCR	H			180	140	750	5.0	6.5-9.0	2,000
1902	Lower Cibolo Creek	NCR	H			170	275	900	5.0	6.5-9.0	2,000
1903	Medina River	CR	H	PS		120	120	700	5.0	6.5-9.0	200
1904	Medina Lake	CR	H	PS/AP		50	75	400	5.0	6.5-9.0	200
1905	Medina River	CR	H	PS		40	100	400	5.0	6.5-9.0	200
1906	Lower Leon Creek	CR	H	PS		120	120	700	5.0	6.5-9.0	200
1907	Upper Leon Creek	CR	H	PS/AP		40	75	400	5.0	6.5-9.0	200
1908	Upper Cibolo Creek	CR	H	PS/AP		40	75	400	5.0	6.5-9.0	200
1909	Medina Diversion Lake	CR	H	PS/AP		50	75	400	5.0	6.5-9.0	200
1910	Salado Creek	NCR	H	PS/AP		50	200	550	5.0	6.5-9.0	2,000
1911	Upper San Antonio River	NCR	H			95	95	620	5.0	6.5-9.0	2,000
1912	Medio Creek	CR	I			100	125	550	4.0	6.5-9.0	200
1913	Mid Cibolo Creek	NCR	L			80	90	650	3.0	6.5-9.0	2,000

SEGMENT - San Antonio-Nueces
Coastal Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
2001	Mission River Tidal	CR	H						4.0	6.5-9.0	200
2002	Mission River	CR	H			600	100	1,500	5.0	6.5-9.0	200
2003	Aransas River Tidal	CR	H						4.0	6.5-9.0	200
2004	Aransas River Above Tidal	CR	H			300	50	600	5.0	6.5-9.0	200

SEGMENT - Nueces River Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM ¹
2101	Nueces River Tidal	CR	E						5.0	6.5-9.0	200
2102	Nueces River	CR	H	PS		250	250	500	5.0	6.5-9.0	200
2103	Lake Corpus Christi	CR	H	PS		250	250	500	5.0	6.5-9.0	200
2104	Nueces River	CR	H			700	300	1,500	5.0	6.5-9.0	200
2105	Nueces River	CR	H	PS		200	200	900	5.0	6.5-9.0	200
2106	Lower Frio/Nueces River *	CR	H	PS		550	300	1,500	5.0	6.5-9.0	200
2107	Atascosa River	CR	H			600	500	1,500	5.0	6.5-9.0	200
2108	San Miguel Creek	CR	H			700	700	,000	5.0	6.5-9.0	200
2109	Leona River	CR	H	AP		650	500	2,000	5.0	6.5-9.0	200
2110	Lower Sabinal River	CR	H	PS		200	75	700	5.0	6.5-9.0	200
2111	Upper Sabinal River	CR	H	PS/AP		40	75	500	5.0	6.5-9.0	200
2112	Nueces River	CR	H	PS/AP		40	40	300	5.0	6.5-9.0	200
2113	Upper Frio River	CR	H	PS/AP		25	30	300	5.0	6.5-9.0	200
2114	Hondo Creek	CR	H	PS/AP		50	50	270	5.0	6.5-9.0	200
2115	Seco Creek	CR	H	PS/AP		50	60	260	5.0	6.5-9.0	200
2116	Choke Canyon Reservoir	CR	H	PS		250	250	500	5.0	6.5-9.0	200
2117	Mid Frio River	CR	H	PS/AP		500	325	1,600	5.0	6.5-9.0	200

*Once Choke Canyon Reservoir becomes fully operational and a continuous sustained release of 33.0 ft³/s occurs, it is anticipated that chloride, sulfate, and total dissolved solids concentrations in Segment 2106 will attain 250 mg/l, 250 mg/l, and 500 mg/l, respectively.

SEGMENT - Nueces-Rio Grande
Coastal Basin

2201	Arroyo Colorado Tidal	NCR	H	RECREATION								4.0	6.5-9.0	2,000	95			
2202	Arroyo Colorado Above Tidal	NCR	I	AQUATIC LIFE								1,200	1,000	4,000	4.0	6.5-9.0	2,000	95
				DOMESTIC WATER SUPPLY														
				OTHER USES														
				CHLORIDE														
				SULFATE														
				TDS														
				DISSOLVED OXYGEN														
				PH RANGE														
				FECAL COLIFORM														
				TEMPERATURE														

SEGMENT - Rio Grande Basin

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
2301	Rio Grande Tidal	NCR	E						5.0	6.5-9.0	2,000
2302	Rio Grande	CR	H	PS		270	350	880	5.0	6.5-9.0	200
2303	International Falcon Reservoir	CR	H	PS		200	250	700	5.0	6.5-9.0	200
2304	Rio Grande	CR	H	PS		200	300	1,000	5.0	6.5-9.0	200
2305	International Amistad Reservoir	CR	H	PS		150	250	500	5.0	6.5-9.0	200
2306	Rio Grande	CR	H	PS		200	500	1,200	5.0	6.5-9.0	200
2307	Rio Grande	CR	H	PS		300	550	1,500	5.0	6.5-9.0	200
2308	Rio Grande				AS	250	450	1,400	2.0	6.5-9.0	2,000
2309	Devils River	CR	E	PS		20	20	300	6.0	6.5-9.0	200
2310	Lower Pecos River	CR	H	PS		1,000	500	3,000	5.0	6.5-9.0	200
2311	Upper Pecos River	CR	H			7,000	3,500	15,000	5.0	6.5-9.0	200
2312	Red Bluff Reservoir	CR	H			6,000	3,500	15,000	5.0	6.5-9.0	200
2313	San Felipe Creek	CR	H	PS		25	30	500	5.0	6.5-9.0	200
2314	Rio Grande	CR	H	PS		340	600	1,800	5.0	6.5-9.0	200

SEGMENT - Bay Waters

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
2411	Sabine Pass	CR	E/S						5.0	6.5-9.0	14
2412	Sabine Lake	CR	H/S						4.0	6.5-9.0	14
2421	Upper Galveston Bay	CR	H/S						4.0	6.5-9.0	14
2422	Trinity Bay	CR	H/S						4.0	6.5-9.0	14
2423	East Bay	CR	H/S						4.0	6.5-9.0	14
2424	West bay	CR	H/S						4.0	6.5-9.0	14
2425	Clear Lake	CR	H						4.0	6.5-9.0	200
2426	Tabbs Bay	CR	H						4.0	6.5-9.0	200
2427	San Jacinto Bay	CR	H						4.0	6.5-9.0	200
2428	Black Duck Bay	CR	H						4.0	6.5-9.0	200
2429	Scott Bay	CR	H						4.0	6.5-9.0	200
2430	Burnett Bay	CR	H						4.0	6.5-9.0	200
2431	Moses Lake	CR	H						4.0	6.5-9.0	200
2432	Chocolate Bay	CR	H/S						4.0	6.5-9.0	14
2433	Bastrop Bay	CR	H/S						4.0	6.5-9.0	14
2434	Christmas Bay	CR	H/S						4.0	6.5-9.0	14
2435	Drum Bay	CR	H/S						4.0	6.5-9.0	14

SEGMENT - Bay Waters

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
2436	Barbours Cut	CR	H						4.0	6.5-9.0	200
2437	Texas City Ship Channel	NCR	H						4.0	6.5-9.0	2,000
2438	Bayport Channel	NCR	H						4.0	6.5-9.0	2,000
2439	Lower Galveston Bay	CR	H/S						4.0	6.5-9.0	14
2441	East Matagorda Bay	CR	E/S						5.0	6.5-9.0	14
2442	Cedar Lakes	CR	H/S						4.0	6.5-9.0	14
2451	Matagorda Bay	CR	E/S						5.0	6.5-9.0	14
2452	Tres Palacios Bay	CR	E/S						5.0	6.5-9.0	14
2453	Lavaca Bay	CR	E/S						5.0	6.5-9.0	14
2454	Cox Bay	CR	E/S						5.0	6.5-9.0	14
2455	Keller Bay	CR	E/S						5.0	6.5-9.0	14
2456	Carancahua Bay	CR	E/S						5.0	6.5-9.0	14
2461	Espiritu Santo Bay	CR	E/S						5.0	6.5-9.0	14
2462	San Antonio, Hynes, and Guadalupe Bays	CR	E/S						5.0	6.5-9.0	14
2463	Mesquite Bay	CR	E/S						5.0	6.5-9.0	14
2471	Aransas Bay	CR	E/S						5.0	6.5-9.0	14
2472	Copano Bay including Port Bay	CR	E/S						5.0	6.5-9.0	14

SEGMENT - Bay Waters

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
2473	St. Charles Bay	CR	E/S						5.0	6.5-9.0	14
2481	Corpus Christi Bay	CR	E/S						5.0	6.5-9.0	14
2482	Nueces Bay	CR	E/S						5.0	6.5-9.0	14
2483	Redfish Bay	CR	E/S						5.0	6.5-9.0	14
2484	Corpus Christi Inner Harbor	NCR	I						3.0	6.5-9.0	2,000
2485	Oso Bay	CR	E/S						5.0	6.5-9.0	14
2491	Laguna Madre	CR	E/S						5.0	6.5-9.0	14
2492	Baffin Bay	CR	H/S						4.0	6.5-9.0	14
2493	South Bay	CR	E/S						5.0	6.5-9.0	14
2494	Brownsville Ship Channel	NCR	E						5.0	6.5-9.0	2,000

SEGMENT - Gulf Waters

		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER USES	CHLORIDE	SULFATE	TDS	DISSOLVED OXYGEN	PH RANGE	FECAL COLIFORM
2501	Gulf of Mexico	CR	E/S						5.0	6.5-9.0	14

§333.21. Appendix B. Low-Flow Criteria.

The value listed for each station represents the statistically calculated seven-day, two-year low flow (7Q2). The 7Q2 is the minimal seven-day average flow that could be expected to recur once every two years. The calculated values are based on USGS period of record streamflow data for established gauging stations. Where USGS stream gauging stations are not present, low-flow values have been estimated by using data from nearby stations with similar hydrologic characteristics or from the best information available.

Segment Number	Station Number	Low Flow (ft ³ /s)
0101	0101.0100	0.2
	0101.0200	0.1
	0101.0300	0.1
	0101.0400	0.1
0103	0103.0100	2.5
	0103.0200	0.1
0104	0104.0100	0.3
0201	0201.0100	1803.9
	0201.0200	1460.4
0202	0202.0100	1300.3
	0202.0200	1066.4
	0202.0400	200.0
0204	0204.0100	211.7
	0204.0200	148.2
0205	0205.0100	58.5
0206	0206.0100	0.8
0207	0207.0100	0.4
	0207.0130	0.4
	0207.0300	0.1
0211	0211.0100	0.1
0214	0214.0100	48.0
	0214.0200	17.7
0216	0216.0100	2.5

Segment Number	Station Number	Low Flow (ft³/s)
0218	0218.0100	0.1
	0218.0210	4.4
	0218.0250	5.2
	0218.0300	0.1
0220	0220.0050	0.1
	0220.0100	0.1
	0220.0200	0.1
	0220.0300	0.2
0221	0221.0100	2.7
0222	0222.0100	2.7
0224	0224.0100	0.1
	0224.0200	0.1
0225	0225.0100	0.1
0226	0218.0300	0.1
0227	0218.0300	0.1
0301	0301.0100	6.9
0303	0303.0100	1.1
	0303.0200	0.7
	0303.0300	0.1
	0303.0500	0.1
0304	0304.0100	0.1
0305	0303.0400	1.1
0402	0402.0100	29.0
0404	0404.0100	3.8
0406	0406.0100	0.1
0407	0407.0100	0.1

**Texas
Register**

Segment Number	Station Number	Low Flow (ft³/s)
0503	0502.0200	0.1
	0503.0100	839.9
	0503.0200	502.6
	0503.0300	206.1
	0503.0400	179.4
0505	0505.0100	96.5
	0505.0160	85.3
	0505.0200	74.0
	0505.0300	64.4
	0505.0400	56.0
	0505.0500	48.7
0506	0506.0100	37.6
	0506.0180	3.5
	0506.0200	2.4
	0506.0400	0.5
0602	0602.0100	432.0
	0602.0200	164.1
0604	0604.0100	85.3
	0604.0200	65.4
	0604.0300	50.7
	0604.0500	51.6
	0604.0520	47.6
	0604.0600	44.7
0606	0606.0200	16.0
0607	0607.0100	100.0
	0607.0300	2.3
0608	0608.0100	80.0
	0608.0200	61.9
0609	0609.0100	50.0
0611	0611.0100	45.3
	0611.0200	36.4
0612	0612.0100	24.0
0701	0701.0100	38.4

Segment Number	Station Number	Low Flow (ft³/s)
0802	0802.0100	781.4
	0802.0180	703.5
	0802.0200	480.0
0804	0804.0300	586.1
	0804.0400	448.6
	0804.0500	430.6
	0804.0600	408.7
0805	0805.0100	405.4
	0805.0200	395.2
	0805.0300	387.0
	0805.0400	171.6
	0805.0500	89.7
	0805.0600	31.4
	0805.0700	6.6
0806	0806.0100	4.5
	0806.0120	4.2
	0806.0200	3.0
0808	0808.0100	0.5
0810	0810.0160	4.3
0812	0812.0100	0.1
0814	0814.0100	0.2
	0814.0200	0.1
0819	0819.0100	26.6
0822	0822.0100	42.0
	0822.0200	25.0
0824	0824.0100	9.6
0825	0825.0100	9.5
0829	0829.0100	0.6
0831	0831.0100	0.1
0833	0833.0100	0.1
0835	0806.3500	0.1

**Texas
Register**

Segment Number	Station Number	Low Flow (ft ³ /s)
0902	0902.0100	0.3
1003	1003.0100	11.6
1004	1004.0100	20.0
1008	1008.0025	9.8
	1008.0100	5.8
	1008.0750	7.2
1009	1009.0050	2.1
	1009.0100	1.6
	1009.0200	0.1
	1009.0300	0.1
	1009.0500	0.1
1010	1010.0100	12.6
1011	1011.0050	7.2
	1011.0100	6.9
1014	1014.2825	20.3
	1014.2850	37.3
	1014.2900	7.9
1102	1102.0050	1.8
	1102.0100	1.2
	1102.0200	0.7
	1102.0300	0.4
1104	1104.0100	1.5
1108	1108.0100	1.4
1110	1110.0100	29.1
1202	1202.0100	744.3
	1202.0133	714.3
1204	1204.0100	15.7
1206	1206.0050	32.0
	1206.0100	26.2
	1206.0300	23.3

Segment Number	Station Number	Low Flow (ft³/s)
1208	1208.0100	5.2
	1208.0130	4.6
	1208.0150	0.1
	1208.0200	0.1
	1208.0300	0.1
1209	1209.0100	2.1
	1209.0200	1.7
	1209.0250	1.0
	1209.0300	0.1
1211	1211.0100	0.1
	1211.0200	0.1
1213	1213.0100	75.1
	1213.0200	57.0
1214	1214.0050	28.1
	1214.0100	12.9
	1214.0200	0.3
	1214.0300	0.1
1215	1215.0100	4.3
1217	1217.0100	30.3
	1217.0200	11.4
1218	1218.0050	14.1
	1218.0100	7.5
	1218.0200	2.1
1219	1219.0075	2.5
	1219.0100	1.5
	1219.0200	0.5
1221	1221.0100	2.0
	1221.0300	0.6
1223	1223.0100	0.1
1226	1226.0100	4.8
	1226.0150	2.0
	1226.0300	1.1
	1226.0400	0.1
	1226.0500	0.1

**Texas
Register**

Segment Number	Station Number	Low Flow (ft ³ /s)
1227	1227.0050	1.2
	1227.0100	0.1
1229	1229.0100	0.8
1232	1232.0100	0.1
	1232.0150	0.1
	1232.0200	0.1
	1232.0300	0.1
	1232.0400	0.2
	1232.0450	0.1
	1232.0600	0.1
1238	1238.0200	0.1
	1238.0300	0.1
	1238.0400	0.1
1239	1239.0100	0.1
1241	1241.0100	0.1
1242	1242.0125	408.3
	1242.0150	528.4
	1242.0200	430.6
	1242.0300	182.3
	1242.0400	162.5
	1242.0500	157.2
	1242.0600	152.7
	1242.0700	112.0
	1242.0800	37.7
1243	1243.0100	25.0
1244	1244.0100	5.1
	1244.0200	3.4
1245	1112.0100	29.1
1246	---	0.1
1248	1214.0100	12.9
1250	1214.0200	0.3
1251	---	0.1
1253	0811.0325	0.1

Segment Number	Station Number	Low Flow (ft³/s)
1302	1302.0100	12.4
1305	1305.0075	10.0
1402	1402.0100	391.4
	1402.0200	290.7
	1402.0300	265.9
	1402.0400	232.7
	1402.0500	184.3
	1402.0700	58.4
1409	1409.0100	38.4
1410	1410.0100	6.8
	1410.0120	5.6
	1410.0125	3.2
	1410.0150	0.2
	1410.0300	0.1
1412	1412.0100	0.1
	1412.0125	0.1
	1412.0150	0.1
	1412.0175	0.1
	1412.0200	0.1
	1412.0300	0.1
1414	1414.0100	3.9
	1414.0200	0.5
1415	1415.0100	30.7
	1415.0200	39.9
	1415.0300	64.9
1416	1416.0100	25.9
	1416.0200	1.6
	1416.0300	0.8
1417	1417.0050	0.4
1420	1420.0100	0.1
1421	1421.0100	0.1
	1421.0175	1.3
	1421.0400	0.1
	1421.0500	0.1

**Texas
Register**

Segment Number	Station Number	Low Flow (ft ³ /s)
1424	1424.0100	9.1
	1424.0200	0.1
1426	1426.0100	0.3
	1426.0200	0.2
	1426.0400	0.1
1427	1427.0075	0.6
	1427.0100	0.3
1428	1402.0500	184.3
	1402.0600	139.3
	1402.0700	58.4
1430	1430.2020	0.1
	1430.2030	0.1
1431	1417.0100	0.4
1432	1417.0200	0.4
1502	1502.0100	50.0
	1502.0200	5.6
1602	1602.0100	21.6
	1602.0200	1.2
1603	1603.0100	19.0
1605	1603.0150	4.3
	1603.0200	4.3
1803	1802.0100	662.0
	1803.0100	651.4
	1803.0110	632.1
	1803.0150	586.9
	1803.0200	542.7
1804	1804.0100	385.1
1806	1806.0100	66.9
	1806.0200	48.3
	1806.0300	25.2
	1806.0550	15.2
1807	1807.0100	4.2
	1807.0200	2.9

Segment Number	Station Number	Low Flow (ft³/s)
1808	1808.0050	151.6
	1808.0100	148.9
	1808.0200	145.2
	1808.0300	123.4
1809	1809.0100	13.4
1810	1810.0060	2.0
	1810.0100	1.6
	1810.0200	0.1
1811	1811.0100	246.6
1812	1812.0100	97.3
	1812.0200	51.0
1813	1813.0200	32.0
1814	1808.0300	123.4
1901	1901.0100	180.3
	1901.0200	143.6
	1901.0300	152.7
	1901.0600	10.5
1902	1902.0100	11.7
	1902.0250	0.1
1903	1903.0100	54.6
	1903.0200	44.2
1905	1905.0100	24.7
	1905.0200	2.1
1906	1906.0100	10.0
	1906.0300	10.0
1907	1907.0100	0.1
	1907.0300	0.1
1908	1908.0100	0.7
1909	1909.0100	17.9
1910	1910.0100	8.9
	1910.0162	0.1
	1910.0170	0.1
1911	1901.0600	10.5

**Texas
Register**

Segment Number	Station Number	Low Flow (ft ³ /s)
1912	1901.0600	10.5
1913	1902.0220	0.1
	1902.0260	0.1
	1902.0270	0.1
	1902.0300	0.1
2002	2002.0100	4.9
2004	2004.0100	5.0
	2004.0200	1.0
2102	2102.0100	48.4
	2102.0400	73.4
2104	2104.0200	0.1
	2104.0300	0.1
2105	2105.0050	0.1
	2105.0100	0.1
2106*	2104.0050	2.4
	2104.0100	0.3
	2106.0025	0.1
2107	2107.0100	1.0
	2107.0200	0.1
2108	2108.0100	0.1
2109	2109.0100	0.1
	2109.0200	0.1
2110	2110.0100	0.5
2111	2111.0100	6.8
2112	2112.0100	18.3
	2112.0200	6.3
	2112.0300	38.9
2113	2113.0100	38.7
2114	2114.0100	2.2

* Once fully operational, a continuous sustained release of 33.0 ft³/s is anticipated from Choke Canyon Reservoir.

Segment Number	Station Number	Low Flow (ft³/s)
2115	2115.0100	0.1
2117	2106.0100	3.6
	2106.0150	0.1
2202	2201.0400	0.1
2301	2301.0200	60.7
2302	2302.0100	---
	2302.0150	---
	2302.0200	---
	2302.0210	337.9
	2302.0250	---
	2302.0300	---
2304	2304.0050	---
	2304.0075	---
	2304.0097	804.6
	2304.0100	---
	2304.0150	---
	2304.0200	---
	2304.0250	---
	2304.0300	---
2306	2306.0100	368.1
	2306.0130	257.7
	2306.0160	141.7
	2306.0250	97.8
	2306.0300	52.8
2307	2307.0050	0.1
2308	2308.0050	34.6
	2308.0100	0.1
	2308.0200	0.1
2309	2309.0100	116.0
2310	2310.0100	58.0
2311	2311.0100	39.3
	2311.0200	5.7
	2311.0300	4.8
2313	---	0.1

Segment Number	Station Number	Low Flow (ft ³ /s)
2314	---	0.1

§333.21. Appendix C. Segment Descriptions.

The following descriptions define the geographical extent of the state's classified segments. Boundaries of coastal and estuarine segments have not yet been precisely defined; however, approximations are illustrated in the department publication, Texas River and Coastal Basins. Segment Identification Maps, LP-132, October 1980.

SEGMENT	DESCRIPTION
0101	<u>Lower Canadian River</u> - from the Oklahoma State Line to Sanford Dam
0102	<u>Lake Meredith</u> - from Sanford Dam to the confluence of Camp Creek, up to the normal pool elevation of 2936.5 feet (impounds Canadian River)
0103	<u>Upper Canadian River</u> - from the confluence of Camp Creek to the New Mexico State Line
0104	<u>Wolf Creek</u> - from the Oklahoma State Line to a point 2.0 kilometers (1.2 miles) upstream of FM 3045
0105	<u>Rita Blanca Lake</u> - from Rita Blanca Dam up to the normal pool elevation of 3860 feet (impounds Rita Blanca Creek)
0201	<u>Red River</u> - from the Arkansas State Line to the Arkansas-Oklahoma State Line
0202	<u>Red River</u> - from the Arkansas-Oklahoma State Line to Denison Dam
0203	<u>Lake Texoma</u> - from Denison Dam to the confluence of Sycamore Creek, up to the normal pool elevation of 617 feet (impounds Red River)
0204	<u>Red River</u> - from the confluence of Sycamore Creek to the confluence of the Wichita River
0205	<u>Red River</u> - from the confluence of the Wichita River to the confluence of the Pease River
0206	<u>Red River</u> - from the confluence of the Pease River to the confluence of Buck Creek
0207	<u>Prairie Dog Town Fork Red River</u> - from the confluence of Buck Creek to the confluence of Palo Duro Creek and Tierra Blanca Creek

SEGMENT	DESCRIPTION
0208	<u>Lake Crook</u> - from Lake Crook Dam up to the normal pool elevation of 476 feet (impounds Pine Creek)
0209	<u>Pat Mayse Lake</u> - from Pat Mayse Dam up to the normal pool elevation of 451 feet (impounds Sanders Creek)
0210	<u>Farmers Creek Reservoir</u> - from Farmers Creek Dam up to the normal pool elevation of 827 feet (impounds Farmers Creek)
0211	<u>Little Wichita River</u> - from the confluence with the Red River to Lake Arrowhead Dam
0212	<u>Lake Arrowhead</u> - from Lake Arrowhead Dam up to the normal pool elevation of 926 feet (impounds the Little Wichita River)
0213	<u>Lake Kickapoo</u> - from Kickapoo Dam up to the normal pool elevation of 1045 feet (impounds North Fork Little Wichita River)
0214	<u>Wichita River</u> - from the confluence with the Red River to Diversion Dam
0215	<u>Diversion Lake</u> - from Diversion Dam to a point 1.5 kilometers (0.9 miles) downstream of the confluence of Cottonwood Creek, up to the normal pool elevation of 1051 feet (impounds Wichita River)
0216	<u>Wichita River</u> - from a point 1.5 kilometers (0.9 miles) downstream of the confluence of Cottonwood Creek to Lake Kemp Dam
0217	<u>Lake Kemp</u> - from Lake Kemp Dam to a point 9.4 kilometers (5.8 miles) downstream of the confluence of Crooked Creek, up to the normal pool elevation of 1144 feet (impounds Wichita River)
0218	<u>Wichita/North Fork Wichita River</u> - from a point 9.4 kilometers (5.8 miles) downstream of the confluence of Crooked Creek to a point 8.5 kilometers (5.3 miles) downstream of the most upstream crossing of FM 193
0219	<u>Lake Wichita</u> - from Lake Wichita Dam up to the normal pool elevation of 980.5 feet (impounds Holiday Creek)
0220	<u>Pease/North Fork Pease River</u> - from the confluence with the Red River to 6.0 kilometers (3.7 miles) upstream of the confluence of Dick Moore Canyon

SEGMENT	DESCRIPTION
0221	<u>Middle Fork Pease River</u> - from the confluence with the North Fork Pease River to the confluence of Boggy Creek and Mott Creek
0222	<u>Salt Fork Red River</u> - from the Oklahoma State Line to Greenbelt Dam
0223	<u>Greenbelt Lake</u> - from Greenbelt Dam up to the normal pool elevation of 2664 feet (impounds Salt Fork Red River)
0224	<u>North Fork Red River</u> - from the Oklahoma State Line to a point 4.0 kilometers (2.5 miles) upstream of FM 2300
0225	<u>McKinney Bayou</u> - from the Arkansas State Line to FM 1397
0226	<u>South Fork Wichita River</u> - from the confluence with the North Fork Wichita River to a point 15.0 kilometers (9.3 miles) upstream of US 82
0227	<u>South Fork Pease River</u> - from the confluence with the Middle Fork Pease River to the confluence of Wolf Creek and Rustler Creek
0228	<u>Mackenzie Reservoir</u> - from Mackenzie Dam up to the normal pool elevation of 3100 feet (impounds Tule Creek)
0301	<u>Sulphur River</u> - from the Arkansas State Line to Lake Wright Patman Dam
0302	<u>Wright Patman Lake</u> - from Wright Patman Lake Dam to a point 1.5 kilometers (0.9 mile) downstream of Bassett Creek, up to the normal pool elevation of 220.5 feet (impounds the Sulphur River)
0303	<u>Sulphur/South Sulphur River</u> - from a point 1.5 kilometers (0.9 miles) downstream of Bassett Creek to SH 78
0304	<u>Days Creek</u> - from the Arkansas State Line to the confluence of Swampoodle Creek and Nix Creek
0305	<u>North Sulphur River</u> - from the confluence with the South Sulphur River to a point 6.7 kilometers (4.2 miles) upstream of FM 68
0401	<u>Caddo Lake</u> - from the Louisiana State Line to a point 12.3 kilometers (7.6 miles) downstream of SH 43, up to a normal pool elevation of 168.5 feet (impounds Big Cypress Creek)

SEGMENT	DESCRIPTION
0402	<u>Lower Big Cypress Creek</u> - from a point 12.3 kilometers (7.6 miles) downstream of SH 43 to Ferrell's Bridge Dam
0403	<u>Lake O' the Pines</u> - from Ferrell's Bridge Dam to a point 1.0 kilometer (0.6 mile) downstream of US 259, up to a normal pool elevation of 228.5 feet (impounds Big Cypress Creek)
0404	<u>Upper Big Cypress Creek</u> - from a point 1.0 kilometer (0.6 mile) downstream of US 259 to Fort Sherman Dam
0405	<u>Lake Cypress Springs</u> - from Franklin County Dam up to the normal pool elevation of 378 feet (impounds Big Cypress Creek)
0406	<u>Black Bayou</u> - from the Louisiana State Line to FM 96
0407	<u>James' Bayou</u> - from the Louisiana State Line to Club Lake Road northwest of Linden
0408	<u>Lake Bob Sandlin</u> - from Fort Sherman Dam to Franklin County Dam, up to the normal pool elevation of 337.5 feet (impounds Big Cypress Creek)
0501	<u>Sabine River Tidal</u> - from the confluence with Sabine Lake to Morgan Bluff
0503	<u>Sabine River</u> - from Morgan Bluff to Toledo Bend Dam
0504	<u>Toledo Bend Reservoir</u> - from Toledo Bend Dam to the confluence of Murvaul Creek, up to the normal pool elevation of 172 feet (impounds Sabine River)
0505	<u>Sabine River</u> - from the confluence of Murvaul Creek to US 271
0506	<u>Sabine River</u> - from US 271 to Iron Bridge Dam
0507	<u>Lake Tawakoni</u> - from Iron Bridge Dam up to the normal pool elevation of 437.5 feet (impounds Sabine River)
0508	<u>Adams Bayou Tidal</u> - from the confluence with the Sabine River to a point 1.1 kilometers (0.7 mile) upstream of IH 10
0509	<u>Murvaul Lake</u> - from Murvaul Dam up to the normal pool elevation of 265.3 feet (impounds Murvaul Bayou)
0510	<u>Lake Cherokee</u> - from Cherokee Dam up to the normal pool elevation of 280 feet (impounds Cherokee Bayou)

SEGMENT	DESCRIPTION
0511	<u>Cow Bayou Tidal</u> - from the confluence with the Sabine River to IH 10
0512	<u>Lake Fork Reservoir</u> - from Lake Fork Dam up to the normal pool elevation of 403 feet (impounds Lake Fork Creek)
0601	<u>Neches River Tidal</u> - from the confluence with Sabine Lake to a point 11.3 kilometers (7.0 miles) upstream of IH 10
0602	<u>Neches River</u> - from a point 11.3 kilometers (7.0 miles) upstream of IH 10 to Town Bluff Dam
0603	<u>B. A. Steinhagen Lake</u> - from Town Bluff Dam to the confluence of Hopson Mill Creek on the Neches River Arm and to the confluence of Indian Creek on the Angelina River Arm, up to the normal pool elevation of 83 feet (impounds Neches River)
0604	<u>Neches River</u> - from the confluence of Hopson Mill Creek to Blackburn Crossing Dam
0605	<u>Lake Palestine</u> - from Blackburn Crossing Dam to a point 6.7 kilometers (4.2 miles) downstream of FM 279, up to the normal pool elevation of 345 feet (impounds Neches River)
0606	<u>Neches River</u> - from a point 6.7 kilometers (4.2 miles) downstream of FM 279 to Rhines Lake Dam
0607	<u>Pine Island Bayou</u> - from the confluence with the Neches River to FM 787
0608	<u>Village Creek</u> - from the confluence with the Neches River to Lake Kimble Dam
0609	<u>Lower Angelina River</u> - from the confluence of Indian Creek to Sam Rayburn Dam
0610	<u>Sam Rayburn Reservoir</u> - from Sam Rayburn Dam to the confluence of Paper Mill Creek on the Angelina River Arm and to a point 3.9 kilometers (2.4 miles) downstream of Curry Creek on the Attoyac Bayou Arm, up to the normal pool elevation of 164 feet (impounds Angelina River)
0611	<u>Upper Angelina River</u> - from the confluence of Paper Mill Creek to the confluence of Shawnee Creek
0612	<u>Attoyac Bayou</u> - from a point 3.9 kilometers (2.4 miles) downstream of Curry Creek to FM 95

SEGMENT	DESCRIPTION
0613	<u>Lake Tyler and Lake Tyler East</u> - from Whitehouse Dam and Mud Creek Dam up to the normal pool elevation of 375.38 feet (impounds Prairie Creek and Mud Creek)
0614	<u>Lake Jacksonville</u> - from Buckner Dam up to the normal pool elevation of 422 feet (impounds Gum Creek)
0701	<u>Taylor Bayou Above Tidal</u> - from the salt water lock 2.7 kilometers (1.7 miles) upstream of SH 87 to the Lower Neches Valley Authority Canal
0702	<u>Intracoastal Waterway</u> - from the confluence with Galveston Bay at Port Bolivar to the confluence with the Sabine-Neches/Port Arthur Canal
0703	<u>Sabine-Neches Canal</u> - from the confluence with Sabine Pass at the southern tip of Pleasure Island to the Sabine Lake seawall at the northern tip of Pleasure Island
0801	<u>Trinity River Tidal</u> - from the confluence with Anahuac Channel to a point 3.1 kilometers (1.9 miles) downstream of US 90
0802	<u>Trinity River</u> - from a point 3.1 kilometers (1.9 miles) downstream of US 90 to Livingston Dam
0803	<u>Lake Livingston</u> - from Livingston Dam to a point 1.8 kilometers (1.1 miles) upstream of Boggy Creek, up to the normal pool elevation of 131 feet (impounds Trinity River)
0804	<u>Trinity River</u> - from a point 1.8 kilometers (1.1 miles) upstream of Boggy Creek to SH 31
0805	<u>Trinity River/West Fork Trinity River</u> - from SH 31 to Beach Street in Fort Worth
0806	<u>West Fork Trinity River</u> - from Beach Street in Fort Worth to Lake Worth Dam
0807	<u>Lake Worth</u> - from Lake Worth Dam to a point 4.0 kilometers (2.5 miles) downstream of Eagle Mountain Dam, up to the normal pool elevation of 594.3 feet (impounds West Fork Trinity River)
0808	<u>West Fork Trinity River</u> - from a point 4.0 kilometers (2.5 miles) downstream of Eagle Mountain Dam to Eagle Mountain Dam

<u>SEGMENT</u>	<u>DESCRIPTION</u>
0809	<u>Eagle Mountain Reservoir</u> - from Eagle Mountain Dam to a point 0.4 kilometer (0.6 mile) downstream of the confluence of Oates Branch, up to the normal pool elevation of 649.1 feet (impounds West Fork Trinity River)
0810	<u>West Fork Trinity River</u> - from a point 0.4 kilometer (0.6 mile) downstream of the confluence of Oates Branch to Bridgeport Dam
0811	<u>Bridgeport Reservoir</u> - from Bridgeport Dam to the confluence of Bear Hollow, up to the normal pool elevation of 836 feet (impounds West Fork Trinity River)
0812	<u>West Fork Trinity River</u> - from the confluence of Bear Hollow to SH 79
0813	<u>Houston County Lake</u> - from Houston County Dam up to the normal pool elevation of 260 feet (impounds Little Elkhart Creek)
0814	<u>Chambers Creek</u> - from the confluence with Richland Creek to the confluence of North Fork Chambers Creek and South Fork Chambers Creek
0815	<u>Bardwell Reservoir</u> - from Bardwell Dam up to the normal pool elevation of 421 feet (impounds Waxahachie Creek)
0816	<u>Lake Waxahachie</u> - from South Prong Dam up to the normal pool elevation of 531.5 feet (impounds South Prong Creek)
0817	<u>Navarro Mills Lake</u> - from Navarro Mills Dam up to the normal pool elevation of 424.5 feet (impounds Richland Creek)
0818	<u>Cedar Creek Reservoir</u> - from Joe B. Hoggsett Dam up to the normal pool elevation of 322 feet (impounds Cedar Creek)
0819	<u>East Fork Trinity River</u> - from the confluence with the Trinity River to Rockwall-Forney Dam
0820	<u>Lake Ray Hubbard</u> - from Rockwall-Forney Dam to Lavon Dam, up to the normal pool elevation of 435.5 feet (impounds East Fork Trinity River)
0821	<u>Lavon Lake</u> - from Lavon Dam up to the normal pool elevation of 492 feet (impounds East Fork Trinity River)
0822	<u>Lower Elm Fork Trinity River</u> - from the confluence with the West Fork Trinity River to Lewisville Dam

SEGMENT	DESCRIPTION
0823	<u>Lewisville Lake</u> - from Lewisville Dam to US 380, up to the normal pool elevation of 515 feet (impounds Elm Fork Trinity River)
0824	<u>Upper Elm Fork Trinity River</u> - from US 380 to US 82
0825	<u>Denton Creek</u> - from the confluence with the Elm Fork Trinity River to Grapevine Dam
0826	<u>Grapevine Lake</u> - from Grapevine Dam up to the normal pool elevation of 535 feet (impounds Denton Creek)
0827	<u>White Rock Lake</u> - from White Rock Dam up to the normal pool elevation of 458 feet (impounds White Rock Creek)
0828	<u>Lake Arlington</u> - from Arlington Dam up to the normal pool elevation of 550 feet (impounds Village Creek)
0829	<u>Clear Fork Trinity River</u> - from the confluence with the West Fork Trinity River to Benbrook Dam
0830	<u>Benbrook Lake</u> - from Benbrook Dam to a point 0.2 kilometer (0.1 mile) downstream of US 337, up to the normal pool elevation of 694 feet (impounds Clear Fork Trinity River)
0831	<u>Clear Fork Trinity River</u> - from a point 0.2 kilometer (0.1 mile) downstream of US 337 to Weatherford Dam
0832	<u>Lake Weatherford</u> - from Weatherford Dam to a point 3.1 kilometers (1.9 miles) upstream of FM 1707, up to the normal pool elevation of 896 feet (impounds Clear Fork Trinity River)
0833	<u>Clear Fork Trinity River</u> - from a point 3.1 kilometers (1.9 miles) upstream of FM 1707 to FM 3107
0834	<u>Lake Amon G. Carter</u> - from Amon G. Carter Dam up to the normal pool elevation of 920 feet (impounds Big Sandy Creek)
0835	<u>Richland Creek</u> - from the confluence with the Trinity River to the Navarro Mills Dam
0901	<u>Cedar Bayou Tidal</u> - from the confluence with Galveston Bay 1.0 kilometer (0.6 mile) downstream of Tri-City Beach Road to a point 2.2 kilometers (1.4 miles) upstream of IH 10
0902	<u>Cedar Bayou Above Tidal</u> - from a point 2.2 kilometers (1.4 miles) upstream of IH 10 to a point 7.4 kilometers (4.6 miles) upstream of FM 1960

SEGMENT	DESCRIPTION
1001	<u>San Jacinto River Tidal</u> - from a point 100 meters (110 yards) downstream of IH 10 to Lake Houston Dam
1002	<u>Lake Houston</u> - from Lake Houston Dam to the confluence of Spring Creek on the West Fork San Jacinto Arm and to the confluence of Caney Creek on the East Fork San Jacinto Arm, up to the normal pool elevation of 44.5 feet (impounds San Jacinto River)
1003	<u>East Fork San Jacinto River</u> - from the confluence of Caney Creek to US 190
1004	<u>West Fork San Jacinto River</u> - from the confluence of Spring Creek to Conroe Dam
1005	<u>Houston Ship Channel/San Jacinto River</u> - from the confluence with Galveston Bay at Morgan's Point to a point 100 meters (110 yards) downstream of IH 10
1006	<u>Houston Ship Channel</u> - from the confluence with the San Jacinto River to a point 100 meters (110 yards) upstream of Greens Bayou, including tidal portions of tributaries
1007	<u>Houston Ship Channel/Buffalo Bayou</u> - from a point 100 meters (110 yards) upstream of Greens Bayou to US 59, including tidal portions of tributaries
1008	<u>Spring Creek</u> - from the confluence with the West Fork San Jacinto River to the most upstream crossing of FM 1736
1009	<u>Cypress Creek</u> - from the confluence with Spring Creek to the confluence of Snake Creek and Mound Creek
1010	<u>Caney Creek</u> - from the confluence with the East Fork San Jacinto River to SH 150
1011	<u>Peach Creek</u> - from the confluence with Caney Creek to SH 150
1012	<u>Lake Conroe</u> - from Conroe Dam up to the normal pool elevation of 201 feet (impounds West Fork San Jacinto River)
1013	<u>Buffalo Bayou Tidal</u> - from US 59 to a point 100 meters (110 yards) downstream of Shepherd Drive
1014	<u>Buffalo Bayou Above Tidal</u> - from a point 100 meters (110 yards) downstream of Shepherd Drive to SH 6

SEGMENT	DESCRIPTION
1101	<u>Clear Creek Tidal</u> - from the confluence with Clear Lake to FM 528
1102	<u>Clear Creek Above Tidal</u> - from FM 528 to Rouen Road in Fort Bend County
1103	<u>Dickinson Bayou Tidal</u> - from the confluence with Dickinson Bay 2.1 kilometers (1.3 miles) downstream of SH 146 to a point 1.9 kilometers (1.2 miles) downstream of SH 517
1104	<u>Dickinson Bayou Above Tidal</u> - from a point 1.9 kilometers (1.2 miles) downstream of SH 517 to FM 528
1105	<u>Bastrop Bayou Tidal</u> - from the confluence with Bastrop Bay 1.1 kilometers (0.7 mile) downstream of the Intercoastal Waterway to Old Clute Road in Lake Jackson
1107	<u>Chocolate Bayou Tidal</u> - from the confluence with Chocolate Bay 1.4 kilometers (0.9 mile) downstream of FM 2004 to a point 4.2 kilometers (2.6 miles) downstream of SH 35
1108	<u>Chocolate Bayou Above Tidal</u> - from a point 4.2 kilometers (2.6 miles) downstream of SH 35 to SH 6
1109	<u>Oyster Creek Tidal</u> - from the confluence with the Intercoastal Waterway to a point 100 meters (110 yards) upstream of FM 2004
1110	<u>Oyster Creek Above Tidal</u> - from a point 100 meters (110 yards) upstream of FM 2004 to the Brazos River Authority diversion dam 1.8 kilometers (1.1 miles) upstream of SH 6
1111	<u>Old Brazos River Channel</u> - from the confluence with the Intercoastal Waterway to SH 288
1113	<u>Armand Bayou Tidal</u> - from the confluence with Clear Lake to a point 0.8 kilometer (0.5 mile) downstream of Genoa-Red Bluff Road in Pasadena
1201	<u>Brazos River Tidal</u> - from the confluence with the Gulf of Mexico to SH 332
1202	<u>Brazos River</u> - from SH 332 to the confluence of the Navasota River
1203	<u>Whitney Lake</u> - from Whitney Dam to the confluence of Camp Creek on the Brazos River Arm and to the confluence of Rock Creek on the Nolan River Arm, up to the normal pool elevation of 533 feet (impounds Brazos River)

SEGMENT	DESCRIPTION
1204	<u>Brazos River</u> - from the confluence of Camp Creek to DeCordova Bend Dam
1205	<u>Lake Granbury</u> - from DeCordova Bend Dam to FM 2580, up to the normal pool elevation of 693 feet (impounds Brazos River)
1206	<u>Brazos River</u> - from FM 2580 to Morris Sheppard Dam
1207	<u>Possum Kingdom Lake</u> - from Morris Sheppard Dam to the confluence of Cove Creek at Salem Bend, up to the normal pool elevation of 1000 feet (impounds Brazos River)
1208	<u>Brazos River</u> - from the confluence of Cove Creek at Salem Bend to the confluence of the Double Mountain Fork Brazos River and the Salt Fork Brazos River
1209	<u>Lower Navasota River</u> - from the confluence with the Brazos River to Sterling C. Robertson Dam
1210	<u>Lake Mexia</u> - from Bistone Dam up to the normal pool elevation of 448.3 feet (impounds Navasota River)
1211	<u>Yegua Creek</u> - from the confluence with the Brazos River to Somerville Dam
1212	<u>Somerville Lake</u> - from Somerville Dam up to the normal pool elevation of 238 feet (impounds Yegua Creek)
1213	<u>Little River</u> - from the confluence with the Brazos River to the confluence of the Leon River and the Lamp sas River
1214	<u>San Gabriel River</u> - from the confluence with the Little River to Granger Lake Dam
1215	<u>Lower Lampas s River</u> - from the confluence with the Leon River to Stillhouse Hollow Dam
1216	<u>Stillhouse Hollow Lake</u> - from Stillhouse Hollow Dam to the confluence of Rock Creek, up to the normal pool elevation of 622 feet (impounds Lampasas River)
1217	<u>Upper Lampasas River</u> - from the confluence of Rock Creek to FM 2005
1218	<u>Nolan Creek</u> - from the confluence with the Leon River to the most upstream crossing of US 190 near the intersection of US 190 and Loop 172

SEGMENT	DESCRIPTION
1219	<u>Lower Leon River</u> - from the confluence with the Lampasas River to Belton Dam
1220	<u>Belton Lake</u> - from Belton Dam to FM 236, up to the normal pool elevation of 594 feet (impounds Leon River)
1221	<u>Mid Leon River</u> - from FM 236 to Proctor Dam
1222	<u>Proctor Lake</u> - from Proctor Dam to the confluence of Mill Branch, up to the normal pool elevation of 1162 feet (impounds Leon River)
1223	<u>Upper Leon River</u> - from the confluence of Mill Branch to Leon Dam
1224	<u>Leon Reservoir</u> - from Leon Dam up to the normal pool elevation of 1375 feet (impounds Leon River)
1225	<u>Waco Lake</u> - from Waco Lake Dam to FM 185 on the North Bosque River Arm and to the confluence of the Middle Bosque River on the South Bosque River Arm, up to the normal pool elevation of 455 feet (impounds the Bosque River)
1226	<u>North Bosque River</u> - from FM 185 to the confluence of the North Fork North Bosque River and the South Fork North Bosque River
1227	<u>Nolan River</u> - from the confluence of Rock Creek to Cleburne Dam
1228	<u>Lake Pat Cleburne</u> - from Cleburne Dam up to the normal pool elevation of 733.5 feet (impounds Nolan River)
1229	<u>Paluxy River</u> - from the confluence with the Brazos River to the confluence of Rough Creek
1230	<u>Lake Palo Pinto</u> - from Palo Pinto Creek Dam up to the normal pool elevation of 867 feet (impounds Palo Pinto Creek)
1231	<u>Lake Graham</u> - from Graham Dam and Eddleman Dam up to the normal pool elevation of 1076.3 feet (impounds Salt Creek and Flint Creek)
1232	<u>Clear Fork Brazos River</u> - from the confluence with the Brazos River to the most upstream crossing of US 180
1233	<u>Hubbard Creek Reservoir</u> - from Hubbard Creek Dam up to the normal pool elevation of 1183 feet (impounds Hubbard Creek)

<u>SEGMENT</u>	<u>DESCRIPTION</u>
1234	<u>Lake Cisco</u> - from Williamson Dam up to the normal pool elevation of 1496 feet (impounds Sandy Creek)
1235	<u>Lake Stamford</u> - from Stamford Dam up to the normal pool elevation of 1416.8 feet (impounds Paint Creek)
1236	<u>Fort Phantom Hill Reservoir</u> - from Fort Phantom Hill Dam up to the normal pool elevation of 1636 feet (impounds Elm Creek)
1237	<u>Lake Sweetwater</u> - from Sweetwater Dam up to the normal pool elevation of 2116.5 feet (impounds Bitter Creek)
1238	<u>Salt Fork Brazos River</u> - from the confluence of the Double Mountain Fork Brazos River to the most upstream crossing of SH 207
1239	<u>White River</u> - from the confluence with the Salt Fork Brazos River to White River Dam
1240	<u>White River Lake</u> - from White River Dam up to the normal pool elevation of 2369 feet (impounds White River)
1241	<u>Double Mountain Fork Brazos River</u> - from the confluence with the Salt Fork Brazos River to the confluence of the North Fork Double Mountain Fork Brazos River
1242	<u>Brazos River</u> - from the confluence of the Navasota River to Whitney Dam
1243	<u>Salado Creek</u> - from the confluence with the Lampasas River to the confluence of North Salado Creek and South Salado Creek
1244	<u>Brushy Creek</u> - from the confluence with the San Gabriel River to the confluence of North Fork Brushy Creek and South Fork Brushy Creek
1245	<u>Upper Oyster Creek</u> - from the Brazos River Authority Diversion Dam to Jones Creek
1246	<u>Middle Bosque/South Bosque River</u> - from the confluence with the South Bosque River to the confluence of Cave Creek and Middle Bosque Creek on the Middle Bosque River and from the confluence of the Middle Bosque River to FM 2671 on the South Bosque River
1247	<u>Granger Lake</u> - from Granger Dam to a point 1.9 kilometers (1.2 miles) downstream of SH 95, up to the normal pool elevation of 504 feet (impounds San Gabriel River)

SEGMENT	DESCRIPTION
1248	<u>San Gabriel/North Fork San Gabriel River</u> - from a point 1.9 kilometers (1.2 miles) downstream of SH 95 to North San Gabriel Dam
1249	<u>Lake Georgetown</u> - from North San Gabriel Dam to a point 6.6 kilometers (4.1 miles) downstream of US 183, up to the normal pool elevation of 791 feet (impounds North Fork San Gabriel River)
1250	<u>South Fork San Gabriel River</u> - from the confluence with the North Fork San Gabriel River to the most upstream crossing of SH 29
1251	<u>North Fork San Gabriel River</u> - from a point 6.6 kilometers (4.1 miles) downstream of US 183 to FM 2340
1252	<u>Lake Limestone</u> - from Sterling C. Robertson Dam to a point 2.3 kilometers (1.4 miles) downstream of SH 164, up to the normal pool elevation of 363 feet (impounds Navasota River)
1253	<u>Upper Navasota River</u> - from a point 2.3 kilometers (1.4 miles) downstream of SH 164 to Bistone Dam
1254	<u>Aquilla Reservoir</u> - from Aquilla Dam up to the normal pool elevation of 537.5 feet (impounds Aquilla Creek)
1301	<u>San Bernard River Tidal</u> - from the confluence with the Intercoastal Waterway to a point 3.2 kilometers (2.0 miles) upstream of SH 35
1302	<u>San Bernard River Above Tidal</u> - from a point 3.2 kilometers (2.0 miles) upstream of SH 35 to the county road southeast of New Ulm
1304	<u>Caney Creek Tidal</u> - from the confluence with the Intercoastal Waterway to a point 12.2 kilometers (7.6 miles) downstream of the confluence of Linnville Bayou
1305	<u>Caney Creek Above Tidal</u> - from a point 12.2 kilometers (7.6 miles) downstream of the confluence of Linnville Bayou to the most upstream crossing of FM 102
1401	<u>Colorado River Tidal</u> - from the confluence with the Gulf of Mexico to a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County

SEGMENT	DESCRIPTION
1402	<u>Colorado River</u> - from a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County to a point 100 meters (110 yards) downstream of US 71 at Smithville
1403	<u>Lake Austin</u> - from Tom Miller Dam to Mansfield Dam, up to the normal pool elevation of 492.8 feet (impounds Colorado River)
1404	<u>Lake Travis</u> - from Mansfield Dam to Max Starcke Dam on the Colorado River Arm and to the confluence of Fall Creek on the Pedernales River Arm, up to the normal pool elevation of 681 feet (impounds Colorado River)
1405	<u>Marble Falls Lake</u> - from Max Starcke Dam to Alvin Wirtz Dam, up to the normal pool elevation of 738 feet (impounds Colorado River)
1406	<u>Lake Lyndon B. Johnson</u> - from Alvin Wirtz Dam to Roy Inks Dam on the Colorado River Arm and to the confluence of Honey Creek on the Llano River Arm, up to the normal pool elevation of 825 feet (impounds Colorado River)
1407	<u>Inks Lake</u> - from Roy Inks Dam to Buchanan Dam, up to normal pool elevation of 888 feet (impounds Colorado River)
1408	<u>Lake Buchanan</u> - from Buchanan Dam to the confluence of Yancey Creek, up to the normal pool elevation of 1020 feet (impounds Colorado River)
1409	<u>Colorado River</u> - from the confluence of Yancey Creek to the confluence of the San Saba River
1410	<u>Colorado River</u> - from the confluence of the San Saba River to the confluence of the Concho River
1411	<u>E. V. Spence Reservoir</u> - from Robert Lee Dam to the confluence of Little Silver Creek, up to the normal pool elevation of 1898 feet (impounds Colorado River)
1412	<u>Colorado River</u> - from the confluence of Little Silver Creek to Colorado River Dam
1413	<u>Lake J. B. Thomas</u> - from Colorado River Dam up to the normal pool elevation of 2258 feet (impounds Colorado River)
1414	<u>Pedernales River</u> - from the confluence of Fall Creek to FM 385

SEGMENT	DESCRIPTION
1415	<u>Llano River</u> - from the confluence of Honey Creek to FM 864 on the North Llano River and to SH 55 on the South Llano River
1416	<u>San Saba River</u> - from the confluence with the Colorado River to the confluence of the North Valley Prong and the Middle Valley Prong
1417	<u>Lower Pecan Bayou</u> - from the confluence with the Colorado River to the confluence of Mackinally Creek
1418	<u>Lake Brownwood</u> - from Lake Brownwood Dam to FM 2559, up to the normal pool elevation of 1424.6 feet (impounds Pecan Bayou)
1419	<u>Lake Coleman</u> - from Coleman Dam up to the normal pool elevation of 1717.5 feet (impounds Jim Ned Creek)
1420	<u>Pecan Bayou</u> - from FM 2559 to the confluence of the North Prong Pecan Bayou and the South Prong Pecan Bayou
1421	<u>Concho River</u> - from the confluence with the Colorado River to San Angelo Dam on the North Concho River and to Nasworthy Dam on the South Concho River
1422	<u>Lake Nasworthy</u> - from Nasworthy Dam to Twin Buttes Dam, up to the normal pool elevation of 1872.2 feet (impounds South Concho River)
1423	<u>Twin Buttes Reservoir</u> - from Twin Buttes Dam to US 67 on the Middle Concho River Arm and to a point 4.0 kilometers (2.5 miles) downstream of FM 2335 on the South Concho River Arm, up to a normal pool elevation of 1940.2 feet (impounds the Middle Concho River and the South Concho River)
1424	<u>Middle Concho/South Concho River</u> - from a point 4.0 kilometers (2.5 miles) downstream of FM 2335 to US 277 on the South Concho River and from US 67 to the confluence of Three Bluff Draw and Indian Creek on the Middle Concho River
1425	<u>O. C. Fisher Lake</u> - from San Angelo Dam up to the normal pool elevation of 1908 feet (impounds North Concho River)
1426	<u>Colorado River</u> - from the confluence of the Concho River to Robert Lee Dam
1427	<u>Onion Creek</u> - from the confluence with the Colorado River to the most upstream crossing of FM 165

SEGMENT	DESCRIPTION
1428	<u>Colorado River</u> - from a point 100 meters (110 yards) downstream of US 71 at Smithville to Longhorn Dam
1429	<u>Town Lake</u> - from Longhorn Dam to Tom Miller Dam, up to normal pool elevation of 429 feet (impounds Colorado River)
1430	<u>Barton Creek</u> - from the confluence with Town Lake to FM 12
1431	<u>Middle Pecan Bayou</u> - from the confluence of Mackinally Creek to the confluence of Willis Creek
1432	<u>Upper Pecan Bayou</u> - from the confluence of Willis Creek to Lake Brownwood Dam
1501	<u>Tres Palacios Creek Tidal</u> - from the confluence with Tres Palacios Bay to a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek
1502	<u>Tres Palacios Creek</u> - from a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek to US 59
1601	<u>Lavaca River Tidal</u> - from the confluence with Lavaca Bay to the confluence of the Navidad River
1602	<u>Lavaca River Above Tidal</u> - from the confluence of the Navidad River to a point 5.5 kilometers (3.4 miles) upstream of SH 95
1603	<u>Lower Navidad River</u> - from the confluence with the Lavaca River to Palmetto Bend Dam
1604	<u>Lake Texana</u> - from Palmetto Bend Dam to FM 530, up to a normal pool elevation of 44 feet (impounds Navidad River)
1605	<u>Upper Navidad River</u> - from FM 530 to the confluence of the East Navidad River and the West Navidad River
1701	<u>Victoria Barge Canal</u> - from the confluence with San Antonio Bay to Victoria Turning Basin
1801	<u>Guadalupe River Tidal</u> - from the confluence with Guadalupe Bay to the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometer (0.4 mile) downstream of the confluence of the San Antonio River
1803	<u>Guadalupe River</u> - from the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometer (0.4 mile) downstream of the confluence of the San Antonio River to the confluence of the San Marcos River
1804	<u>Guadalupe River</u> - from the confluence of the San Marcos River to the confluence of the Comal River

SEGMENT	DESCRIPTION
1805	<u>Canyon Lake</u> - from Canyon Dam to a point 2.7 kilometers (1.7 miles) downstream of Rebecca Creek Road, up to a normal pool elevation of 909 feet (impounds Guadalupe River)
1806	<u>Guadalupe River</u> - from a point 2.7 kilometers (1.7 miles) downstream of Rebecca Creek Road to the confluence of the North Fork Guadalupe River and the South Fork Guadalupe River
1807	<u>Coleta Creek</u> - from the confluence with the Guadalupe River to the confluence of Fifteenmile Creek and Twelvemile Creek, including Coleta Creek Reservoir
1808	<u>Lower San Marcos River</u> - from the confluence with the Guadalupe River to a point 1.2 kilometers (0.7 mile) downstream of IH 35
1809	<u>Lower Blanco River</u> - from the confluence with the San Marcos River to a point 0.3 kilometer (0.2 mile) upstream of Limekiln Road
1810	<u>Plum Creek</u> - from the confluence with the San Marcos River to FM 2770
1811	<u>Comal River</u> - from the confluence with the Guadalupe River to Klingemann Street in New Braunfels
1812	<u>Guadalupe River</u> - from the confluence of the Comal River to Canyon Dam
1813	<u>Upper Blanco River</u> - from a point 0.3 kilometer (0.2 mile) upstream of Limekiln Road to the confluence of Meier Creek
1814	<u>Upper San Marcos River</u> - from a point 1.2 kilometers (0.7 mile) downstream of IH 35 to a point 0.7 kilometer (0.4 mile) upstream of Loop 82 in San Marcos
1901	<u>Lower San Antonio River</u> - from the confluence with the Guadalupe River to Mays Crossing near Falls City
1902	<u>Lower Cibolo Creek</u> - from the confluence with the San Antonio River to a point 100 meters (110 yards) downstream of IH 10
1903	<u>Medina River</u> - from the confluence with the San Antonio River to Medina Diversion Dam

SEGMENT	DESCRIPTION
1904	<u>Medina Lake</u> - from Medina Lake Dam to the confluence of Red Bluff Creek, up to the normal pool elevation of 1064.2 feet (impounds Medina River)
1905	<u>Medina River</u> - from the confluence of Red Bluff Creek to the confluence of the North Prong Medina River and the West Prong Medina River
1906	<u>Lower Leon Creek</u> - from the confluence with the Medina River to SH 16
1907	<u>Upper Leon Creek</u> - from SH 16 to a point 9.0 kilometers (5.6 miles) upstream of Scenic Loop Road, North of Helotes
1908	<u>Upper Cibolo Creek</u> - from the Missouri-Pacific Railroad bridge west of Bracken to a point 1.5 kilometers (0.9 mile) upstream of the confluence of Champee Springs
1909	<u>Medina Diversion Lake</u> - from Medina Diversion Dam to Medina Lake Dam, up to the normal pool elevation of 926.5 feet (impounds Medina River)
1910	<u>Salado Creek</u> - from the confluence with the San Antonio River to Rocking Horse Lane west of Camp Bullis
1911	<u>Upper San Antonio River</u> - from Mays Crossing near Falls City to Hildebrand Avenue in San Antonio
1912	<u>Medio Creek</u> - from the confluence with the Medina River to a point 1.0 kilometer (0.6 mile) upstream of IH 35 in southwest San Antonio
1913	<u>Mid Cibolo Creek</u> - from a point 100 meters (110 yards) downstream of IH 10 to the Missouri-Pacific Railroad bridge west of Bracken
2001	<u>Mission River Tidal</u> - from the confluence with Mission Bay to a point 7.4 kilometers (4.6 miles) downstream of US 77
2002	<u>Mission River</u> - from a point 7.4 kilometers (4.6 miles) downstream of US 77 to the confluence of Blanco Creek and Medio Creek
2003	<u>Aransas River Tidal</u> - from the confluence with Copano Bay to a point 5.3 kilometers (3.3 miles) upstream of Chiltipin Creek

SEGMENT	DESCRIPTION
2004	<u>Aransas River Above Tidal</u> - from a point 5.3 kilometers (3.3 miles) upstream of Chiltipin Creek to the confluence of Poesta Creek and Aransas Creek
2101	<u>Nueces River Tidal</u> - from the confluence with Nueces Bay to Calallen Dam 1.7 kilometers (1.1 miles) upstream of US 77/IH 37
2102	<u>Nueces River</u> - from Calallen Dam 1.7 kilometers (1.1 miles) upstream of US 77/IH 37 to Wesley E. Seale Dam
2103	<u>Lake Corpus Christi</u> - from Wesley E. Seale Dam to US 59, up to the normal pool elevation of 93.8 feet (impounds Nueces River)
2104	<u>Nueces River</u> - from the confluence with the Frio River to Holland Dam
2105	<u>Nueces River</u> - from Holland Dam to FM 1025
2106	<u>Lower Frio/Nueces River</u> - from Choke Canyon Dam to US 59
2107	<u>Atascosa River</u> - from the confluence with the Frio River to the confluence of the West Prong Atascosa River and the North Prong Atascosa River
2108	<u>San Miguel Creek</u> - from the confluence of Mustang Branch to the confluence of San Francisco Perez Creek and Chacon Creek
2109	<u>Leona River</u> - from the confluence with the Frio River to US 83
2110	<u>Lower Sabinal River</u> - from the confluence with the Frio River to SH 127
2111	<u>Upper Sabinal River</u> - from SH 127 to the most upstream crossing of FM 187
2112	<u>Nueces River</u> - from FM 1025 to the confluence of the East Prong Nueces River and Hackberry Creek
2113	<u>Upper Frio River</u> - from US 90 to the confluence of the West Frio River and the East Frio River
2114	<u>Hondo Creek</u> - from the confluence with the Frio River to FM 470
2115	<u>Seco Creek</u> - from the confluence with Hondo Creek to the confluence of West Seco Creek

SEGMENT	DESCRIPTION
2116	<u>Choke Canyon Reservoir</u> - from Choke Canyon Dam to a point 4.2 kilometers (2.6 miles) downstream of SH 16 on the Frio River Arm and to the confluence of Mustang Branch on the San Miguel Creek Arm, up to the normal pool elevation of 220.5 feet (impounds Frio River)
2117	<u>Mid Frio River</u> - from a point 4.2 kilometers (2.6 miles) downstream of SH 16 to US 90
2201	<u>Arroyo Colorado Tidal</u> - from the confluence with Laguna Madre to a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen
2202	<u>Arroyo Colorado Above Tidal</u> - from a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen to FM 2062
2301	<u>Rio Grande Tidal</u> - from the confluence with the Gulf of Mexico to a point 10.8 kilometers (6.7 miles) downstream of the International Bridge
2302	<u>Rio Grande</u> - from a point 10.8 kilometers (6.7 miles) downstream of the International Bridge to Falcon Dam
2303	<u>International Falcon Reservoir</u> - from Falcon Dam to the confluence of the Arroyo Salado (Mexico), up to the normal pool elevation of 301.1 feet (impounds Rio Grande)
2304	<u>Rio Grande</u> - from the confluence of the Arroyo Salado (Mexico) to Amistad Dam
2305	<u>International Amistad Reservoir</u> - from Amistad Dam to a point 1.8 kilometers (1.1 miles) downstream of the confluence of Ramsey Canyon on the Rio Grande Arm and to a point 0.7 kilometer (0.4 mile) downstream of the confluence of Painted Canyon on the Pecos River Arm and to a point 0.6 kilometer (0.4 mile) downstream of the confluence of Little Satan Creek on the Devil's River Arm, up to the normal pool elevation of 1117 feet (impounds Rio Grande)
2306	<u>Rio Grande</u> - from a point 1.8 kilometers (1.1 miles) downstream of the confluence of Ramsey Canyon to the confluence of the Rio Conchos (Mexico)
2307	<u>Rio Grande</u> - from the confluence of the Rio Conchos (Mexico) to Riverside Diversion Dam
2308	<u>Rio Grande</u> - from Riverside Diversion Dam to International Dam

SEGMENT

DESCRIPTION

- 2309** Devils River - from a point 0.6 kilometer (0.4 mile) downstream of the confluence of Little Satan Creek to the confluence of Dry Devils River
- 2310** Lower Pecos River - from a point 0.7 kilometer (0.4 mile) downstream of the confluence of Painted Canyon to the low water crossing 0.3 kilometer (0.2 mile) downstream of the confluence of Big Fielder Draw
- 2311** Upper Pecos River - from the low water crossing 0.3 kilometer (0.2 mile) downstream of the confluence of Big Fielder Draw to Red Bluff Dam
- 2312** Red Bluff Reservoir - from Red Bluff Dam to the New Mexico State Line, up to the normal pool elevation of 2842 feet (impounds Pecos River)
- 2313** San Felipe Creek - from the confluence with the Rio Grande to a point 4.0 kilometers (2.5 miles) upstream of US 90
- 2314** Rio Grande - from International Dam to the New Mexico State Line
- 2411** Sabine Pass
- 2412** Sabine Lake
- 2421** Upper Galveston Bay
- 2422** Trinity Bay
- 2423** East Bay
- 2424** West Bay
- 2425** Clear Lake
- 2426** Tabbs Bay
- 2427** San Jacinto Bay
- 2428** Black Duck Bay
- 2429** Scott Bay
- 2430** Burnett Bay
- 2431** Moses Lake

SEGMENT

DESCRIPTION

2432	<u>Chocolate Bay</u>
2433	<u>Bastrop Bay</u>
2434	<u>Christmas Bay</u>
2435	<u>Drum Bay</u>
2436	<u>Barbours Cut</u>
2437	<u>Texas City Ship Channel</u>
2438	<u>Bayport Channel</u>
2439	<u>Lower Galveston Bay</u>
2441	<u>East Matagorda Bay</u>
2442	<u>Cedar Lakes</u>
2451	<u>Matagorda Bay</u>
2452	<u>Tres Palacios Bay</u>
2453	<u>Lavaca Bay</u>
2454	<u>Cox Bay</u>
2455	<u>Keller Bay</u>
2456	<u>Carancahua Bay</u>
2461	<u>Espiritu Santo Bay</u>
2462	<u>San Antonio, Hynes, and Guadalupe Bays</u>
2463	<u>Mesquite Bay</u>
2471	<u>Aransas Bay</u>
2472	<u>Copano Bay including Port Bay</u>
2473	<u>St. Charles Bay</u>
2481	<u>Corpus Christi Bay</u>
2482	<u>Nueces Bay</u>

SEGMENT	DESCRIPTION
2483	<u>Redfish Bay</u>
2484	<u>Corpus Christi Inner Harbor</u>
2485	<u>Oso Bay</u>
2491	<u>Laguna Madre</u>
2492	<u>Baffin Bay</u>
2493	<u>South Bay</u>
2494	<u>Brownsville Ship Channel</u>
2501	<u>Gulf of Mexico</u>

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 October 10, 1984.

TRD-8410228 Susan Plattman
 General Counsel
 Texas Department of Water
 Resources

Earliest possible date of adoption:
November 16, 1984

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

**Chapter 355. Water Loan Assistance
Fund**

**Water Conservation, Water Quality, and
Water Development Planning and
Research and Flood Control Planning
Fund**

31 TAC §§355.101-355.108

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Water Development Board, Room 511, 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 §§355.101-355.108, concerning the water conservation, water quality, and water development planning and research and flood control planning fund. The repeal of these rules is necessitated by the proposal that these sections be incorporated in substance into new §§355.101-355.110, with revisions made primarily to simplify and clarify the existing sections.

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 to allow substitution of sections which will provide more coherent and carefully focused administration of funding for research into management of the state's water resources, a better understanding among would-be applicants of the requirements for such funding, and an effort to ensure more statewide impacts from such expenditures. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Mike Rogan, Staff Attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

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 Water Code and other laws of this state.

- §355.101. *Criteria for Funding.*
- §355.102. *Procedures, Priorities, and Criteria for Selection of Candidate Projects.*
- §355.103. *Request for Submission of Proposals.*
- §355.104. *Evaluation and Selection of Proposals.*
- §355.105. *Project Reporting Requirements.*
- §355.106. *Disbursement of Contracted Funds and Project Cost Accounting.*
- §355.107. *Dissemination of Results.*
- §355.108. *Definitions.*

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 October 10, 1984.

TRD-8410234

Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:

November 16, 1984

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

31 TAC §§355.101-355.110

The Texas Water Development Board proposes new §§355.101-355.110, concerning the water conservation, water quality, and water development planning and research and flood control planning fund. These sections are in large part the same as existing §§355.101-355.108, but for greater simplicity and clarity and to make some substantive changes, the board proposes to adopt new sections and to repeal the existing sections.

New §355.101 makes explicit what was previously implicit, i.e., that these sections establish a general policy for considering requests to fund research into the management and development of water within the state, and that such funding is at the discretion of the Texas Water Development Board. The proposed section also expands topics for research contracts to include not only the conservation and development of water resources, but planning and management, as well.

New §355.102 specifies more precisely the categories of research for which the board will consider funding. It also increases the generally required share of local funding for flood control planning projects from 25 to 50%, with a minimum of 25% local funding in those special cases where the applicant provides evidence of hardship. These provisions are intended to extend the impact of the fund statewide.

New §355.103 (previously §355.101) has been condensed significantly. To promote consistency in evaluation, the previously separate criteria for judging eligibility of those proposals relating to water conservation, water quality, or water development, and those relating to flood control planning, have been combined and somewhat simplified.

New §355.104 (previously §355.102) adds three additional criteria to be considered in selecting eligible research proposals. These criteria include relevance to one or more of five research priority categories, documentation that a proposal does not duplicate other research, and probability that a project will result in significant water conservation, water quality protection, or flood protection within five to 15 years. The proposed section also gives projects with statewide or regional application higher priority than those having exclusively local effect. On the whole, the pro-

posed section more narrowly defines the focus for choosing among candidate proposals.

New §355.105 (previously §355.103) adds a requirement that all applications for funding of studies include a plan for implementing or developing the research findings. The section also specifies the information to be provided in an application for funding of a flood control planning proposal, which includes an assessment of the effects and the economic viability of the flood control project being planned.

New §355.106 (previously §355.104) deletes the requirement that members of advisory committees of technical experts who evaluate research proposals sign statements assuring confidentiality.

New §355.108 (previously §355.106) eliminates provision for payment of private contractors on other than a fixed contract amount basis, thus assuring consistent treatment of contractors.

New §355.109 (previously §355.107) adds ownership of copyrights and licenses to the subjects to be negotiated among all parties to a funding agreement in instances where funds are provided by both the Texas Department of Water Resources as well as by other state, federal, or private agencies.

New §355.110 (previously §355.108) adds a number of definitions for more precise interpretation of the rules.

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 anticipated economic effect on local government will be an estimated additional cost of \$77,046 each year from 1985-1987. There is no anticipated economic effect on state government or small businesses.

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 a more coherent and carefully focused administration of funding for research into management of the state's water resources, a better understanding among would-be applicants of the requirements for such funding, and an effort to ensure more statewide impacts from such expenditures. 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 Mike Rogan, Staff Attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

The new sections are proposed under the Texas Water Code, Chapter 15, Subchapter F, §§5.131, 5.132, and 15.002, 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 Water Code and other laws of this state.

§355.101. Purpose. It is the intent of the board to establish a general policy for the processing of applications

for funding of research into the proper planning, management, conservation, and development of the state's water resources and for flood control planning by political subdivisions. Funding of research projects shall be at the discretion of the board from funds in the research and planning fund created in the state treasury.

§355.102. Applicability.

(a) The board will consider applications for funding from the research and planning fund which come under the two following categories.

(1) Research contracts. The board may enter into a contract with any person for research into the proper planning, management, conservation, and development of the state's water resources.

(2) Planning contracts. The board may enter into contracts with political subdivisions to provide funding from the research and planning fund for up to 50% of the cost of developing preliminary flood control plans for specific areas.

(A) Hardship cases will be considered individually, and, in these instances, local participation will be a minimum of 25% of the project costs.

(B) Applications for funding for developing such plans will be considered for developed areas with a history of flooding. Applications for funding of flood control plans require justification by the applicant as to the relevance of the proposed plans as a component of regional and/or statewide flood control plans and programs.

(C) Flood control plans shall be of a reconnaissance-level or feasibility nature and consist of, but not be limited to, the following types of structural and nonstructural projects:

- (i) reduction of peak flow by use of reservoirs;
- (ii) confinement of flood flows by levees, floodwalls, or closed conduits;
- (iii) reduction of flooding by channel improvements which increase channel capacity and flow velocity;
- (iv) diversion of water through bypasses or floodways;
- (v) temporary or permanent evacuation of the floodplain;
- (vi) floodproofing of structures;
- (vii) reduction of flow runoff by land management;
- (viii) flood forecasting; or
- (ix) a combination of clauses (i)-(viii).

§355.103. Criteria For Funding.

(a) To be eligible for money from the research and planning fund, the applicant must demonstrate:

- (1) a specific application of the proposed research and planning project to the water planning, management, conservation, and development of the state's water resources or flood control planning needs;
- (2) a need for funds;
- (3) a willingness to assure, insofar as possible, availability from local sources of the required funds for plan implementation; and
- (4) an indication that the project does not duplicate existing projects. The project, as far as practicable, will consider the flood protection needs of the entire

watershed in which the project is located as opposed to a piecemeal consideration of a flooding problem.

(b) In addition to these general criteria, funding of specific research projects will be contingent upon meeting the standards set forth with regard to §355.106 of this title (relating to Evaluation and Selection of Proposals).

§355.104. Procedures, Priorities, and Criteria for Selection of Candidate Projects.

(a) Procedure

(1) The selection of research and planning proposals is based on consideration of the following:

(A) the kinds of problems being encountered in Texas to which the planning, management, conservation, and development of the state's water resources and flood control planning would apply;

(B) the levels of funding for proposed work necessary to obtain significant results;

(C) the potential for stimulating participation, including funding, by other agencies, organizations, or individuals; and

(D) the need of political subdivisions of the state for planning assistance for water projects.

(2) Procedures for awarding contracts to private consultants will comply with Texas Civil Statutes, Article 6252-11c, Title 110A, concerning use of private consultants by state agencies.

(b) Priorities. Priorities will be established by assessment of the planning, management, conservation, and development needs of Texas through, as appropriate, consultation with identified experts and concerned citizens in the research and planning areas of interest to the department.

(c) Criteria.

(1) Projects will be selected for consideration on the basis of the following factors:

(A) significance to Texas;

(B) technical, economic, and environmental merit of proposal;

(C) probability that projects will result in significant water conservation, water quality protection, or flood protection within five to 15 years;

(D) relevance to at least one of five major research priority areas that include:

(i) water supply;

(ii) water quality;

(iii) hazardous waste disposal;

(iv) water finance; and

(v) flood control, both structural and non-structural approaches;

(E) measure of the economic ramifications of proposed research results;

(F) measure of ramifications as to public safety and welfare; and

(G) documentation indicating the proposal does not duplicate previous or ongoing research.

(2) Projects having statewide or regional application generally will be given higher priority when considered than those having exclusively local impacts.

§355.105. Request for Submission of Proposals.

(a) Proposal solicitation process. The Texas Department of Water Resources will specify the subjects and topics for which research and planning proposals are being requested. The specified list of research and planning

subjects will be published in the *Texas Register* and will be distributed to state depository libraries and to those who indicate interest in receiving it. Notice of the availability of the list of research and planning subjects will be communicated by news release through the Capitol Press and other appropriate media. Each announcement of a request for proposals for research and planning will include the following:

(1) description of project objectives;

(2) description of funding considerations;

(3) explanation of review criteria and procedures;

(4) deadline and address for proposal submission;

(5) target date for contract award;

(6) guidelines for proposal contents;

(7) designation of contact person for additional information;

(8) statement of contract terms and required completion date; and

(9) statement regarding proprietary information and patents.

(b) Award of funds. Release of a list of research and planning subjects in no way guarantees that all or any of the funds designated will be awarded. The department retains the right to make no award in the event that no acceptable proposal is submitted in a given area.

(c) Application requirements. Any person or applicant seeking financial assistance pursuant to the Texas Water Code, Chapter 15, Subchapter F, shall file an application for research and planning funds with the executive director, together with a written proposal. Ten copies of the full proposal must be filed. The application may be in response to department solicitation.

(1) The following information shall be included in a research contract proposal:

(A) project classification:

(i) project title and number as listed in the specific request for proposal; or

(ii) category title, if not addressing a specific identified project, in which case the proposal should include a statement of how the project meets the fund criteria stated in §355.103 of this title (relating to Criteria for Funding);

(B) discussion of how the proposer intends to fulfill the requirements of the project, including an identification of the potentials for or plans to incorporate and use proprietary information and any subcontracts planned;

(C) availability of matching funds and services indicating amount and sources;

(D) resumes of principals, subcontractors, and principal investigators (including names, addresses, and phone numbers) and a summary of pertinent experience of proposing organization;

(E) site(s) of proposed project;

(F) time schedule for work to be performed by principals and subcontractors;

(G) plans for:

(i) implementing research results; and

(ii) identification and involvement of potential users;

(H) itemized total budget, including fringe benefit costs, overhead costs, profit margin, and indication of availability of matching funds;

(I) list of products (reports, plans, or other products) the department will receive, and completion dates;

(J) suggested monitoring procedures;

(K) other information as indicated by specific project description; and

(L) any other pertinent data as deemed necessary by the executive director.

(2) The following information shall be included in a flood control planning contract proposal:

(A) the legal name of the applicant;

(B) a citation of the laws under which the applicant was created and is operating, including specific citation of all laws providing flood control authority;

(C) a detailed description of the existing or potential flood hazard for which the planning is to be conducted;

(D) a brief description of methods and procedures to be used in development of the flood protection plan, including clear demonstration that the planning project will give results to show:

(i) the effects of the flood control project being planned on overall flood control within the area in which the applicant is located; and

(ii) the economic viability of the flood control project;

(E) the total amount of money requested from the fund;

(F) potential sources of funding for project implementation;

(G) documentation by the applicant that if a viable solution to its problem is found, then implementation of the solution will be diligently pursued; and

(H) any other pertinent data deemed necessary by the executive director.

(d) Eligible proposers. In order to assure equitable distribution of the funds and to avoid conflict of interest, the following criteria are established for acceptability of proposers:

(1) Texas-based proposers will be given priority consideration, and only in unusual circumstances will this priority be disregarded;

(2) research projects to be conducted in Texas will be given priority consideration, and only in unusual circumstances will this priority be disregarded (flood control planning proposals will be considered only for areas within Texas);

(3) individual members of the Texas Water Development Board, department staff members, or their immediate families are not eligible; and

(4) a member of the Technical Advisory Committee is eligible to submit a research proposal, in which case he or she will not participate in the evaluation process for that proposal.

(e) Unsolicited proposals. Any proposal which is not responsive to a specific solicitation as described in subsection (a) of this section will be received as an unsolicited proposal provided it satisfies the general requirements of subsection (c)(1)-(3) of this section. Unsolicited proposals will receive appropriate consideration within time and funding limitations in accordance with §355.106 of this title (relating to Evaluation and Selection of Proposals).

(f) Preproposals. Funding inquiries which describe potential water supply, water quality, hazardous waste

disposal, water finance, and flood control planning projects but which do not satisfy the application requirements will be considered preproposals which may become the basis of subsequent proposal solicitation or request for submission of a complete proposal.

§355.106. Evaluation and Selection of Proposals.

(a) Department review. Upon receipt, proposals will be referred to the department staff member responsible for the specific problem area in which the proposal is submitted. The responsible department staff member will review each proposal and will forward the proposals to an impartial advisory committee (as described in subsection (b) of this section) for evaluation.

(b) Committee review. A technical advisory committee(s) will be appointed by the executive director to assist in the review and evaluation of research and planning proposals. Technical advisory committee members will be selected so as to minimize conflicts of interest while maintaining the highest available level of expertise in the proposal area. Technical advisory members will be required to indicate potential conflicts of interest so that evaluations can be weighed accordingly.

(c) Proposal rating. In addition to providing specific comments, each of the evaluators will rate the proposals in the following categories, where appropriate:

(1) degree to which the proposal is responsive to the overall purpose and funding criteria and/or the specific purpose of an individual solicitation;

(2) qualifications of project staff;

(3) reasonableness of proposed budget and time schedule;

(4) availability of matching funds or services, if any;

(5) project organization and management, including project monitoring procedures;

(6) adequacy of proposed technical scope of work;

(7) directly-related project and staff experience; and

(8) other information as may be required for a specific project.

(d) Staff summary. Each responsible department staff member will prepare for the executive director a summary of all proposals submitted in his project area, a summary of the evaluations, and identification of potential conflicts of interest, if any.

(e) Recommendations. On the basis of this information and his/her own investigation, the executive director shall make recommendations to the board of those proposals that meet requirements for funding. Upon approval of the board, the executive director will be authorized to contract with the proposing party.

§355.107. Project Reporting Requirements. The executive director will monitor the progress of the contract to assure satisfactory performance by the contracting party. Progress reports, including work performed and expenditures related to the project budget, shall be submitted periodically by the contractor. The contractor will be required to submit a draft of a final written project report for department review and evaluation on or before the termination of the contract. Upon satisfactory completion of the final report, the executive director shall issue a written authorization for final payment to the contractor.

§355.108. Disbursement of Contracted Funds and Project Cost Accounting.

(a) Contracts. Two vehicles for contracting will be used. An interagency contract prepared pursuant to Texas Civil Statutes, Article 4413(33), will be used for contracting with state agencies and state universities and institutions. For political subdivisions and for private contractors, a professional services contract between the contractor and the department will be used. In both instances, contracts entered into shall contain terms and conditions considered appropriate to protect the interests of the state and the contractor.

(b) Method of payment. State of Texas contractors will be paid on an actual cost reimbursement basis provided for by the State Purchasing and General Services Commission rules and regulations. Private contractors will be paid on a fixed contract amount basis. All contracts shall provide that 10% of the contract amount shall be retained for final payment until after receipt and acceptance of all required reports and documentation.

(c) Records. Contractors shall maintain satisfactory financial accounts, documents, and records, and shall make some available for examination and audit by the staff of the department. Accounting by contractors shall be in a manner consistent with generally accepted accounting procedures.

(d) Capital equipment. Purchase of capital equipment necessary for project purposes shall be included in contracts as separate and specific budget items. All capital equipment purchased with contract funds becomes property of the department.

(e) Computer programs. All computer programs and/or models that are developed are to be installed on the department's computer for use by department staff and others, as appropriate.

§355.109. Dissemination of Results.

(a) Reports. Results of all projects completed under contract with the department will be submitted by the contractor in the form of a written report, which will then become public information. Contractors shall be available for brief presentations of results as required by the department. Specific provisions will be made in each contract to establish eventual ownership of results and potential patents, copyrights, and licenses at the conclusion of the research and planning project.

(b) Cooperative funding. If federal, private, university, or other state agency funding is also used for completion of a project, public availability of results, patent application authority, and terms of project monitoring, project inspection, and ownership of results and potential patents, copyrights, and licenses will be negotiated with all the parties involved in accordance with applicable federal and state regulations.

(c) Patents. In the absence of statutory or contractual limitations, the contractor may apply for patents on any discoveries made through his project. If the contractor does not wish to make the application, the state may request and receive title to the discovery. If the contractor receives a patent, the State of Texas and its political subdivisions shall be entitled to an irrevocable, nonexclusive, royalty-free license to use the discovery(ies) for governmental purposes.

§355.110. Definitions. The following words and terms, in addition to those specified in §301.71 of this title (relating to Definitions), when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Applicant—Any person(s) or political subdivision(s) that apply(ies) for financial assistance from the research and planning fund.

Flood control planning—Developing mechanisms to provide the most cost-effective flood protection by means of structural and nonstructural measures to abate flood hazards.

Fund—The water conservation, water quality, and water development planning and research and flood control planning fund.

Planning, management, conservation, and development—Will include maintenance and enhancement of the quality of the waters of the State of Texas for purposes of this subchapter of the board rules concerning research.

Political subdivision—A city, county, district, or authority created under the Texas Constitution, Article III, §52, or Article XVI, §59, or any interstate compact commission to which the state is a party.

Project—Any undertaking or work to plan or research any matter relating to the planning, management, conservation, and development of the state's water resources or to develop flood control plans. The term does not include any physical construction work as it relates to the Texas Water Code, Subchapter F.

Reconnaissance-level or feasibility investigation—The level that normally only requires preliminary evaluation using currently-available data and short-cut methods to reach a conclusion. Office activities should be sufficient to support the preparation of cost estimates within reasonable accuracy. Some field work may be required, but it should be held to the minimum possible to accomplish the reconnaissance-level results.

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 October 10, 1984.

TRD-8410235 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption.

November 16, 1984

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

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter O. State Sales and Use Tax
34 TAC §3.299**

The Comptroller of Public Accounts proposes amendments to §3.299, concerning newspapers, maga-

zines, publishers, sacred writing, and broadcasters. The amendments conform the section to the legislative changes in the Sales Tax Act, effective October 2, 1984. The exemption from sales and use tax for newspapers and magazines is repealed. An exemption is added for master tapes and other objects in which audio or audiovisual works are first fixed for use in the manufacture of copies. The legislation also redefines the "useful life when new of six months or less" as provided in the exemption of machinery, equipment, accessories, and replacement parts purchased by broadcasting stations.

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 section is promulgated under the Texas 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 new information for 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.

§3.299. Newspapers, Magazines, Publishers, Sacred Writing, Broadcasters.

(a) Newspapers.

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

(4) The sale, lease, or rental [use, storage, or other consumption] in this state of newspapers[, whether sold or given away without charge by individual copy or subscription,] is **taxable** [exempt from sales tax].

(5) **Sales tax is not due on newspapers given away without charge.**

(b) Magazines.

[(1) "Magazine" means those publications usually paper-backed and sometimes illustrated that appear at regular intervals and contain stories, articles, and essays by various writers, and advertisements.]

[(2)] The sale, lease, rental, or other consumption in this state of [subscriptions to] magazines is **taxable** [entered as second-class mail and sold for a semiannual or longer period of time are exempted from the sales tax. Other sales of magazines are taxable].

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

(e) Broadcasting stations.

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

(3) Broadcasting stations are exempt from payment of the sales and use tax on machinery, equipment, accessories, and replacement parts having a useful life, when new, of less than six months. **An item will be exempt**

only if the item is entirely consumed or without value within six months after the date it was purchased new [Useful life is herein defined as the length of time the item is retained by the broadcaster]. The machinery, equipment, accessories, and replacement parts must be used or consumed directly in the broadcasting operations and not in incidental activities such as sales or accounting operations.

(4) Broadcasting stations should see §3.309 of this title (relating to Electrical Transcriptions, Recording Studios, Producers) and §3.350 of this title (relating to Audiovisual Works).

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 October 9, 1984.

TRD-8410197 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:
November 16, 1984

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

34 TAC §3.313

The Comptroller of Public Accounts proposes new §3.313, concerning cable television service. The new section explains the sales and use tax responsibilities of sellers of cable television service. Cable television services are taxable as a result of 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. This section is promulgated under the Texas 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 new information for 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 new section is 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.

§3.313. Cable Television Service.

(a) Cable television service is the distribution of video programming with or without use of wires to subscribing or paying customers. The term includes direct broadcast satellite service (DBS), subscription television service (STV), satellite master antenna television service

(SMATV), and master antenna television service (MATV).

(b) The sale of cable television service is subject to the sales and use tax. Taxable charges include monthly charges for basic and extended programming services, charges for taxable items transferred to the customer, and any licensing fees for the right to receive or distribute a satellite signal.

(c) Deposits that represent charges for receiving cable television service are part of the sales price of the service and are taxable. Deposits that customers must pay to receive equipment such as converters and that are returned when the customer returns the equipment are not taxable.

(d) Separately stated charges for labor or services rendered in installing, connecting, and relocating items such as cables or wires are not taxable.

(e) Charges for repairing, remodeling, or maintenance of taxable items are taxable. For example: charges for repairing a customer's converter are taxable. See §3.292 of this title (relating to Repairmen).

(f) A purchaser may issue a resale certificate to purchase a taxable item tax free if the item will be transferred as an integral part of a taxable service. For example: a seller of cable television service who provides program schedules and converters to customers as part of the service may purchase those items tax free. See §3.285 of this title (relating to Sales for Resale; Resale Certificate).

(g) A seller must pay tax on equipment and supplies used in providing the service that are not transferred to the customer. Equipment and supplies purchased out of state and brought or shipped into Texas for use in providing the service are subject to use tax. See §3.346 of this title (relating to Use Tax). Credit will be allowed against the Texas use tax for any sales or use tax legally imposed and paid to another state. See §3.340 of this title (relating to Multistate Tax Credits). For example: a seller must pay tax on the satellite receiving equipment, cables, and wiring used in providing cable television service to customer.

(h) An owner of real property such as an apartment complex or hotel who provides cable television service to the residents or guests must collect sales tax on any charge attributable to the cable television service. If the owner does not charge the residents or guests for the service, the owner is the consumer of the service and must pay tax on all taxable items purchased.

(i) Determining when city and metropolitan transit authority (MTA) taxes are due.

(1) Delivery of cable television service from a Texas seller's place of business.

(A) If a seller has only one place of business and that place of business is in a taxing city, all sales by the seller are subject to city sales tax based on the location of that place of business. This applies regardless of where the delivery of the service occurs within this state.

(B) If the seller has only one place of business and that place of business is within a metropolitan transit authority, all sales by the seller are subject to MTA sales tax based on the location of that place of business unless delivered by the seller to a location outside the authority.

(C) If a seller has more than one place of business in this state, city sales tax is due based on the loca-

tion of the seller's place of business from which the service is delivered.

(D) If a seller has more than one place of business in this state, MTA sales tax is due based upon the location of the seller's place of business from which the service is delivered unless delivery is to a location outside the authority.

(E) If the service is delivered from a seller's place of business within an authority directly to a purchaser in another authority, MTA use tax is due for the authority into which the delivery is made.

(F) If the seller's place of business in this state is located outside a taxing city and/or authority, city and/or MTA use tax is due to the city and/or authority in which delivery is made to the purchaser.

(2) Delivery of cable television service from a location within Texas other than the seller's place of business.

(A) Order placed with a Texas seller.

(i) If an order is received at the place of business of a Texas seller, but delivery is made from a location within the state other than that place of business, city and/or MTA sales tax is due based on the location of the place of business where the order was received.

(ii) If an order is received by a traveling salesperson, and delivery is made from a location within the state which is not a place of business of the Texas seller, city and/or MTA sales tax is due based on the location of the seller's place of business from which the salesperson operates.

(iii) If the service is delivered to a customer outside a metropolitan transit authority, MTA tax is not due. If the service is delivered to a customer in a different authority than that in which the seller's place of business is located, MTA use tax is due for the authority into which the delivery is made.

(iv) If the seller's place of business in this state is located outside a taxing city and/or authority, city and/or MTA use tax is due to the city and/or authority in which delivery is made to the purchaser.

(B) Order placed with an out-of-state seller.

(i) If an order is initially received at a seller's place of business outside the state, but delivery is made from a location within the state other than a place of business of that seller, city and/or MTA sales tax is due to the city and/or authority in which delivery is made to the purchaser.

(ii) If an order is received by a salesperson for an out-of-state seller, and delivery is made from a location within this state other than a place of business of that seller, city and/or MTA sales tax is due to the city and/or authority in which delivery is made to the purchaser.

(3) Delivery of cable television service from a location out of state. If the service is delivered to a Texas purchaser from an out-of-state location, city and/or MTA use tax is due to the city and/or authority in which delivery is made to the purchaser regardless of where the order was received.

(4) Delivery of cable television service to a purchaser out of state. If the service is delivered to a purchaser located out of state, no Texas tax is due on the sale.

(5) Additional information. For more information on city and MTA taxes, see §3.374 of this title (relating to Imposition of Sales Tax; Collection by Retailer; Bracket System Formula; Determining City Tax) and §3.424 of this title (relating to Imposition of Sales Tax) and §3.375 of this title (relating to Administration of Use Tax; Collection by Retailer) and §3.425 of this title (relating to Administration of Use Tax; Imposition and Collection).

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 October 9, 1984.

TRD-8410219 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:
November 16, 1984

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

34 TAC §3.315

The Comptroller of Public Accounts proposes new §3.315, concerning parking and storage of motor vehicles. These services became taxable due to recent legislative changes 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. This section is promulgated under the Texas 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 new information for 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 new section is proposed under 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.

§3.315. Motor Vehicle Parking and Storage.

(a) Sales tax is due on parking and storage fees for a motor vehicle. Examples include parking meters, either private or municipally owned, fees, decals, and permits for parking or storage in any lots or garages, including impound fees.

(b) A contract for the lease or rental of real property may include motor vehicle parking and storage as part of the agreement. Sales tax is due on the motor vehicle parking or storage charge if an amount can be attributed to the parking or storage, either through the agreement

itself or some other method. For example, if one agreement does include motor vehicle parking and another agreement for similar property does not, any monetary difference in the two agreements may be considered as evidence of value of the parking.

(c) The person providing the parking or storage service must pay sales or use tax on all taxable items purchased for use in providing the service. The provider of the service may purchase tax-free any items transferred to the customer as an integral part of the taxable service. Examples include decals, ticket stubs, etc. See §3.285 of this title (relating to Sales for Resale; Resale Certificate).

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 October 9, 1984.

TRD-8410218 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:
November 16, 1984

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 16. ICF/SNF

The Texas Department of Human Resources proposes amendments to §16.2906 and §16.7103, concerning intermediate care facility/skilled nursing facility (ICF/SNF). These sections comply with changes in federal law which specify new recertification requirements documenting the need of ICF and SNF patients for continued health care services.

The proposed amendments specify that physicians' recertification of SNF patients will be required 30, 60, and 90 days after admission and every 60 days thereafter. Physicians' recertification of ICF patients will be required 60 days, 180 days, 12 months, 18 months, and 24 months after admission and annually thereafter. Skilled nursing facility patients will be recertified more frequently than ICF patients because of the nature of their illnesses, the complexity of the prescribed therapeutic regimen, and the instability of their conditions.

David Hawes, programs budget and statistics director, 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. Hawes also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rule as proposed is consistency with federal law. There is no anticipated economic cost to individuals required to comply with the rules.

Comments may be sent to Cathy Rossberg, Administrator, Policy Development Support Division—652, Texas Department of Human Resources 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Physician Services

40 TAC §16.2906

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

§16.2906. *Recertification Requirements.*

(a) Physicians' recertification of SNF patients is required 30, 60, and 90 days after admission and every 60 days thereafter. Physicians' recertification of ICF patients is required 60 days, 180 days, 12 months, 18 months, and 24 months after admission and annually thereafter.

(b) Physicians' [60-day] recertification statements documenting the need for continued health care services are placed in each recipient-patient's medical record and reviewed on a regular basis by the Texas Department of Health, long-term care unit staff. The facility must ensure that the recertification states: "I hereby certify that this recipient-patient continues to require ICF care" or "I hereby certify that this recipient-patient continues to require SNF care."

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 October 10, 1984.

TRD-8410240 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
November 16, 1984
For further information, please call (512) 450-3766.

Medical Review and Reevaluation

40 TAC §16.7103

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

§16.7103. *Utilization Review Plan.*

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

(g) Requirements of the review process. A continued-stay review is the determination of the need for continuing nursing facility care and a reevaluation of the established level of care.

(1) (No change.)

(2) Physicians' recertification of SNF patients is required 30, 60, and 90 days after admission and every 60 days thereafter. Physicians' recertification of ICF patients is required 60 days, 180 days, 12 months, 18 months, and 24 months after admission and annually thereafter. Physicians' [60-day] recertification statements to document the necessity for continued health care are

placed in each recipient-patient's medical record and reviewed on a regular basis during the utilization review process. The facility must ensure that the recertification states: "I hereby certify that this recipient-patient continues to require ICF care" or "I hereby certify that this recipient-patient continues to require SNF care."

(3)-(10) (No change.)

(h)-(i) (No change.)

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

Issued in Austin, Texas, on October 10, 1984.

TRD-8410241 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
November 16, 1984
For further information, please call (512) 450-3766.

Chapter 85. General Licensing Procedures

Subchapter III. Social Work Certification

40 TAC §85.6025

(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 Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under the Human Resources Code, Title 2, Chapter 50, which authorizes the department to regulate social work practitioners.

§85.6025. *Continuing Education Requirements.*

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

Issued in Austin, Texas, on October 9, 1984.

TRD-8410210 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
November 16, 1984
For further information, please call (512) 450-3766.

The new rule is proposed under the Human Resources Code, Title 2, Chapter 50, which authorizes the department to regulate social work practitioners.

§85.6025. *Continuing Education Requirements.* A certificate holder must meet continuing education requirements to renew a certificate or order of recognition. A certificate holder who applies to renew a certificate or

an order of recognition during calendar year 1984 must have completed at least 20 hours of continuing education during the 12 months before the date the current certificate expires. During calendar year 1985 and thereafter, a certificate holder who applies to renew a certificate or an order of recognition must have completed at least 30 hours of continuing education during the 12 months before the date the current certificate expires. During calendar year 1985 and thereafter, the 30 hours of continuing education must include at least one continuing education unit that is counted as 10 hours of training. The sponsoring organization or the certificate holder's supervisor must verify the continuing education.

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 October 9, 1984.

TRD-8410211 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
November 16, 1984

For further information, please call (512) 450-3786.

Part IX. Texas Department on Aging Chapter 265. Grant-Related Income 40 TAC §265.1

The Texas Department on Aging proposes new §265.1, concerning grant-related income. This proposed new section outlines the allowable uses of program income in Older Americans Act aging programs.

Russell Gregorczyk, fiscal management 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.

Tim Shank, general counsel, 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 increased flexibility and expansion of aging programs in Texas. 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 Craig F. Sandling, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, Chapter 101, §101.021, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§265.1. Allowable Use of Program Income.

(a) Definition. The following word, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise. Program income—Gross income earned by the grantee from grant-supported activities. Such earnings exclude interest earned on ad-

vances and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, and royalties on patents and copyrights. In order to further clarify the definition of program income, the following examples would be considered program income:

(1) contributions received from program participants where the participant received a direct benefit (for example, where a service was rendered to the participant);

(2) revenues from the sale of items either purchased or produced whole or in part with Title III funds. It does not matter whether the shop or sale is operated in a Title III program setting or a nonprogram setting;

(3) tuition or related fees generated as a result of a program funded whole or in part under Title III. For example, if the instructor or any materials were paid or purchased using Title III funds, any fees or tuition collected would be general program income;

(4) revenues that are not general program income include:

(A) donations in general made by the third parties. If the donor does not receive anything in return, it is not program income; as opposed to a contribution where the donor receives a benefit in return;

(B) revenues from fund-raising activities. If fund raising is in the form of a sale, and if the items sold are not purchased or produced with Title III funds, the income derived is not program income;

(C) Funds received from local governments or other sources in excess of minimum matching requirements. These funds are "other resources," not program income.

(b) Policies.

(1) It is the policy of the Texas Department on Aging (TDoA) to encourage the generation of program income by grantees and service providers in order to expand aging services in Texas.

(2) It is the policy of the TDoA to require the budgeting of program income for TDoA staff review and prior approval in accordance with established budgeting and budget amendment procedures. Additionally, reporting of program income collected and program income expended is required for inclusion on the quarterly financial status report (Standard Form 269) submitted by each grantee.

(3) It is the policy of the TDoA to allow the use of program income in accordance with one or a combination of alternatives identified in 45 Code of Federal Regulations Part 74.42 as follows.

(A) Deduction alternative.

(i) Under this alternative, the income is used for allowable costs of the project or program. If there is a cost-sharing or matching requirement, costs borne by the income may not count toward satisfying that requirement. Therefore, the maximum percentage of federal participation is applied to the net amount determined by deducting the income from total allowable costs and third-party in-kind contributions. The income shall be used for current costs unless the granting agency authorizes deferral to a later period.

(ii) To illustrate this alternative, assume a project in which the grantee incurs \$100,000 of allowable costs and receives no third-party in-kind contributions.

If the grantee earns \$10,000 in general program income and this alternative applies, that \$10,000 must be deducted from the \$100,000 before applying the maximum percentage of federal participation. If that percentage is 90%, the most that could be paid to the grantee would therefore be \$81,000 (90% times \$90,000).

(B) Cost-sharing or matching alternative.

(i) Under this alternative, the income is used for allowable costs of the project or program but, in this case, the costs borne by the income may count toward satisfying a cost-sharing or matching requirement. Therefore, the maximum percentage of federal participation is applied to total allowable costs and third-party in-kind contributions. The income shall be used for current costs unless the granting agency authorizes deferral to a later period.

(ii) To illustrate this alternative, assume the same situation as in subsection (c)(2) of this section. Under this alternative, the 90% maximum percentage of participation would be applied to the full \$100,000 and \$90,000 could therefore be paid to the grantee. (It should be noted that if \$20,000 of general program income is earned, only \$80,000 could be paid, since a grant cannot pay for costs which have been borne by general program income.)

(C) Additional costs alternative.

(i) Under this alternative, the income is used for costs which are in addition to the allowable costs of the project or program but which nevertheless further the objectives of the federal statute under which the grant was made. Provided that the costs borne by the income further the broad objectives of that statute, they need not be of a kind that would be permissible as charges to federal funds.

(ii) Examples of purposes for which the income may be used are:

- (I) Expanding the project or program.
- (II) Continuing the project or program after grant or subgrant support ends.
- (III) Supporting other projects or programs that further the broad objectives of the statute.
- (IV) Obtaining equipment or other assets needed for the project or program or for other activities that further the statute's objectives.

(c) Procedures.

(1) In accordance with the Older Americans Act of 1965, as amended, Public Law 89-73, §307.(a)(13)(C)(ii), nutrition service generated program income will be used to increase the number of meals served by the project involved, to facilitate access to such meals, and to provide other supportive services directly related to nutrition services. Additionally, aging services generated program income will be used to expand the ag-

ing services of the provider under which the program income was generated.

(2) Program income must be anticipated and budgeted within each area's area plan for aging services. Additionally, the method or methods of using program income must be identified in the area plan for review and approval by this department.

(3) Grantees choosing to use the deduction alternative, cost-sharing, or matching alternative, or a combination of the two must use all program income during the current fiscal year within which the income was generated.

(4) Grantees choosing the additional costs alternative are not limited to the current period for allowable expenses. However, the following additional procedures should be followed in using the additional costs alternative.

(A) When the additional costs alternative is chosen to ease first of the federal fiscal year cash flow problems by using the previous year's program income to pay program expenses during the first of the new fiscal year, all prior year funds must be expended by the end of the first quarter (December 31).

(B) When the additional costs alternative is chosen to supply the nonfederal share of programs that further the broad objectives of the Older Americans Act (i.e., transportation, nutrition, etc.) through other appropriations, a statement must be included within the area plan which assures that the same program income dollars are not being used to supply the nonfederal share for more than one federal program.

(C) Program income funds approved, through area plan review, to be used under the additional costs alternative for building acquisition or purchase must not be withheld pending expenditures for more than two years. Following an accumulation of funds, all program income accumulated must be expended prior to the end of the second year of the approved accumulation.

(5) Program income collected and program income expended must each be reported quarterly on the grantee's financial status report (Standard Form 269).

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 September 28, 1984

TRD-8410174 Tim Shank
General Counsel
Texas Department on Aging

Earliest possible date of adoption.

November 18, 1984

For further information, please call (512) 475-2717.

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 25. HEALTH SERVICES Part I. Texas Department of Health Chapter 115. Home Health Care Agencies Licensing and Regulation

The Texas Department of Health adopts the repeal of §§ 115.1-115.10, without changes and new §§ 115.2, 115.9-115.11, and 115.13, with changes to the proposed text published in the June 26, 1984, issue of the *Texas Register* (9 TexReg 3571). New §§ 115.1, 115.3-115.8, and 115.12 are adopted without changes and will not be republished.

The new sections implement the recent amendments to the Home Health Services Act, Texas Civil Statutes, Article 4447u, (Senate Bill 381, 68th Legislature, effective September 1, 1983).

The new sections establish the requirements for obtaining a license to operate a home health agency; provide for a hospice service designation; provide conditions for a license; provide procedures and criteria for denial, suspension, and revocation of a license; and provide requirements for home health aide training courses.

Concerning § 115.2, a commenter recommended that "social worker" be defined as a person who has a master's degree in social work or a person who is supervised by a person who has a master's degree in social work. The department rejects this recommendation because state law currently certifies three categories of persons who practice social work: certified social workers, social workers, and social work associates. Class A licenses are required by the rules to employ persons who have a master's degree in so-

cial work and one year of experience in a health care setting.

Two commenters recommended that the qualifications for an administrator be limited to a registered nurse or an individual with a baccalaureate or post graduate degree in hospital or health administration or a health related field. The department rejects this recommendation because it believes a person with a degree in administration is qualified to act as an administrator. A Class A agency is required by the rules to meet more stringent requirements.

Concerning § 115.3 and § 115.4, a commenter stated that the intent of the sections was discriminatory towards unlicensed persons and persons exempted from licensure requirements. The commenter suggested rewording of the two sections.

The department rejects these recommendations because it has an inherent responsibility to regulate agencies that fall within the definition of the statute.

Concerning § 115.6, a commenter recommended that the department make unannounced inspections when appropriate. The department rejects this recommendation because the department has no statutory authority under Texas Civil Statutes, Article 4447u, to conduct unannounced inspections.

Concerning § 115.10, two commenters recommended deletion of proposed language regarding documentation of medication, as health care professionals are only in a patient's residence intermittently. The department rejects this recommendation because it is the intent of the rules to require documentation of medications not given and untoward actions only for instances when a health care provider is in the home.

A commenter recommended that a registered nurse who is the nursing supervisor be required to have ad-

ditional education or experience. The department rejects this recommendation because it believes the proposed language is appropriate for a Class B agency. Stricter standards are required for a Class A agency.

A commenter recommended services should be rendered by licensed health care professionals in accordance with their applicable licensing statutes. The department rejects this recommendation because the respective health care professionals are defined as persons who are currently licensed, and they are governed by their respective licensing statutes.

A commenter recommended that if home health aide service is provided, a registered nurse shall be employed or under contract to perform the initial assessment, prepare the patient care plan, assign tasks to, and supervise the home health aide. The department agrees and has changed the rules accordingly.

Concerning §115.11, three commenters requested that only nursing service be made available 24 hours a day and arrangements for other services, such as medical social services, counseling, etc., can be made as needed during the regular working day. The department rejects this recommendation because it is the intent of the rule to provide services as appropriate 24 hours a day. A patient or family member would have a 24-hour telephone number to contact agency personnel who would then determine the appropriate service required.

A commenter recommended that services only include nursing, medical social services, counseling, and volunteer and bereavement care. The department rejects this recommendation because of the importance of a hospice patient and family receiving coordination of short-term inpatient care.

Two commenters recommended that the interdisciplinary team include other appropriate members, such as a physical therapist, occupational therapist, home health aide, speech therapist, pharmacist, volunteer, etc. The department agrees and has changed the rules accordingly.

A commenter recommended to change the review of the patient's plan of care from 60 days to every 90 days. The department agrees and has changed the rule accordingly.

A commenter recommended to broaden the definition of interdisciplinary team in relation to patient care conferences. The department rejects this recommendation because it is the intent of the rule to set minimum staff required for participation in a patient care conference. There is no limitation in the rule for other health care providers to attend the conference.

A commenter recommended to have the medical consultant provide consultation to the hospice team rather than the medical staff. The department agrees and has changed the rules accordingly.

Concerning §115.13, one commenter recommended that the one year experience requirement in lieu of a training course be discontinued after June 1, 1985. The department rejects this recommendation because it believes that a person who has such experience is

qualified to be a home health aide.

One commenter recommended that a pharmacist perform medication reviews on a monthly basis according to specific policies and procedures. The department rejects this recommendation because an agency does not stock medications nor retains a patient's medication.

One commenter recommended that a home health aide be supervised by a registered nurse. A registered nurse would assign the tasks of a home health aide and specify which tasks could be performed under general versus direct supervision. Prohibited tasks were also recommended. The department agrees in part with the recommendation that home health aides must be supervised by a registered nurse, and the rules have been changed accordingly. The department agrees with the recommendation to include prohibited tasks. The department rejects the recommendation to distinguish between general versus direct supervision because it believes that the changes accepted above provides the registered nurse supervisor with the authority to place limitations on the tasks assigned to the home health aide.

Three commenters recommended changes in classroom and clinical hours for the home health aide training program. One commenter recommended an increase from 80 to 90 classroom hours and 40 to 68 clinical hours. Two commenters recommended a decrease from 80 to 60 classroom hours and from 40 to 15 and 20 clinical experience hours, respectively. The department agrees to decrease the number of classroom hours to 60 and the number of clinical experience hours to 20 because this requirement is more closely related to national standards for training for home health aides.

One commenter recommended to incorporate similar training used by the Texas Department of Health, Bureau of Long-Term Care rules for medication aides as part of the home health aide training. One commenter recommended that a definition of "assistance with medications" be added. The department rejects the recommendation to include medication aide training because such training is required in a long-term care facility when a medication is administered. Home health aides are only permitted to provide assistance with medications. The department agrees to add a definition of "assistance with medications" to clarify the intent of this section.

Other minor changes were made for clarification purposes in §115.9 and §115.11.

Those groups making comments were the Texas Nurses Association, The Visiting Nurse Association of Dallas, Houston-Galveston Area Hospice Council, Hermann Hospital, Texas Pharmaceutical Association, Upjohn Health Care Services, Houston Hospice, Holy Cross Hospital, and Adventist Home Health Services of Texas.

The associations, hospitals, hospices, and home health agencies were supportive of the rules with reservations about specific portions. Several commenters had questions and requests for clarification.

25 TAC §§115.1-115.10

The repeal is adopted under Texas Civil Statutes, Article 4447u, §4, which provide the Texas Board of Health with the authority to adopt rules to implement the Home Health Services Act.

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

Issued in Austin, Texas, on September 25, 1984.

TRD-8410205 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: November 1, 1984
Proposal publication date: June 26, 1984
For further information, please call (512) 458-7245.

25 TAC §§115.1-115.13

The new sections are adopted under Texas Civil Statutes, Article 4447u, §4, which provide the Texas Board of Health with the authority to adopt rules to implement the Home Health Services Act.

§115.2. *Definitions.* The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise:

Administrator—A person who is a physician, registered nurse, licensed vocational nurse, physical therapist, occupational therapist, speech pathologist or audiologist, social worker, or nursing home administrator; or has a baccalaureate or postgraduate degree in administration or a health-related field; or has one year of administrative experience in a health care setting.

Agency—A home health agency.

Assistance with medication—Ancillary aid needed by a patient to self-administer medication, such as reminding a patient to take a medication at the prescribed time, opening and closing a medication container, returning a medication to the proper storage area, and assisting in reordering medications from a pharmacy. Such ancillary aid shall not include administration of any medication by injection, inhalation, ingestion, or any other means; calculation of a patient's medication dosage; or altering the form of the medication by crushing, dissolving, or any other method.

Bereavement care—Services provided to a patient's family after the death of the patient.

Certified agency—A home health agency which holds a current letter of approval signed by an official of the Department of Health and Human Services which indicates compliance with conditions of participation in the Social Security Act, Title XVIII.

Clinical note—A dated written notation by agency personnel of a contact with a patient containing a description of signs and symptoms, treatment and/or medication given, the patient's reaction, other health services provided, and any changes in physical and/or emotional condition.

Department—The Texas Department of Health.

Dietitian—A person who is currently licensed under the laws of this state to use the titles of licensed dietitian, provisional licensed dietitian, or registered dietitian.

tian, provisional licensed dietitian, or registered dietitian.

Director—The director of the Medicare Certification Division of the Texas Department of Health or his or her designee.

Discharge summary—A recapitulation of all services provided by the home health agency before discharge of a patient.

Health assessment—A determination of a patient's physical and mental status through inventory of systems.

Health service—

- (A) nursing;
- (B) physical, occupational, speech, or respiratory therapy;
- (C) a medical social service;
- (D) the service of a home health aide;
- (E) the furnishing of medical supplies (other than drugs and medicines) and medical equipment; or
- (F) nutritional counseling.

Home health aide—A nonprofessional person who provides personal health care services for a person in the home, under the supervision of a registered nurse.

Home health agency—A place of business that provides a home health service for pay or other consideration in a patient's residence.

Home health service—The provision of a health service for pay or other consideration in a patient's residence.

Hospice service—A specialized concept of care which uses an interdisciplinary approach to deliver medical, social, psychological, emotional, spiritual, and bereavement care to the terminally ill patient and the patient's family.

Licensed vocational nurse—A person who is currently licensed under the laws of this state to use the title, licensed vocational nurse.

Occupational therapist—A person who is currently licensed under the laws of this state to practice occupational therapy.

Patient care conference—A conference among the home health agency staff to evaluate patient care needs and the delivery of service.

Person—An individual, corporation, or association.

Physical therapist—A person who is currently licensed under the laws of this state as a physical therapist.

Physician—A person who is currently licensed under the laws of this state to practice medicine and who holds a doctor of medicine or doctor of osteopathy degree.

Place of business—Any office of a home health agency that maintains home health service patient records or directs home health services and includes a suboffice, a branch office, a workroom, or any other subsidiary location.

Progress note—A dated, written notation by agency personnel summarizing facts about care and the patient's response during a given period of time.

Registered nurse—A person who is currently licensed under the laws of this state as a registered nurse.

Residence—A place where a person resides, including a home, nursing home, or convalescent home for the disabled or aged.

Respiratory therapist—A person who is certified or registered by the appropriate professional organiza-

tion or be eligible for it and is currently licensed by the state, if required

Rules—Sections 115.1-115.13 of this title (relating to Home Health Agencies).

Social worker—A person who is currently certified under the laws of this state as a social worker.

Speech pathologist or audiologist—A person who is currently licensed under the laws of this state as a speech pathologist or audiologist.

Statute—Texas Civil Statutes, Article 4447u.

Supervision—Authoritative procedural guidance by a qualified person for the accomplishment of a function or activity with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

§115.9. Standards for a Class A License. A Class A agency shall meet the conditions of participation as either a home health agency or a hospice in the insurance program for the aged within the meaning of the Social Security Act and the regulations adopted thereunder (42 Code of Federal Regulations §405.1201 *et seq.*, or §418.1 *et seq.*), which regulations are adopted by reference herein for all purposes. Copies of the regulations adopted by reference in this section are indexed and filed in the Medicare Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

§115.10. Standards for a Class B License.

(a) A Class B agency shall meet the standards of this section.

(b) Organizational structure and operational policies of the agency must be clearly stated in writing. It must include the lines of authority and delegation of responsibility down to the patient care level and the services provided.

(1) The administrator of an agency will administratively supervise the provision of all health services. The administrator organizes and directs the agency's ongoing functions; employs qualified personnel and insures adequate staff education and evaluations; insures the accuracy of public information materials and activities; and implements an effective budgeting and accounting system. A person who meets the qualifications of an administrator shall be authorized in writing by the administrator to act in his or her absence.

(2) Personnel policies are developed in writing and contain the following:

(A) hours of work;

(B) eligibility for vacation, sick leave, and other fringe benefits;

(C) orientation of all personnel to the policies and objectives of the agency, and participation by all personnel in appropriate employee development programs;

(D) periodic evaluation of employee performance and exit interview; adherence to personnel policies and patient care policies, including disciplinary action and procedures;

(E) job description (statement of those functions and responsibilities which constitute job requirements) and job qualifications (specific education and training necessary to perform the job); and

(F) a policy to prohibit the spread of infectious and communicable disease from agency personnel to pa-

A personnel record shall be maintained on employee. A personnel record should include as appropriate, the following: job description; qualifications; application for employment; verification of references, job experience, educational requirements, and license; performance evaluation; and disciplinary actions or letters of commendation. All information should be kept current.

(4) If an agency utilizes independent contractors, there shall be a written contract between such independent contractors and the agency clearly designating:

(A) that patients are accepted for care only by the primary home health agency;

(B) the services to be provided;

(C) the necessity to conform to all applicable agency policies, including personnel qualifications;

(D) the plan of treatment and plan of care to be carried out as ordered;

(E) the manner in which services will be coordinated and evaluated by the primary agency;

(F) the procedures for submitting clinical and progress notes, scheduling of visits, and periodic patient evaluation;

(G) the procedures for determining charges and reimbursement; and

(H) the geographic area to be served by such personnel.

(5) Services provided by an agency under arrangement with another agency or organization must be subject to a written contract conforming with the requirements specified in paragraph (4) of this subsection.

(c) The agency shall maintain a current roster of patients and have a clinical record for each patient which is maintained according to professional standards.

(1) A clinical record shall contain, as applicable, appropriate identifying information; name of physician; plan of treatment which shall include medication, dietary, treatment, and activity orders; initial assessment and patient care plan; clinical and progress notes (clinical notes are written the day service is rendered and incorporated no less often than weekly); medication administration records; record of patient care conference; record of supervisory visits; and discharge summary. All entries shall be signed and dated by the person making the entry and/or supervisory personnel as is necessary.

(2) Records shall be retained for five years and safeguarded against loss and unofficial use. The agency shall have written procedures governing the use and removal of records and the release of information.

(3) An agency shall provide a copy of the clinical record to a person who has obtained the patient's consent for the release of the record.

(d) The agency must have the financial ability to carry out its functions as proposed.

(e) The agency must have a written contingency plan in the event of dissolution for continuity of patient care. All records shall be retained even if the agency discontinues operations.

(f) The agency shall accept a patient for health services on the basis of a reasonable expectation that the patient's medical, nursing, and social needs can be met adequately in the patient's residence.

(1) An initial assessment shall be performed in the patient's residence by the appropriate health care professional within 72 hours of the first contact with the patient and/or the patient's family to determine whether the agency has the ability to provide the necessary services in the home. At the time of the admission, the patient care plan is developed in conjunction with the patient and/or family and the appropriate health care professional.

(A) The patient care plan shall include potential services to be rendered; the frequency of visits and/or hours of service; the assignment of health care providers; and the estimated length of service. The patient care plan shall be reviewed and updated at least every two months.

(B) If a physician orders skilled treatment, the patient care plan follows a written plan of treatment which must be signed and approved by a physician within 14 days of the physician's order. The plan of treatment shall be revised as necessary but reviewed and updated at least every six months. The plan of treatment and the patient care plan may be incorporated into one document.

(2) The agency will inform the patient and/or his family in writing of the terms of their agreement for services and obtain an acknowledgement of receipt of the agreement. The information provided shall include, but not be limited to, the following:

(A) Human Resources Code, Chapter 102 (relating to Rights of the Elderly), if applicable;

(B) services to be provided;

(C) supervision by the agency of services provided; and

(D) agency charges for services rendered if the charges will be paid in full or in part by the patient and/or his family, or on request.

(g) A patient care conference among the appropriate agency staff shall be held at least every two months to evaluate a patient's care needs and delivery of service.

(h) Medications will be administered by an agency-employed registered nurse or by a licensed vocational nurse, and only if such medication is ordered by the patient's physician.

(1) Upon the request by a patient and/or his family for assistance with medications, the registered nurse may assign a home health aide to assist with administration of oral medications which are ordinarily self-administered. The request shall be documented in the patient's clinical record.

(2) A current medication sheet and medication administration records will be maintained and will be incorporated into the clinical record. Notation will be made in clinical notes of medications not given and reason. Any untoward action will be reported to supervisor and documented.

(i) An agency shall provide at least one health service. All services shall be rendered and supervised by qualified personnel.

(1) If nursing service is provided, a registered nurse shall be available to supervise nursing care. The administrator shall designate a registered nurse to serve as an alternate.

(2) If physical therapy service is provided, a physical therapist shall be employed by or under contract with the agency to provide services and/or supervision.

(3) If occupational therapy service is provided, an occupational therapist shall be employed by or under

contract with the agency to provide services and/or supervision.

(4) If speech-language pathology or audiology services are provided, a speech-language pathologist or audiologist shall be employed by or under contract with the agency to provide services and/or supervision.

(5) If medical social service is provided, a social worker shall be employed by or under contract with the agency to provide services and/or supervision.

(6) If nutritional counseling is provided, a dietitian shall be employed by or under contract with the agency to provide services and/or supervision.

(7) If home health aide service is provided, a home health aide shall be employed by or under contract with the agency to provide home health aid services; and a registered nurse shall be employed by or under contract with the agency to perform the initial assessment, prepare the patient care plan, and supervise the home health aide. The registered nurse shall supervise the home health aide on-site at least once every 60 days.

(8) If respiratory therapy service is provided, a respiratory therapist shall be employed by or under contract with the agency to provide services.

§115.11. Hospice Designation.

(a) A Class A or Class B license may be issued designating that the agency provides hospice services. No agency can provide hospice services unless it is designated a hospice under these rules. In order to receive a hospice service designation, an agency shall meet the requirements for either a Class A or Class B license and the standards prescribed in this section.

(b) The agency must provide to patients who have been diagnosed by a physician as terminally ill and to their families the following services, as appropriate, which must be available 24 hours a day:

- (1) nursing;
- (2) medical social service;
- (3) counseling;
- (4) volunteer and bereavement care; and
- (5) coordination of short-term inpatient care.

(c) The agency must provide services through an interdisciplinary team which consists of, but is not limited to, a physician, registered nurse, social worker, and pastoral or other counselor. The interdisciplinary team is responsible for:

- (1) developing and revising the patient/family care plan; and
- (2) facilitating the exchange of information among the interdisciplinary team, the patient, and the patient's family.

(d) In lieu of the standards for a plan of treatment and a patient care plan prescribed in §115.10(f)(1) of this title (relating to Standards for a Class B License), a patient care plan shall be written and maintained by the interdisciplinary team, signed by the appropriate team member, reviewed and updated at least every 90 days, and must include the following:

- (1) complete assessment of patient's and family's needs including medical, nursing, functional, and psychosocial status;
- (2) diagnosis and prognosis;
- (3) identification of problems and goals based on the assessment;

(4) types of services required to meet the goals, treatment, and medication orders;

(5) frequency of visits and/or hours of service; and

(6) appraisal of and need for symptom control.

(e) In lieu of the standard for a patient care conference prescribed in §115.10(g) of this title (relating to Standards for a Class B License), a patient care conference shall be held at least every two weeks among at least three members of the interdisciplinary team to evaluate a patient/family's care needs and delivery of service.

(f) The agency must provide an ongoing program for the training and continuing education of its direct patient care staff. The direct patient care staff is required to receive no less than 30 hours of appropriate hospice orientation within the first 90 days of association with the agency.

(g) The agency must conduct an ongoing comprehensive self-assessment of the quality and appropriateness of hospice services provided. The agency shall document its findings at least every 12 months, and the agency shall use these findings to correct identified problems and to revise hospice policies.

(h) The agency shall designate a registered nurse to coordinate the overall plan of care for the provision of hospice services to each patient/family.

(i) The agency shall use volunteers in defined roles under the supervision of designated qualified hospice staff members. Volunteers are lay or professional personnel who contribute time and talent to the hospice program without remuneration. Volunteers may be assigned, as appropriate, to be a member of the patient/family interdisciplinary team.

(1) The agency shall provide volunteers appropriate orientation and training that:

(A) is consistent with acceptable standards of hospice practice, such as the physiological/psychological aspects of terminal disease coping skills, family dynamics, bereavement care, etc.;

(B) is appropriate to the anticipated responsibility of the volunteer; and

(C) includes the goals and concept of hospice care, the need for confidentiality of patient records, and response procedures for medical emergencies and death.

(2) Volunteers may serve in administrative and direct patient care roles. If a volunteer delivers direct patient care, it must be in accordance with the patient care plan and the skills and qualifications of the individual.

(3) The agency shall document active efforts to recruit and retain volunteers.

(4) The agency shall evaluate volunteer hospice services by identifying positions occupied by volunteers and the work time spent by the volunteers occupying those positions.

(j) The agency shall have a physician who serves as a medical consultant. The medical consultant may be a volunteer. The medical consultant shall provide consultation to the hospice team as appropriate; serve as a liaison with community physicians, medical schools, and teaching hospitals; and shall, on request, provide information and reports to the administrator.

§115.13. Home Health Aides; Training Course; Duties.

(a) A home health aide shall have a minimum of

one year of experience in direct patient care in an institutional setting (home health agency, hospital, or nursing home) or shall have satisfactorily completed a home health aide training course that has been approved by the department. In lieu of the requirement for completion of a home health aide training course, a nursing student may qualify as a home health aide by submitting documentation from the director of programs and/or the dean of a school of nursing that states that the nursing student has demonstrated competency in providing basic nursing care in accordance with the school's curriculum.

(b) Tasks to be performed by a home health aide shall be assigned by and performed under the supervision of a registered nurse who shall be responsible for the patient care provided by the home health aide. In no event shall a home health aide be assigned to receive or reduce to writing orders from a physician. A home health aide may not provide care to broken skin. A home health aide shall not perform any intravenous procedures, procedures involving the use of Levin's tubes or Foley catheters, or any other sterile procedures. Except as otherwise provided in these rules, duties of the home health aide may include:

(1) personal care: bathing, grooming, feeding, ambulation, exercise, oral hygiene, and skin care;

(2) assistance with medications ordinarily self-administered as assigned;

(3) household services essential to health care in the home;

(4) completion of records and reporting to appropriate supervisor;

(5) taking and charting vital signs;

(6) charting intake and output.

(c) The training program for home health aide will be conducted under the supervision of a registered nurse. The training program may contain other aspects of learning, but must contain the following:

(1) a minimum of 80 hours of classroom and clinical instruction related particularly to the home health setting, as follows:

(A) a minimum of 60 hours of classroom instruction; and

(B) a minimum of 20 hours of clinical experience which will include in-home training and shall be conducted in a home, a hospital, or a nursing home;

(2) written course objectives with expected outcomes and methods of evaluation;

(3) an assessment that the student knows how to read and write English and to carry out directions.

(d) Course and clinical work content must include, but is not limited to, bathing, ambulation and exercise, personal grooming, principles of nutrition and meal preparation, aging process and emotional problem of illness, household services essential to health care at home, assistance with medications, safety in the home, completion of appropriate records and reporting changes to appropriate supervisor, and rights of the elderly.

(e) A request for approval of a home health aide training program shall be submitted to the director with the following documentation:

(1) number of hours of instruction (classroom and clinical);

(2) name and copy of licenses and qualifications of instructors;

- (3) names and addresses of facilities used for clinical experience and classroom instruction;
- (4) course outline;
- (5) lesson plans;
- (6) methods of evaluation for successful completion of course;
- (7) evidence of successful completion (certificate); and
- (8) methods of instructor supervision of students during clinical experience.

(f) If the director proposes to disapprove a home health aide training program, the director shall notify the applicant of the reasons for the proposed action. The applicant may request a hearing within 30 days after the applicant receives notice. The request must be in writing and submitted to the Director, Medicare Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A hearing shall be conducted pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and §§1.21-1.32 of this title (relating to Formal Hearing Procedures). If the applicant does not request a hearing, in writing, after receiving notice of the proposed action, the agency is deemed to have waived the opportunity for a hearing and the proposed action shall be taken by the department.

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 September 25, 1984.

TRD-8410206 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: November 1, 1984
Proposal publication date: June 26, 1984
For further information, please call (512) 458-7246.

TITLE 28. INSURANCE

Part I. State Board of Insurance

(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part.)

General Provisions

Agents Licensing

059.21.01.111-.119

The State Board of Insurance adopts amendments to Rules 059.21.01.112, .113, .114, .116, and .119, with changes to the proposed text published in the August 7, 1984, issue of the *Texas Register* (9 Tex-Reg 4247). Rules 059.21.01.111, .115, .117, and .118 are adopted without changes and will not be republished.

These rules contain certain provisions respecting variable life insurance agents and variable annuity agents (variable contract agents). The rules specify certain conditions and requirements for licensure, including the expiration and renewal of licenses, special provisions for agents not resident of this state, provisions for the appointment and termination of agents by insurance companies, certain prohibitions and a procedure and standards for denial, and the suspension or revocation of a license.

Two comments were received regarding the proposal. Metropolitan Life Insurance Company objected to the provisions in Rule 059.21.01.117 which require insurance companies to supply facts respecting the termination of an agent. It said the requirement is unduly burdensome. It also suggested that the board should provide at least a qualified privilege for any such communication. The board disagrees with this comment. It is important for the agency to know the reasons for termination to adequately regulate. Furthermore, the board does not believe it can by rule create confidentiality in any communication which would otherwise be open to public inspection or subpoena.

The second comment is from Southwestern Life Insurance Company. It believes there is some ambiguity over what appears to be the same requirements in Rule 059.21.01.111 and 059.21.01.112. Rule 059.21.01.111 requires that an applicant must successfully complete certain examinations and give evidence thereof. Rule 059.21.01.112 permits the applicant to arrange for his or her sponsoring company to provide proof of successful completion of the same examination to avoid taking a board-administered examination. The board agrees with this comment and Rules 059.21.01.112.114 have been changed to clear up any confusion. In addition, Rule 059.21.01.116(b) and (c) and Rule 059.21.01.119(a)(12) are clarified.

These amendments are adopted under the Insurance Code, Article 3.75, §8, pursuant to which the State Board of Insurance may establish such rules as are reasonable and appropriate for the implementation of Article 3.75, including, but not limited to, the licensing of agents.

.112. Examination. Proper proof of successful completion of the examinations as required in Rule 059.21.01.111 of this title (relating to Securities Dealer's License) is sufficient to meet the examination requirements of the State Board of Insurance.

.113. Application for License.

(a) Each applicant for a license to act as an agent within the state shall file with the insurance commissioner his or her written application. The application shall be signed and duly sworn by the applicant.

(b) The application shall be accompanied by a certificate on forms and signed by an officer or properly authorized representative of the sponsoring insurance company he or she proposes to represent, stating that the insurer has investigated the character and background of the applicant and is satisfied that he or she is trustworthy and qualified to hold himself or herself out in good faith

to the general public as an agent, that the applicant has completed applicable educational requirements, and that the insurer desires that the applicant be licensed as a variable contract agent to represent it in this state.

(c) The application, when filed, shall be accompanied by a license fee of \$25. In the event an applicant fails to qualify for or is refused a license, the filing fee shall be returned.

.114. Issuance or Denial of License. If the commissioner is satisfied that the applicant is trustworthy and competent and meets all other legal requirements, a license shall be issued forthwith. If a license is denied for any of the reasons set forth in the Insurance Code, Article 3.75, Rule 059.21.01.119 of this title (relating to Denial, Suspension, or Revocation of Licenses), or other applicable law, the commissioner shall notify the applicant and the insurer in writing that the license will not be issued to the applicant.

.116. Expiration and Renewal of Licenses.

(a) Licenses which have not expired or which have not been suspended or revoked may be renewed upon request in writing of the agent.

(b) Upon the filing of a request for renewal license and payment of a renewal fee of \$25 on or before the date of expiration, the current license shall continue in force until the renewal license is issued by the commissioner or until the commissioner has refused, for cause, to issue such renewal license as provided in the Insurance Code, Article 3.75, Rule 059.21.01.119 of this title (relating to Denial, Suspension, or Revocation of Licenses), or other applicable law, and has given notice of such refusal in writing to the agent.

(c) The appointment or appointments given under the Insurance Code, Article 3.75, §8, authorizing the agent to act as an agent for a legal reserve life insurance company or companies shall continue in full force and effect, without the necessity of renewal, until terminated and withdrawn by the companies in accordance with these rules, or otherwise terminated in accordance with law, and each renewal license issued to the agent shall authorize him or her to represent and act for the companies for which he or she holds an appointment until the appointment is so terminated, and the agent shall prima facie be deemed, for the purposes of these rules, to be the agent of the appointing companies, provided that on or before April 1 of each calendar year, each such company so appointing such agent shall file with the commissioner a certificate certifying that such company desires to continue the appointment of such agent, and if such company shall for any reason fail to file such certificate for any year as relates to such agent, it shall be deemed and considered for all purposes that such company has terminated the appointment of such agent in like manner as if compliance has been made by such company with these rules.

.119. Denial, Suspension, or Revocation of Licenses.

(a) A license may be denied or a license duly issued may be suspended or revoked or the renewal thereof refused by the commissioner if, after notice and hearing as hereafter provided, he or she finds that the agent or applicant:

(1) has willfully violated any provision of the insurance laws of this state;

(2) has intentionally made a material misstatement in the application for such license;

(3) has obtained, or attempted to obtain, such license by fraud or misrepresentation;

(4) has misappropriated or converted to his or her own use or illegally withheld money belonging to an insurer or an insured or beneficiary;

(5) has otherwise demonstrated lack of trustworthiness or competence to act as a variable life insurance or variable annuity agent;

(6) has been guilty of fraudulent or dishonest practices;

(7) has materially misrepresented the terms and conditions of any insurance policy or annuity contract;

(8) has unreasonably failed and neglected to pay to the company, or its agent entitled therefor, any premium or part thereof collected by him or her on a variable life insurance or annuity policy or contract or application therefor;

(9) has made or issued, or caused to be made or issued, any statement misrepresenting or making incomplete comparisons regarding the terms or conditions of any insurance or annuity contract legally issued by any insurer, for the purpose of inducing or attempting to induce the owner of such contract to forfeit or surrender such contract or allow it to lapse for the purpose of replacing such contract with another;

(10) has obtained, or attempted to obtain, such license not for the purpose of holding himself or herself out to the general public as an agent, but primarily for the purpose of soliciting, negotiating, or procuring variable life insurance or variable annuity contracts covering himself or herself or members of his or her family or his or her business associates;

(11) is not of good character or reputation;

(12) is convicted of a felony (this provision is subject to the provisions of Rules 059.01.11.021 and .022 of this title (relating to Effect of Criminal Conduct on Licenses));

(13) does not presently have the qualifications required for issuance of the license.

(b) Before any license shall be denied (except for failure to pass a required written examination), or suspended or revoked, or the renewal thereof refused hereunder, the commissioner shall give notice of his or her intention to do so by registered mail to the applicant for or holder of such license, and shall set a date not less than 20 days from the date of mailing such notice when the applicant or licensee may appear to be heard and produce evidence.

(c) No applicant or licensee whose license has been denied, refused, or revoked hereunder (except for failure to pass a required written examination) shall be entitled to file another application for a license as a variable contract agent within one year from the effective date of such denial, refusal, or revocation, or, if judicial review of such denial, refusal, or revocation is sought, within one year from the date of final court order or decree affirming such action. Such application, when filed after one year, may be refused by the commissioner unless the applicant shows good cause why the denial, refusal, or revocation of his or her license shall not be deemed a bar to the issuance of a new license.

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 October 5, 1984.

TRD-8410177 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: October 26, 1984
Proposal publication date: August 7, 1984
For further information, please call (512) 475-2950.

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 adopts amendments to §3.65, concerning motor vehicles purchased through another name, without changes to the proposed text published in the September 4, 1984, issue of the *Texas Register* (9 TexReg 4734).

The amendments clarify the comptroller's position on motor vehicle sales tax when a vehicle is titled in the name of someone other than the buyer. Also, the tax rate changed from 4.0% to 5.0% effective August 1, 1984.

No comments were received regarding adoption of the amendments.

The amendments are adopted 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.

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 October 8, 1984.

TRD-8410198 Bob Bullock
Comptroller of Public Accounts

Effective date: October 30, 1984
Proposal publication date: September 4, 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 adopts amendments to §3.281, concerning records required and information required, without changes to the proposed text published in the September 4, 1984, issue of the *Texas Register* (9 TexReg 4735). The amendments advise those persons performing taxable services and purchasing taxable services of their record-keeping requirements.

No comments were received regarding adoption of the amendments.

The amendments are adopted 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.

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 October 9, 1984.

TRD-8410199 Bob Bullock
Comptroller of Public Accounts

Effective date: October 30, 1984
Proposal publication date: September 4, 1984
For further information, please call (512) 475-1931.

34 TAC §3.297

The Comptroller of Public Accounts adopts amendments to §3.297, concerning carriers, without changes to the proposed text published in the September 4, 1984, issue of the *Texas Register* (9 TexReg 4736).

The amendments incorporate the legislative definition of aircraft. The new definition includes fixed-wing propeller or jet-driven aircraft, helicopters, and flight simulators, but does not include rockets or missiles.

No comments were received regarding adoption of the amendments.

The amendments are adopted 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.

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 October 9, 1984.

TRD-8410200 Bob Bullock
Comptroller of Public Accounts

Effective date: October 30, 1984
Proposal publication date: September 4, 1984
For further information, please call (512) 475-1931.

34 TAC §3.312

The Comptroller of Public Accounts adopts amendments to §3.312, concerning persons engaged in the graphic arts or related occupation, without changes to the proposed text published in the September 4, 1984, issue of the *Texas Register* (9 TexReg 4738).

The amendments incorporate the change to the Texas Tax Code making repair labor taxable. The labor to remodel, maintain, and restore tangible personal property is also taxable.

No comments were received regarding adoption of the amendments.

The amendments are adopted 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.

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 October 9, 1984.

TRD-8410202 Bob Bullock
Comptroller of Public Accounts

Effective date: October 30, 1984
Proposal publication date: September 4, 1984
For further information, please call (512) 475-1931.

34 TAC §3.309

The Comptroller of Public Accounts adopts amendments to §3.309, concerning electrical transcriptions, recording studios, and producers, without changes to the proposed text published in the September 4, 1984, issue of the Texas Register (9 TexReg 4737).

The amendments reflect changes made by the legislature in the taxability of audio or audiovisual works and master tapes. The amendments change the tax responsibilities of the producer and production studio. The total charge to the customer for the production of the master tape or electrical transcription is exempt from sales and use tax.

No comments were received regarding adoption of the amendments.

The amendments are adopted 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.

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 October 9, 1984.

TRD-8410201 Bob Bullock
Comptroller of Public Accounts

Effective date: October 30, 1984
Proposal publication date: September 4, 1984
For further information, please call (512) 475-1931.

34 TAC §3.286

The Comptroller of Public Accounts adopts amendments to §3.286, concerning seller's responsibilities, without changes to the proposed text published in the September 4, 1984, issue of the Texas Register (9 TexReg 4736).

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 amendments conform the section to the legislative changes made in the Sales Tax Act, effective October 2, 1984.

One comment against the section was received. The problem was perceived to be with orders for taxable items received from customers by telephone. The certificates on file were not blanket certificates but were taxable or exempt based upon how the customer marked the purchase order. It was felt that the 60-day limit for obtaining certificates would not be enough time to match the purchase orders with certificates on file. The organization making comments against the amendments was the Briggs-Weaver Company of Dallas.

The comptroller responded that the problem appeared not to be with the amendments but with the certificates themselves. The certificates were not certificates at all since they require another document, the purchase order, to activate them. This was a problem before the amendments and will continue to be a problem as long as the certificates do not cover every purchase made by a customer.

The amendments are adopted 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.

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 October 9, 1984.

TRD-8410217 Bob Bullock
Comptroller of Public Accounts

Effective date: October 30, 1984
Proposal publication date: September 4, 1984
For further information, please call (512) 475-1931.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

The following adoptions submitted by the Texas Department of Human Resources will be serialized beginning in the October 19, 1984, issue. The effective date of adoption for the documents is October 31, 1984.

- Chapter 49. Child Protective Services**
Subchapter A. Administration
 §§49.101-49.104
 new
- Subchapter C. Eligibility for Child Protective Services**
 §§49.301-49.343
 new
- Subchapter E. Intake and Investigation Services**
 §§49.501-49.513
 new
- Subchapter G. In-Home Child Protective Services**
 §§49.701-49.703
 new
- Subchapter I. Purchased Protective Services To Prevent Removal or To Reunify Families**
 §§49.901-49.904
 new
- Subchapter K. Court-Related Services**
 §§49.1101-49.1109
 new
- Subchapter M. Substitute Care Placement Services**
 §§49.1301-49.1312
 new
- Subchapter O. Foster and Adoptive Home Development**
 §§49.1501-49.1505
 new
- Subchapter Q. Purchased Protective Services**
 §§49.1701-49.1746
 new
- Subchapter S. Interstate Placement of Children**
 §49.1901, §49.1902
 new
- Chapter 49. Child Welfare Services**
Subchapter SSS. Legal Base for Child Welfare Services
 §§49.7001-49.7015
 repeal
- Subchapter TTT. Protective Services for Children**
 §§49.7101-49.7131, 49.7134-49.7146, 49.7149-49.7154
 repeal
- Subchapter UUU. Removal and Court-Related Services**
 §§49.7201-49.7227
 repeal
- Subchapter VVV. Foster Care Placement Services**
 §§49.7301-49.7330, 49.7332-49.7402
 repeal
- Subchapter WWW. Adoption Services**
 §§49.7501-49.7519, 49.7528, 49.7529, 49.7531-49.7538, 49.7540-49.7546
 repeal
- Subchapter XXX. Out-of-Town Inquiries**
 §§49.7601-49.7616
 repeal
- Subchapter YYY. Case Closure**
 §49.7701
 repeal
- Subchapter ZZZ. Child Welfare Services and the Community**
 §§49.7801-49.7809
 repeal
- Subchapter AAAA. Child Welfare Fiscal System**
 §§49.7901-49.4904
 repeal
- Subchapter BBBB. Standards for Protective Services**
 §§49.8001-49.8003, 49.8006
 repeal

Part IX. Texas Department on Aging
Chapter 362. Interest Earned on Aging Funds

40 TAC §263.1

The Texas Department on Aging (TDoA) adopts new §263.1, with changes to the proposed text published in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4072).

The new section clarifies and enumerates how interest on aging funds is to be handled by the department's grantees.

This new section outlines procedures for grantees to receive advanced funds and to report and budget interest earned on funds advanced by the TDoA.

Several changes to the proposed text have been made in response to comments received. The purpose of advance funding is more clearly defined; the method of calculating interest earned on aging funds has been simplified; the allowable use of interest earned on aging funds has been expanded; and the reporting of interest earned on aging funds has been simplified. These changes have been made to clarify the purpose of the rule and eliminate possible administrative burdens which may have resulted from the proposed new section.

No comments were received in favor of the new section.

The following comments were received by the department in opposition to the new section as proposed.

The new section is inconsistent with existing federal and state requirements and places an unnecessary burden on agencies possessing aggressive and sound cash management practices. The federal government does not have authority over the state to require the reporting of interest income, therefore the state does not have the authority to require a political subdivision of the state to report interest income. The interest earned should be reprogrammed and expended within the first six months of the fiscal year immediately following the fiscal year during which the interest was earned. A 5.0% limitation should be placed on excess cash made available through an advance payment and thereby minimize interest earned. Computation of the interest earned on aging funds should be based on the amount of aging funds received multiplied times the short-term interest rate multiplied times the number of days lapsing between receipt of the funds and payment of expenditures. Interest earned should be allowable for use in meeting the local matching requirement. It is inappropriate for the department to undertake rule changes which will impact financial administrative processes prior to an intended review by the Governor's Office of the financial administrative processes of substate districts. The proposed new section will negatively impact aging services as interest earned is currently used to defer administrative costs.

The comments were filed by the East Texas Council of Governments, Heart of Texas Council of Govern-

ments, Ark-Tex Council of Governments, Panhandle Regional Planning Commission, and the West Texas Council of Governments.

The department does not agree that the new section is inconsistent with existing federal and state requirements as those requirements include the disbursement of interest earned for program purposes. Therefore, the new section assures compliance with federal and state requirements. The department has revised the method of reporting and budgeting interest earned to alleviate any possible unnecessary burden on agencies possessing aggressive and sound cash management practices. The department also has revised the new section so that quarterly reporting of interest earned is deleted and the only reporting requirement is for interest earned to be identified in the end-of-year close-out package for purposes of assuring proper budgeting of interest earned within the following year's aging program.

The department agrees that interest earned shall be reprogrammed and expended in the fiscal year immediately following the fiscal year in which the interest was earned. The department also agrees that a limitation be placed on excess cash that can be made available through an advance payment and addresses excess cash in the revised section. Additionally, the department agrees that the method of computing interest earned be simplified and has revised the section to include a simplified computation.

The department disagrees that interest earned should be allowable for use in meeting the nonfederal matching requirement since grantees are required to provide a nonfederal share in addition to federal allocations and because federal allocations are not advanced with the intent of generating the nonfederal share. The department also disagrees that it is inappropriate to undertake this section change at this time as the effect of the section is to assure and clarify compliance with currently existing federal laws, not to alter the financial administrative processes of substate districts. Finally, the new section has been revised to expand the allowable use of interest earned and should therefore have no negative impact on aging services.

The new section is adopted under the Human Resources Code, §101.021, which provides the TDoA with the authority to adopt rules governing the function of the department.

§263.1. Standards Governing Interest Earned on Aging Funds.

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

(1) Aging funds—All funds which are awarded by the Texas Department on Aging (TDoA) and/or which are designated for the specific use of administering or providing services to the aged. Aging funds include the following: Older Americans Act Title II funds, USDA cash-in-lieu of commodities, and State of Texas general revenue funds awarded by the TDoA.

(2) Float—An amount of money represented by checks outstanding and in process of collection.

(3) Interest—A percentage return on cash balances in interest-bearing accounts.

(b) Policies.

(1) It is the policy of the TDoA to provide grantees with aging funds in advance of actual expenditures to assist the grantees in providing advances to aging service providers in order to maintain adequate cash balances to effectively administer aging services in Texas. Grantee eligibility for advance funding is contingent upon the grantee advancing funds to aging service providers.

(2) It is also the policy of this department to encourage grantees to incorporate locally the most efficient cash management procedures possible, including the skillful management of cash balances and float in order to generate interest to be used to further benefit aging programs. Cash management procedures should be consistent with financial management standards contained in 45 Code of Federal Regulations Part 74.61.

(3) It is the policy of the TDoA to require an end-of-fiscal-year report of interest earned on advanced aging funds, and to require a projected use of those funds within allowable Title III cost categories, to be budgeted as an automatically approved carryover award.

(c) Procedures. In accordance with OMB Circular A-102 Attachment E:

Interest earned on advance of federal funds shall be remitted to the federal agency except for interest earned on advances to states or instrumentalities of a state as provided by the Intergovernmental Cooperation Act of 1968 (Public Law 90-577),

and, in accordance with the Intergovernmental Cooperation Act, Public Law 90-577, Title II, §203—"states shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes," the following procedures are proposed to assure compliance with all applicable regulations.

(1) Department grantees will be eligible for advanced funding for the purpose and intent of providing advanced funding to aging service providers with which the grantee contracts. Grantees that do not make advanced funds available to service providers will lose eligibility for advanced funding from this department and will be placed on reimbursement funding by the department.

(2) Interest earned on aging funds will be determined at the end of each federal fiscal year by multiplying (one-twelfth of the aging funds advanced during the fiscal year) times (the prevailing short-term interest rate) times (the approximate number of days that the funds were available for earning interest) divided by (360 days per year.) For example, a grantee receiving \$200,000 advance funds per month that normally retains the funds for 10 days before disbursement would earn \$8,000 interest at a prevailing rate of 12% ($\$200,000 \times .12 \times 120$ annual days = 360 total days.)

(3) The interest-earned computation will be required to be reported to the department with the grantee's end-of-year closeout package.

(4) All interest earned during the grant period shall be retained by the grantee and shall be automatically carried over into the federal fiscal year immediately following the year in which the interest was earned and budgeted as an excess nonfederal share in allowable Title III cost categories. Budgeting procedures for interest earned will be those procedures established by pertinent federal

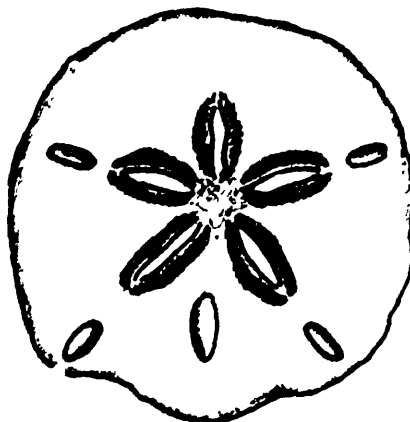
regulations for budgeting nonfederal funds within Older Americans Act programs.

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

Issued in Austin, Texas, on October 4, 1984.

TRD-8410173 Tim Shank
 General Counsel
 Texas Department on Aging

Effective date: October 26, 1984
Proposal publication date: July 27, 1984
For further information, please call (512) 475-2717.



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 Alcoholic Beverage Commission

Monday, October 22, 1984, 10:30 a.m. The Texas Alcoholic Beverage Commission will meet in Suite 210, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will approve the September 26, 1984, minutes; consider reports from administrator and the staff concerning agency activity; and approve an affidavit of destruction of tested alcoholic beverages.

Contact: W. S. McBeath, P. O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: October 9, 1984, 3:26 p.m.
TRD-8410216

State Banking Board

Wednesday, October 17, 1984, 10 a.m. The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. Items on the agenda include consideration of a UTM complaint from Texarkana; charter applications for Garden Ridge State Bank, Garden Ridge, Commerce Bank of Plano, Plano, and Hutto State Bank, Hutto; interim char-

ter applications for new Travis Bank & Trust, Austin, new Bridge City Bank, Bridge City, new Citizens State Bank of Corpus Christi, Corpus Christi, new Westwood State Bank, Houston, new Frontier Bank, Round Rock, new People's Bank, Shepherd, and new First Bank, Tulia; the domicile change of American Bank, Houston; and a review of applications approved but not yet open for business.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: October 9, 1984, 3:36 p.m.
TRD-8410215

Battleship Texas Advisory Board

Saturday, October 27, 1984, 1 p.m. The Battleship Texas Advisory Board will meet on the Battleship Texas, 3227 Battleground Road, Houston. According to the agenda summary, the board will consider approval of the minutes, a report on the ship's condition by the Texas Parks and Wildlife Department (TPWD), a report and discussion between the TPWD and the board on reimbursements for expenses, discussion of or-

ganization of preliminary plans of action, motion and acceptance of preliminary plans (if any), discussion of the agenda for the next meeting, and an open discussion by board members.

Contact: Denny G. Hair, 1003 Eastlake, Houston, Texas 77034, (713) 947-8089 or (713) 230-2300, ext. 361.

Filed: October 10, 1984, 2:36 p.m.
TRD-8410269

Credit Union Department

Monday, October 22, 1984, 9:30 a.m. The Credit Union Commission of the Credit Union Department will meet at 914 East Anderson Lane, Austin. According to the agenda, the commission will continue discussion on and/or develop proposed rules relating to securities (7 TAC §91.407), accounting requirements (7 TAC §91.508), and authorization of out-of-state share guarantors for branch offices (7 TAC §91.212); and consider newly suggested 7 TAC §91.506, concerning directors' meeting fees and 7 TAC §91.705, concerning an

interpretive ruling on loans to officials and their immediate families.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752, (512) 837-9236.

Filed: October 11, 1984, 9:57 a.m.
TRD-8410304

Council on Disabilities

Thursday, October 11, 1984, 9 a.m. The Task Force for the State Plan of the Council on Disabilities met in emergency session in Suite 400, Stokes Building, 314 West 11th Street, Austin. According to the agenda, the task force considered written testimony and material received by the council. The emergency status was necessary because the task force was unable to reschedule for a date when a quorum of members could be present.

Contact: Terry Reed Goodman or Scott Bowman, Sam Houston Building, Room 207-C, 201 East 14th Street, Austin, Texas, (512) 475-3021 or (512) 475-6731, respectively.

Filed: October 10, 1984, 2:56 p.m.
TRD-8410268

Texas Employment Commission

Wednesday, October 17, 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; hear public comments; consider a Hispanic translation update; hear a report on the sale/exchange of property; discuss the benefits for temporary employees; hear a recommendation from the Port Arthur suboffice; consider updates on disaster unemployment assistance in Cameron County and the employee grievance procedure; consider TEC policy on matters, including trade and job fairs; consider a Legislative Budget Board special study on detecting fraud, waste, and abuse in selected state programs; consider the process of opening and closing TEC offices; hear a premises update on renovation projects; consider a plan of action to enhance the TEC's programs and operations; hear reports of the administrative staff on operations, funding, and legislation; discuss actions, if any,

resulting from the executive session; and arrange the date and agenda items for the next meeting. The commission also will meet in executive session to consider the TEC's sale, lease, or purchase of real property under Senate Bill 1355 and otherwise; discuss the Tullis v. Grisham case with attorneys, the Tullis merit system appeal, the Joiner merit system appeal, the TEC v. the Merit System Council and Tullis, and related matters; consider reorganization and fiscal year 1985 cost accounting changes and other matters permitted by Texas Civil Statutes, Article 6252-17, §2(e)-(g) or (j).

Contact: Steve Hollahan, TEC Building, Room 660, Austin, Texas (512) 397-4400.

Filed: October 9, 1984, 4:13 p.m.
TRD-8410221

Thursday, October 18, 1984, 1 p.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda, the commission will discuss with representatives of the U.S. Department of Labor regarding appeals' functions and funding.

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

Filed: October 10, 1984, 4:27 p.m.
TRD-8410277



Finance Commission of Texas

Friday, October 19, 1984, 10 a.m. The Banking Section of the Finance Commission of Texas will meet at 2601 North Lamar Boulevard, Austin. Items on the agenda include the Banking Department of Texas Training Program, consideration of authority of a state bank to invest in real estate, and a report to the legislature on recommendations to change Texas banking laws.

Contact: Archie P. Clayton III, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: October 9, 1984, 3:36 p.m.
TRD-8410214

Texas Health and Human Services Coordinating Council

Monday, October 22, 1984, 1 p.m. The Administration Committee of the Texas Health and Human Services Coordinating Council will meet in Room 304T, 1117 Trinity Street, Austin. According to the agenda, the committee will consider the council's strategic plan and amendments to the operational plan and hear the Sunset Advisory Commission's staff report on the Texas Department of Health.

Contact: Lynn Leverty, P.O. Box 12428, Austin, Texas 78711, (512) 475-1306.

Filed: October 10, 1984, 10:49 a.m.
TRD-8410262

Texas Health Facilities Commission

Thursday, October 18, 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.

- Certificates of Need
 - The CAT Scan Center, Humble
AO84-0604-361
 - Campbell Memorial Hospital,
Weatherford
AH84-0618-394
 - Mason Care Center, Mason
AN84-0511-295
 - Hopkins County Memorial Hospital,
Sulphur Springs
AH84-0711-455

- Amendments of Certificate of Need Orders
 - Silent Night Nursing Home, Lancaster
AN82-1115-185A(071684)
 - Southwest Houston Surgical Center,
Houston
AS82-1231-317A(082494)

- Petition for Reissuance
 - Corpus Christi Nursing Center, Corpus
Christi
AN83-0728-068R(082484)

- Notices of Intent to Acquire Existing Health Care Facilities
 - Medical Care International, Inc.,
Houston
AS84-0822-539
 - Medical Care International, Inc.,
Houston
AN84-0831-552
 - James W. Haley, Center
AN84-0831-556

Texas Register

Fundamental Care Corporation, a to-be-formed Texas corporation, Arlington AN84-0831-560

Fundamental Care Corporation, a to-be-formed Texas corporation, Arlington AN84-0831-561

Jules Netreba's Medical Corporation P.A., Wichita Falls AN84-0831-562

O.K. Properties, a California limited partnership, Encino, California AN84-0831-563

Charles and Inez Brown, a proprietorship, Austin AN84-0906-571

Northeast Texas Health Services, Inc., Mount Vernon AN84-0907-573

Motions for Rehearing/Reconsideration
Plano Surgi-Center, Plano
AS83-1215-430

Rio Grande Regional Hospital, McAllen
AH83-1230-482

Grandview Surgical Center, Austin
AS83-0922-174

Day Surgery Center of East Central
Dallas, Dallas
AS83-0720-045

Baylor Health Services, Inc., Dallas
AS83-0808-088

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

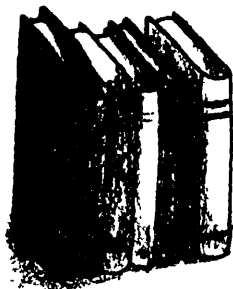
Filed: October 10, 1984, 9:33 a.m.
TRD-8410239

Addition to the previous agenda:

Consideration for adoption on an emergency basis of new 25 TAC §527.33, concerning exception to effective date.

Contact: John R. Neel, P.O. Box 50049, Austin, Texas 78763, (512) 475-6940.

Filed: October 10, 1984, 2:35 p.m.
TRD-8410270



Texas Department of Human Resources

Wednesday, October 17, 1984, 2:15 p.m.
The Texas Board of Human Resources of the Texas Department of Human Resources will meet at the Winters Center Complex, 701 West 51st Street, Austin. According to the agenda, the board will meet with former board members and the State Board of Public Welfare, serving in an ad hoc advisory capacity.

Contact: Bill Woods, P.O. Box 2960, Austin, Texas 78769, (512) 450-3047.

Filed: October 9, 1984, 3:49 p.m.
TRD-8410220

State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

Thursday, November 1, 1984, 10 a.m. A prehearing conference for the annual title insurance hearing which is scheduled for November 13, 1984.

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

Filed: October 10, 1984, 4:41 p.m.
TRD-8410281

Wednesday, November 7, 1984, 9 a.m. A public hearing to consider the appeal of Ralph Cothran from action of the Texas Catastrophe Property Insurance Association.

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

Filed: October 10, 1984, 9:20 a.m.
TRD-8410230

Monday, November 12, 1984, 9 a.m. A public hearing to consider the appeal of Motor Hotel Management, Inc., from action of the Texas Catastrophe Property Insurance Association.

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

Filed: October 10, 1984, 9:20 a.m.
TRD-8410231

Tuesday, November 13, 1984, 9 a.m. The State Board of Insurance will meet in the hearing room, DeWitt Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the board will conduct a public hearing to consider the adoption of premium rates and amendments to the *Basic Manual of Rules, Rates, and*

Forms for the Writing of Title Insurance in the State of Texas, Rule 059.09.07.001.

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

Filed: October 10, 1984, 4:42 p.m.
TRD-8410282

Monday, November 19, 1984, 9 a.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the board's designate will conduct a public hearing to consider the appeal of Mrs. Paul Bleimeyer, Jr., from action of the Texas Catastrophe Property Insurance Association.

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

Filed: October 10, 1984, 9:20 a.m.
TRD-8410232

Texas Board of Irrigators

Thursday, October 18, 1984, 9:30 a.m. The Texas Board of Irrigators will meet in Room 513, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider approval of minutes, adoption of a resolution, licensed irrigator and licensed installer examination results, dates for the next exams, cancellation of the statewide installer examination, the disposition of current and future appropriations, an update on complaints which have been filed and assigned to board members, the assignment of complaints, comments from two licensed irrigators regarding the practice of landscape irrigation by unlicensed individuals in their areas, and various items of interest to the board.

Contact: Joyce Watson, Stephen F. Austin Building, Room 431, 1700 North Congress Avenue, Austin, Texas, (512) 475-8161.

Filed: October 10, 1984, 3:48 p.m.
TRD-8410305

State Board of Morticians

Friday, October 12, 1984, 9 a.m. The State Board of Morticians made emergency additions to the agenda of a meeting held at 1513 IH 35 South, Austin. The additions concerned applicants for reinstatement of licenses, waiver of examination, issuance of the funeral director license, and a report concerning the 1986-1987 budget by the ac-

covntant. The emergency status was necessary because all credentials were not received until after the final deadline and this was the only time the accounting consultant could appear

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: October 10, 1984, 4:01 p.m.
TRD-8410272

Board of Pardons and Paroles

Wednesday, October 17, 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 case of Kevin Francis, TDC #303,178, subject to the board's jurisdiction

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

Filed: October 9, 1984, 10:14 a.m.
TRD-8410196

Texas Parks and Wildlife Department

Thursday, October 11, 1984, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department made an emergency addition to the agenda of a meeting held in Building B, 4200 Smith School Road, Austin. The addition concerned land acquisition in Calhoun County. The emergency status was necessary because the commission needed to consider a contract of sale to take advantage of an offer which was available for a limited period of time.

Thursday, October 11, 1984, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department made an emergency addition to the agenda of a meeting held in Building B, 4200 Smith School Road, Austin. The addition concerned a presentation by Ducks Unlimited. The emergency status was necessary to grant a request from Ducks Unlimited to address the commission to be more fully informed by a segment of the public it is charged to regulate.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: October 10, 1984, 4:12 p.m.
TRD-8410273, 8410274

Texas State Board of Pharmacy

Tuesday and Wednesday, October 23 and 24, 1984, 2 p.m. and 8:30 a.m. respectively. The Texas State Board of Pharmacy will meet in the Caucus Room, Austin Hilton Inn, 6000 Middle Fiskville Road, Austin. Items on the agenda summary include approval of the August 14-16, 1984, violation hearings and the August 28, 1984, minutes; approval of an addition to the fiscal year 1985 board objective; the final (fourth quarter) fiscal year 1984 progress report; a presentation and discussion of the TPA impaired pharmacists program; a discussion and adoption of 22 TAC §§291.23, 291.36, and 291.91; presentations concerning pharmacists holding degrees from non-U.S. colleges of pharmacy and pharmacy services in emergency medical centers; reports concerning the fiscal year 1986-1987 budget request and reclassification of positions, the pharmacist licensing staggering procedures and the Texas Department of Health sunset staff, and prescriptions issued by physicians in Mexico; state computer conversion from DEC10 to Amdahl; a supportive personnel research update; the status concerning Louisiana reciprocity; a P.D. designation and mail order prescription discussion; military, Veterans Administration, and federal public health physicians prescriptions; a discussion of motions for rehearing concerning substance and procedure; and rescheduling of the August 1985 violation hearings.

Contact: Fred S. Brinkley, Jr., R.Ph., 211 East Seventh Street, Suite 1121, Austin, Texas 78701, (512) 478-9827.

Filed: October 9, 1984, 2:32 p.m.
TRD-8410208

Texas State Board of Physical Therapy Examiners

Thursday, October 11, 1984, 9 a.m. The Texas State Board of Physical Therapy Examiners met in emergency session in Suite 260, Building C, 1300 East Anderson Lane, Austin. According to the agenda, the board considered pending legislation regarding the Sunset Advisory Commission proposal to combine three boards—Physical Therapy, Occupational Therapy, and Athletic Trainer. The emergency status was necessary to discuss the proposed legislation content.

Contact: Lois M. Smith, Building C, Suite 260, 1300 East Anderson Lane, Austin, Texas, (512) 835-1846.

Filed: October 10, 1984, 9:20 a.m.
TRD-8410233

Public Utility Commission of Texas

Wednesday, November 14, 1984, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing conference in Docket 5023—application of Central Power & Light, Houston Lighting & Power and SWEPCO for a ± 400 kilovolt high-voltage direct current transmission line from Walker County Station South to the Matagorda Station to the South Texas Nuclear Project.

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

Filed: October 10, 1984, 2:36 p.m.
TRD-8410271

Railroad Commission of Texas

Monday, October 15, 1984, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in Room 309, 1124 IH 35 South, Austin. The addition concerned consideration of Docket 02886BAIN—application of Burstly Company, doing business as The Link, to transport passengers and their baggage from the Dallas/Fort Worth (D/FW) Airport to all points in Dallas, Collin, and Tarrant Counties. The emergency status was necessary because of the emergency created by the withdrawal of Surtran, Inc., from the D/FW Airport. Without the proposed service of the applicant, passengers who used Surtran, Inc., would be without comparable bus service in the D/FW area, which can impact the public safety and welfare.

Contact: Stephen P. Webb, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: October 10, 1984, 12:43 a.m.
TRD-8410267

Commission on Standards for the Teaching Profession

A committee of the Commission on Standards for the Teaching Profession and the full commission will meet at the Americana Hotel, 200 Main Street, Fort Worth. Days, times, rooms, and agendas follow.

Texas Register

Wednesday, October 24, 1984, 5 p.m. The Committee on Certification Programs and Requirements will meet in the Gulf Room to review draft documents regarding professional certificates and special service positions and discuss school nurse certification and a calendar for completion of professional certificates.

Friday, October 26, 1984, 6 p.m. The commission will consider informational items concerning a report on block-grant funding for teacher centers; a preliminary report on attendance at the 37th annual conference on teacher education; and a report from the Committee on Certification Programs and Requirements concerning a review of draft documents regarding professional certificates and special service positions; a discussion of school nurse certification; and a discussion of the calendar for completion of professional certificates.

Contact: Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: October 10, 1984, 4:23 p.m.
TRD-8410275, 8410276

University of Texas System

Thursday, October 11, 1984, 4 p.m. The Board of Regents of the University of Texas System made an emergency addition to the agenda of a meeting held in Room 1.304, Conference Center, University of Texas—Dallas, 2601 North Floyd, Richardson. The addition concerned the executive session consideration of personnel matters related to the assignment, duties, and responsibilities of officers of system administration. The emergency status was necessary because the information wasn't received until October 9, 1984.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 471-1265.

Filed: October 10, 1984, 8:22 a.m.
TRD-8410224

Veterans Land Board

Thursday, October 18, 1984, 10:30 a.m. The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will approve the September 6, 1984, board minutes; consider adoption of resolutions approving bid-

ding instructions, official notice, official statement, and the authorizing of issuance and sale and providing for other matters related to board bonds, Series 1984B; consider bids and the awarding of a contract for paying agent/registrar services; take other action considered appropriate and/or necessary for the sale of such bonds; consider bids of the forfeited land sale; consider home improvement guidelines; consider a double submission fee for lender by Lomas and Nettleton; consider reinstatement of a request of veteran's eligibility for the Veterans Land Program; and consider general business of the board.

Contact: Richard Keahey, Stephen F. Austin Building, Room 738, 1700 North Congress Avenue, Austin, Texas, (512) 475-6755.

Filed: October 9, 1984, 4:48 p.m.
TRD-8410222

Texas Water Commission

Wednesday, November 21, 1984, 9 a.m. The Texas Water Commission will conduct hearings in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider petitions for creation of Fort Bend County Municipal Utility districts—District 57, containing 550.060 acres of land; District 68, containing 303.82 acres of land; and District 58, containing 506.493 acres of land.

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

Filed: October 9, 1984, 11:13 a.m.
TRD-8410193-8410195

Texas Department of Water Resources

Thursday, October 18, 1984, 1:30 p.m. The Texas Water Development Board of the Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider approval of the minutes; a report from the development fund manager; an extension of loan commitments to the Cities of Bertram, Cooper, Ector, Howe, and Princeton; clarification of a condition on the loan commitment made to the City of Italy; a water sales contract

from Lake Texana between the board, the Lavaca-Navidad River Authority, and the City of Corpus Christi; financial assistance to the City of Palmer; an amendment to an agreement with BuRec and a consultant contract in the amount of \$62,838 concerning development of a design for a west Texas cloud-seeding demonstration project; adoption of proposed amendments to 31 TAC Chapter 335 and Chapter 341 to adopt a uniform hazardous waste manifest form for shipments of Class I industrial solid waste; authorizing the executive director to hold a public hearing to receive public comments to help prepare rules to protect the Edwards Aquifer in Williamson County; and amendments to rules of Caldwell County and Travis County for the regulation of private sewage facilities. The board will also meet in executive session to conduct a briefing on the Superfund Program and to discuss litigation.

Contact: Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: October 10, 1984, 9:48 a.m.
TRD-8410229

Regional Agencies

Meetings Filed October 9

The Eastland County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Eastland County Courthouse, Eastland, on October 24, 1984, at 3 p.m. Information may be obtained from Steve Thomas, Box 914, Eastland, Texas 76448, (817) 629-8597.

The Region V Education Service Center, Board of Directors, will meet at 2295 Delaware Street, Beaumont, on October 18, 1984, at 1:15 p.m. Information may be obtained from Fred J. Waddell, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

The Region IX Education Service Center, Board of Directors, will meet at 301 Loop 11, Wichita Falls, on October 18, 1984, at 2 p.m. Information may be obtained from Dr. Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928

The Grayson Appraisal District, Board of Directors, will meet in the commissioners courtroom, county courthouse, Sherman, on October 17, 1984, at noon. Information may be obtained from Sandra Bollier, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Hale County Appraisal District, Appraisal Review Board, will meet at K-Bob's Steak House, 3400-C Olton Road, Plainview, on October 17, 1984, at noon. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The Hockley County Appraisal District, Board of Directors, met at 913 Austin Street, Levelland, on October 15, 1984, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Hunt County Tax Appraisal District, Board of Directors, will meet in the board room, 4815-B King Street, Greenville, on October 16, 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.

The Central Appraisal District of Johnson County, Appraisal Review Board, will meet at 109 North Main Street, Cleburne, on October 19, 1984, at 9 a.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3987.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on October 18, 1984, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422.

The Lamb County Appraisal District, Board of Directors, will meet at 318 Phelps Avenue, Littlefield, on October 18, 1984, at 8:30 p.m. Information may be obtained from Jack Samford, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Leon County Central Appraisal District, Appraisal Review Board, will meet at the Leon County Courthouse, Centerville, on October 22, 1984, at 9 a.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on October 16, 1984, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, will meet at Jose's Restaurant, Highway 30 East, College Station, on October 18, 1984, at 1:30 p.m. Information

may be obtained from Ann Pye-Shively, Ph.D., P.O. Box 4588, Bryan, Texas 77805, (409) 696-8585.

The Mills County Appraisal District will meet at the Mills County Courthouse, Goldthwaite, on October 18, 1984, at 7:30 p.m. Information may be obtained from Doran E. Lemke, Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Northeast Texas Municipal Water District, Board of Directors, met at 1003 Linda Drive, Daingerfield, on October 15, 1984, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241.

The North Central Texas Council of Governments, Job Training Consortium Private Industry Council, made an addition to the agenda of a meeting to be held October 18, 1984, at 10 a.m. Information may be obtained from Mike Gilmore, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300.

The South East Texas Regional Planning Commission, Executive Committee, will meet at the City of Groves City Council Chambers, Groves, on October 17, 1984, at 7:30 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas, (409) 727-2384.

TRD-8410207

Meetings Filed October 10

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson, Jourdanton, on October 13, 1984, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

The Bastrop County Appraisal District, Board of Directors, will meet at 1200 Cedar Street, Bastrop, on October 18, 1984, at 7:30 p.m. Information may be obtained from Clifton L. Kessler, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Brazos River Authority, Board of Directors, met at 4400 Cobbs Drive, Waco, on October 15, 1984, at 9 a.m. Information may be obtained from Mike Bukala, 4400 Cobbs Drive, Waco, Texas 76710, (817) 776-1441.

The Dallas Area Rapid Transit Authority, Search Committee, met in emergency session at 601 Pacific Avenue, Dallas, on October 12, 1984, at 8 a.m. Information may

be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Deep East Texas Council of Governments—Area Agency on Aging, Regional Aging Advisory Council, met in emergency session at the Angelina County Senior Citizens Center, 2801 Valley Avenue, Lufkin, on October 12, 1984, at 1:30 p.m. Information may be obtained from Martha Jones, 274 East Lamar Street, Second Floor, Jasper, Texas 75951, (409) 384-5704.

The Region XII Education Service Center, Administrative Board of Directors, will meet at 401 IH 35, Waco, on October 18, 1984, at 7:30 p.m. Information may be obtained from Weldon Otto Mills, P.O. Box 1249, Waco, Texas 76703, (817) 756-7494.

The Region XV Education Service Center, Board of Directors, will meet at 612 South Irene Street, San Angelo, on October 18, 1984, at 1:30 p.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 658-6571.

The Guadalupe-Blanco River Authority, Board of Directors, will meet in the boardroom, Comfort State Bank, 521 Seventh Street, Comfort, on October 18, 1984, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Houston-Galveston Area Council, Board of Directors, will meet at the Marriott Hotel Brookhollow, 3000 North Loop West, Houston, on October 16, 1984, at 9:30 a.m. Information may be obtained from Charlene McCarthy, P.O. Box 22777, Houston, Texas 77027, (713) 993-4596.

The Lee County Appraisal District, Board of Review, will meet at 218 East Richmond Street, Giddings, on October 18, 1984, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Trinity River Authority of Texas, Utility Services Committee, met at 5300 South Collins Street, Arlington, on October 15, 1984, at 10:30 a.m. The Administration Committee will meet via conference call originating from the same location on October 16, 1984, at 10 a.m. Information may be obtained from J. Sam Scott, 5300 South Collins Street, Arlington, Texas 76004-0060, (817) 467-4343.

The West Central Texas Municipal Water District will meet in Room 320, Cypress Building, 174 Cypress Street, Abilene, on

Texas Register

October 16, 1984, at 9 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

TRD-8410263

The Houston-Galveston Area Council, Board of Directors, will meet in the Hunters Creek Room, Marriott Brookhollow, 3000 North Loop West, Houston, on October 16, 1984, at 9:30 a.m. Information may be obtained from Jack Steele, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200.

The Trinity River Authority of Texas, Legal Committee, will meet at 5300 South Collins Street, Arlington, on October 17, 1984, at 10:30 a.m. Information may be obtained from J. Sam Scott, 5300 South Collins, Arlington, Texas 76004-0060, (817) 467-4343.

TRD-8410300

Meetings Filed October 11

The Dallas Area Rapid Transit Authority, Service Plan/Work Program, met in emergency session at 601 Pacific Avenue, Dallas, on October 12, 1984, at 3:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Palo Pinto Appraisal District, Board of Directors, will meet at the Palo Pinto County Courthouse, Palo Pinto, on October 17, 1984, at 3 p.m. Information may be obtained from John Winters, P.O. Box 250, Palo Pinto, Texas 76072, (817) 325-4414.



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

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⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 10/15/84-10/21/84	20.50%	20.50%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 10/01/84-10/31/84	21.00%	21.00%
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

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
--	---	--

Annual Rate Applica- ble 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
---	--------	-----

Judgment Rate— Article 1.05, §2 10/01/84-10/31/84	10.84%	10.84%
---	--------	--------

- (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 October 10, 1984.

TRD-8410226 Sam Kelley
Consumer Credit Commissioner

Filed: October 10, 1984
 For further information, please call (512) 475-2111.

Texas Department of Corrections Consultant Proposal Request

A request for consulting services is filed under the provisions of Article 6252-11c.

The Texas Department of Corrections (TDC) invites offers from consultants interested in developing a comprehensive systemwide corrections plan which will assist legislators and criminal justice officials in making future decisions regarding the TDC. Any comprehensive study

completed by a consultant should address all other components of the Texas criminal justice system that impact the operations of the TDC. Therefore, the comprehensive corrections plan submitted should incorporate a total analysis of the available alternatives to incarceration and address long-range fiscal and legislative implications of any action(s) taken. The TDC intends to evaluate each proposal and may then award a contract based on the consultant's demonstrated competence, knowledge, qualifications and the reasonableness of the proposed fee.

The contact for private consultants who wish to make an offer is Laurie Shanblum, Administrative Liaison, Texas Department of Corrections. Detail of the proposed scope of the project is available from the TDC upon request.

The closing date for receipt of offers of consulting services is November 16, 1984.

The TDC will provide details of the proposed scope of the project to interested parties upon request. The department will review proposals presented by interested consultants and award the contract on the basis of the consulting proposal and the consultant's qualifications and the reasonableness of the proposed fees.

Issued in Huntsville, Texas, on October 10, 1984.

TRD-8410265 Leonard W. Peck, Jr.
Legal Counsel
Texas Department of Corrections

Filed: October 10, 1984
For further information, please call (409) 295-6371.

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.

Highway 183 Joint Venture and Mid-Cities Nephrology, P.A., for Irving Dialysis Center, Irving

AS83-0113-029A(092484)

CN/AMD—Request for an amendment of Certificate of Need AS83-0113-029, which authorized the certificate holder to construct, equip, and operate a 10-station hemodialysis unit to be located in a 7,000-square foot facility. The certificate holder requests an amendment to authorize the operation of a temporary six-chair hemodialysis facility to be located in leased space at 1226 North Beltline Road, Irving, until construction of its permanent 7,000-square foot, 10-chair facility is completed. The temporary facility will be located less than one mile from the permanent location and will serve the same medical service area as the permanent facility. Upon completion of the permanent facility, the temporary facility will transfer equipment, patients, and staff to the new permanent facility and will cease operations. An increase in the total project cost from \$696,300 to \$719,728 is also requested.

Dallas Medical and Surgical Hospital Corporation, a Texas corporation, Dallas

AH84-0926-603

NIEH—Request for a declaratory ruling that a certificate of need is not required for Dallas Medical and Surgical Hospital Corporation to acquire by transfer of title 100% ownership of Dallas Medical and Surgical Clinic Hospital, an existing 43-bed general acute care hospital with 41 medical/surgical and two CCU beds located in Dallas, from Dallas Medical and Surgical Clinic, a Texas general partnership.

Daughters of Charity Health Systems—West Central, St. Ann, Missouri

AO84-0927-609

DR—Request for a declaratory ruling that a certificate of need is not required for Daughters of Charity Health Systems—West Central to establish a data center to serve all of the facilities and activities of Daughters of Charity Health Systems—West Central, which includes Texas, Missouri, and Louisiana. All capital costs of the system will be incurred and paid for by the center. The equipment, including installation within any health care facility that will be participating in the system, will not exceed \$600,000 nor will such equipment constitute major medical equipment.

**Rio Grande Oncology and Diagnostic Imaging
Clinic, McAllen**

AO84-0928-618

NIE—Request for a declaratory ruling that a certificate of need is not required for Rio Grande Oncology and Diagnostic Imaging Clinic to acquire a linear accelerator, dual photon, 6-20 MV photon, and 6-21 MEV electron with couch. The proposed equipment will be located at 200 East Ridge Road, McAllen, and will be utilized on an outpatient basis only.

Issued in Austin, Texas, on October 10, 1984.

TRD-8410236 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: October 10, 1984

For further information, please call (512) 475-6940.

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.

**Jewell Enterprises, a Texas general partnership,
Arlington**

AN84-1001-635

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises to acquire by purchase Gorman Care Center, an existing 97-bed ICF nursing facility located in Gorman, from Larry Claunch and William E. Colson.

**Mill Creek Properties, Inc., a Texas corporation,
Arlington**

AN84-1001-626

NIEH—Request for a declaratory ruling that a certificate of need is not required for Mill Creek Properties, Inc., to acquire by lease Gorman Care Center, an existing 97-bed ICF nursing facility located in Gorman, from Jewell Enterprises, Inc., a Texas general partnership.

**Jewell Enterprises, a Texas general partnership,
Arlington**

AN84-1001-636

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises to acquire by purchase Golden Holiday Care Center, an existing 78-bed ICF nursing facility located in Baird, from Larry Claunch and William E. Colson.

**Mill Creek Properties, Inc., a Texas corporation,
Arlington**

AN84-1001-629

NIEH—Request for a declaratory ruling that a certificate of need is not required for Mill Creek Properties, Inc., to acquire by lease Golden Holiday Care Center, an existing 78-bed ICF nursing facility located in Baird, from Jewell Enterprises, a Texas general partnership.

**Jewell Enterprises, a Texas general partnership,
Arlington**

AN84-1001-637

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises to acquire by purchase Holiday Care Center, an existing 88-bed ICF nursing facility located in Stephenville, from Larry Claunch and William E. Colson.

**Mill Creek Properties, Inc., a Texas corporation,
Arlington**

AN84-1001-628

NIEH—Request for a declaratory ruling that a certificate of need is not required for Mill Creek Properties, Inc., to acquire by lease Holiday Care Center, an existing 88-bed ICF nursing facility located in Stephenville, from Jewell Enterprises, a Texas general partnership.

**Jewell Enterprises, a Texas general partnership,
Arlington**

AN84-1001-638

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises to acquire by purchase Cisco Nursing Care Center, an existing 106-bed ICF nursing facility located in Cisco, from Larry Claunch and William E. Colson.

**Mill Creek Properties, Inc., a Texas corporation,
Arlington**

AN84-1001-627

NIEH—Request for a declaratory ruling that a certificate of need is not required for Mill Creek Properties, Inc., to acquire by lease Cisco Nursing Care Center, an existing 106-bed ICF nursing facility lo-

cated in Cisco, from Jewell Enterprises, a Texas general partnership.

NME Hospitals, Inc., Los Angeles, California
AH84-1002-644

NIEH—Request for a declaratory ruling that a certificate of need is not required for NME Hospitals, Inc., to acquire by lease with option to purchase Haltom General Hospital, an existing 62-bed general acute-care hospital located in Haltom City, from Haltom General Hospital, Inc.

Woods Clinical Management, Inc., for Woods
Psychiatric Institute, Abilene
AH83-0802-073A(100184)

CN/AMD—Request for an extension of the completion deadline from September 30, 1984, to December 31, 1984, in Certificate of Need AH83-0802-073 which authorized the certificate holder to continue operation of 20 psychiatric residential treatment care beds located in the main building and to renovate approximately 4,369 square feet of existing space.

Issued in Austin, Texas, on October 10, 1984.

TRD-8410237 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: October 10, 1984
For further information, please call (512) 475-6940.

The home office is in Denver, Colorado. The proposed new name is Preferred Financial Life Insurance Company.

(7) Application for admission to do business in Texas of Contractors Bonding and Insurance Company, a foreign casualty insurance company. The home office is in Seattle, Washington.

(8) Application for admission to do business in Texas of Bonneville Automobile Insurance Company, a foreign casualty insurance company. The home office is in Beaverton, Oregon.

(9) Application for admission to do business in Texas of Investors Insurance Corporation, a foreign life insurance company. The home office is in Baton Rouge, Louisiana.

(10) Application for a name change by Bazooka Life Insurance Company, a domestic life insurance company. The home office is in Fort Worth. The proposed new name is International Fidelity Life Insurance Company.

(11) Application for admission to do business in Texas of North American Life Assurance Company, a foreign life insurance company. The home office is in Toronto, Ontario, Canada.

Issued in Austin, Texas, on October 5, 1984.

TRD-8410191 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: October 9, 1984
For further information, please call (512) 475-2950.

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for a name change by Covenant Life Insurance Company, a foreign life insurance company. The home office is in Newark, New Jersey. The proposed new name is Connecticut National Life Insurance Company.

(2) Application for admission to do business in Texas of Homeshield Insurance Company, a foreign life insurance company. The home office is in Oklahoma City, Oklahoma.

(3) Application for a name change by Fire Insurance Company of Quaker City, a foreign fire and casualty insurance company. The home office is in Chicago, Illinois. The proposed new name is United Property and Casualty Insurance Company of America.

(4) Application for admission to do business in Texas of Bankers Mutual Insurance Company of the District of Columbia, a foreign fire and casualty insurance company. The home office is in Washington, D.C.

(5) Application for a name change by Evanston Reinsurance Company, a foreign fire and casualty insurance company. The home office is in Chicago, Illinois. The proposed new name is Intercontinental Insurance Company.

(6) Application for a name change by MGIC Life Insurance Corporation, a foreign life insurance company.

Legislative Budget Board Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Legislative Budget Board furnishes this notice of contract award. The consultant proposal request appeared in the August 17, 1984, issue of the *Texas Register* (9 Tex-Reg 4484).

The Legislative Budget Office has been directed by the Legislative Budget Board to implement a school finance modeling system to serve the 69th Legislature beginning January 8, 1985. Initial implementation of the proposed Legislative Public School Finance Information Service will require a joint effort between at least four agencies including the Legislative Budget Board, the Legislative Council, the Texas Education Agency, and the State Property Tax Board. Full implementation of the information service will require a period of approximately two years and is not contemplated under this contract.

Under this contract, the consultant will assist in the accomplishment of the following tasks over the period of September 18, 1984, through February 28, 1985:

(1) design of the Legislative School Finance Information Service;

(2) development of appropriate data and technology transfer systems from the Texas Education Agency and other state agencies to the Texas Legislative Council computer facilities; and

(3) development and training of the staff of the Legislative Budget Board.

The consultant will be available to Legislative Budget Board staff in Austin on a timely basis at their request.

The award has been made to Moak Consulting Services, Lynn M. Moak, President, 1108 Lavaca Street, Austin, Texas 78701.

The beginning date was September 18, 1984, and the ending date is February 28, 1985. The contract is for an amount not in excess of \$50,000.

Formal reports are not required of the contractor because the planning of the models, coding, and testing will be continuous during the period through December 31, 1984. The consultant will be available to the staff as needed as the legislative session gets under way in January and February.

Issued in Austin, Texas, on October 9, 1984.

TRD-8410204 Homer E. Scafe
Assistant Director
Estimates
Legislative Budget Office

Filed: October 9, 1984
For further information, please call (512) 475-3425.

Texas State Library and Archives Commission Consultant Contract Reports

Texas Civil Statutes, Article 6252-11c, requires state agencies and regional councils of governments to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the Office of the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, the Act directs the contracting agencies to file copies of the resulting reports with the Texas State Library and Archives Commission. The library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Following is the list of reports received for the third quarter of 1984. The reports may be examined in Room 300, Texas State Library and Archives Commission, 12th and Brazos Streets, Austin.

Agency: Office of Court Administration.
Consultant: Michael Jameson.
Title: *Texas Judicial Automated System User's Manual: Accounting in the Appellate Courts.*

Agency: Prosecutor Council.
Consultant: Texas District and County Attorneys Association.
Titles: *Basic Prosecution Course.*
Capital Murder Prosecution Course.

Agency: Texas Commission for the Deaf.
Consultant: Camp Stewart for Boys, Inc.
Title: *Final Camp Report: Outdoor Training Program for the Deaf.*
Consultant: Camp Soroptimist.
Title: *Deaf-Blind Session: Camp Soroptimist, July 8-14, 1984.*

Agency: Employees Retirement System of Texas.
Consultant: Coopers & Lybrand.
Title: *Report on the Group Medical Insurance Program for the Policy Year Ended August 31, 1984.*

Agency: Texas Education Agency.
Consultant: Touche Ross.
Title: *School District Bond Guarantee Program: Conceptual Design.*

Agency: State Insurance Board.
Consultant: Investment Income Task Force.
Title: *Investment Income Question: Report to the National Association of Insurance Commissioners.*

Agency: Public Utility Commission of Texas.
Consultant: Lifson, Hermann, Blackmarr, & Harris.
Title: *Long-Range Information Systems Plan.*
Consultant: Bywaters & Associates.
Title: *Guidebook for Preparation of Technical Assistance Report.*

Agency: Texas Parks and Wildlife Department.
Consultant: Arthur Andersen & Company.
Title: *Long-Range Plan for Automated Information Systems.*

Agency: Texas Tourist Development Agency.
Consultant: U.S. Travel Data Center.
Title: *Economic Impact of Travel on Texas Counties, 1983.*

Agency: Texas Southern University.
Consultant: Coopers & Lybrand.
Title: *Long-Range System Plan.*

Issued in Austin, Texas, on October 9, 1984.

TRD-8410238 William D. Gooch
Assistant State Librarian
Texas State Library and
Archives Commission

Filed: October 10, 1984
For further information, please call (512) 475-2166.

Texas Rehabilitation Commission Autism Task Force Report

The Autism Task Force, which is coordinated by the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission, was directed by the 68th Legislature to submit a formal report to the 69th Legislature by December 1, 1984. The Autism Task Force will complete a draft of that report by October 19, 1984.

which will include an evaluation of the recommendations of the Joint Committee on Autism, legislative and state agency recommendations, and fiscal recommendations.

The Autism Task Force welcomes and encourages comments and suggestions regarding the draft report. Copies of the draft report may be requested after October 19, 1984, from Roger Webb, Council Specialist, Texas Planning Council for Developmental Disabilities, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8870.

Comments or suggestions about the draft report must be received by November 1, 1984, and should be directed to Emily Untermeyer, Chairperson, Senate Committee on Health and Human Resources, P.O. Box 12068, Austin, Texas 78711, (512) 475-2057.

Issued in Austin, Texas, on October 9, 1984

TRD-8410212 Vernon H. Newman
General Counsel
Texas Rehabilitation Commission

Filed: October 9, 1984
For further information, please call (512) 445-8126.

Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Rehabilitation Commission hereby furnishes this notice of contract award. The consultant proposal request appeared in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4608).

The contract effort consists of independent audit compliance review, federal regulations monitoring, grant manual revision, general consultation, and development of a computerized grants management system.

The contractor is Gary Pharr, CPA, Balcones Park Building IV, Suite 295, 3307 Northland Drive at Mopac, Austin, Texas 78731.

The total value of the contract will not exceed \$18,000.

The contract began October 1, 1984, and has an ending date of September 30, 1985.

Grant manual revisions, program instruction letters, computer programs, and grantee audit compliance reports will be delivered to the Texas Rehabilitation Commission no later than September 30, 1985.

Issued in Austin, Texas, on October 5, 1984.

TRD-8410213 Vernon H. Newman
General Counsel
Texas Rehabilitation Commission

Filed: October 9, 1984
For further information, please call (512) 445-8126.



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 October 1-5, 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 October 1-5, 1984

Galilee Corporation, Haslet; sewage treatment plant; approximately two miles generally south of the City of Haslet and approximately 3,100 feet west of the intersection of FM Road 156 and County Road 4 on the south side of County Road 4047 in Tarrant County; 13008-01; new permit

One O One Corporation, Houston; sewage treatment plant; approximately ¼ mile south of the intersection of State Highway 6 and County Road 146 in Brazoria County; 13002-01; new permit

Morris K. Gully, Jr., Austin; wastewater treatment plant; on the north side of Elm Creek approximately 0.3 mile south of Hunters Bend Road, approximately two miles southeast of the intersection of FM Road 969 and FM Road 973 in Travis County; 13016-01; new permit

Chinn-Bar Development Company, Inc., Lewisville; wastewater treatment plant; on the south side of Waketon Road, ¼ mile west of the intersection of Waketon Road and Chinn Chapel Road, north of the City of Flower Mound in Denton County; 12977-01; new permit

Lower Colorado River Authority, La Grange; steam electric power station; adjacent to Cedar Creek Reservoir, approximately seven miles east (via State High-

way 71) of the City of La Grange in Fayette County; 02105; amendment

Mansell Brine Sales, Inc., Levelland; brine well; on a 10-acre permit area approximately seven miles south of Levelland on FM Road 1585 and approximately three miles west of the intersection of Highway 385 and FM Road 1585 in Hockley County; BR50066; new permit

Trey Trucks Division of Norton Well Service, Inc., Crane; brine well; on a three-acre site approximately ¼ mile west of the northwest truck route near the football stadium in the City of Andrews, Andrews County; BR50038; new permit

Mansell Brine Sales, Inc., Odessa; brine well; on a 40-acre site approximately 0.15 mile east of State Highway 385 at a point 0.56 mile north-northeast of its intersection with Loop 338 near the City of Odessa, Ector County; BR50015; new permit

Southwest Travis County Municipal Utility District 1, Austin; wastewater treatment plant; approximately 3,200 feet east of Brodie Lane and 5,000 feet southwest of Riddle Road in Travis County; 11728-01; amendment

U.S. Department of the Interior, Big Bend National Park; wastewater treatment plant; approximately 2,000 feet northeast of the Ranger Station at Boquillas (Rio Grande Village) in Big Bend National Park, Brewster County; 12865-02; new permit

White River Municipal Water District, Crosbyton; wastewater treatment plant; on the north side of FM Road 2794, approximately 6½ miles east-southeast of the intersection of FM Road 2794 and FM Road 651, approximately 16½ miles south-southeast of the City of Crosbyton in Crosby County; 10621-01; amendment

Lakewood Pipe Company of Texas, Houston; office complex and pipe threading installation; 10626 Sheldon Road in Harris County; 12998-01; new permit

Redwood Utilities, Inc., Houston; wastewater treatment plant; at 11400 Green River Drive on the northeast corner of the crossing of Greens Bayou by Green River Drive in Harris County; 12996-01; new permit

Anheuser-Busch, Inc., Houston; wastewater treatment plant; at 775 Gellhorn Drive in the City of Houston, Harris County; 02033; renewal

Warren Independent School District, Warren; wastewater treatment plant; south of FM Road 1943 and

east of Blue Berry Hill Drive, in the community of Warren in Tyler County; 11307-01; renewal

Preston Cash, doing business as Cash Enterprises, Webster; sewage treatment plant; approximately 6.5 miles generally west of the City of Alvin and approximately ¾ miles north-northwest of the intersection of FM Road 1462 and State Highway 288 in Brazoria County; 12966-01; new permit

The City of Collinsville; wastewater treatment plant; approximately ½ mile southeast of the intersection of U.S. Highway 377 and FM Road 902 in Grayson County; 10151-01; renewal

R. Judd Cribbs, Burnet; wastewater treatment plant; on Muleshoe Bend, approximately 2,600 feet due north of the intersection of Highway 71 and Ford Road in Burnet County; 13001-01; new permit

Mansell Brine Sales, Inc., Crane; brine well; at the intersection of FM Road 1233 and FM Road 1601, approximately 11 miles northwest of the City of Crane, Crane County; BR50010; new permit

Betz Laboratories, Inc., Garland; Class I hazardous/industrial solid waste storage facility; at 2222 Lonacker Drive, approximately one mile west of State Highway 78, on a nine-acre tract of land in Garland, Dallas County; HW50040; new permit

Betz Laboratories, Inc., The Woodlands; Class I hazardous/industrial solid waste storage facility; on a 19.1-acre tract of land approximately 0.5 mile west of IH 45 on Grogan's Mill Road, in The Woodlands, Montgomery County; HW50037; new permit

Betz Laboratories, Inc., Houston; Class I hazardous/industrial solid waste storage facility; on a five-acre tract of land on the southeast corner of the intersection of Nelms Road and Kopman Drive, west of Hobby Airport in Houston, Harris County; HW50042; new permit

Betz Laboratories, Inc., West Orange; Class I hazardous/industrial solid waste storage facility; at 3901 Williams Street, approximately one mile west of the State Highway 87 circle on a four-acre tract of land in West Orange, Orange County; HW50039; new permit

Issued in Austin, Texas, on October 5, 1984

TRD-8410203 Mary Ann Hefner
Chief Clerk
Texas Water Commission

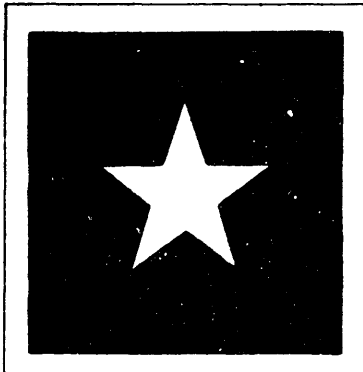
Filed: October 9, 1984
For further information, please call (512) 475-4514.

Second Class Postage

PAID

Austin, Texas
and additional entry offices

78777
TEXAS STATE - STANBAY
COMMUNICATIONS CENTER
LIBRARY AND ARCHIVES ROOM
AUSTIN TX 78774



Please enter my subscription to the *Texas Register* as indicated below. (I will look for my first issue in about two weeks.)

- 1 year (100 issues) **\$80**
- 6 months (50 issues) **\$60**
- Payment enclosed
- Bill me

For information concerning the *Texas Register*, please call (512) 475-7886, or write to P.O. Box 13824, Austin, Texas 78711-3824.

Please make checks payable to the Secretary of State. Subscription fees are not refundable.

To order a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

You may also use this form to request back issues of the *Texas Register*. Please specify the exact dates and quantities of the issues requested. Each copy of a back issue is **\$3.00**.

Change of Address
(Please attach mailing label)

Back issues requested
(Please specify dates)

Name

Organization

Occupation

Telephone

Address

City

State

Zip Code

For office use only