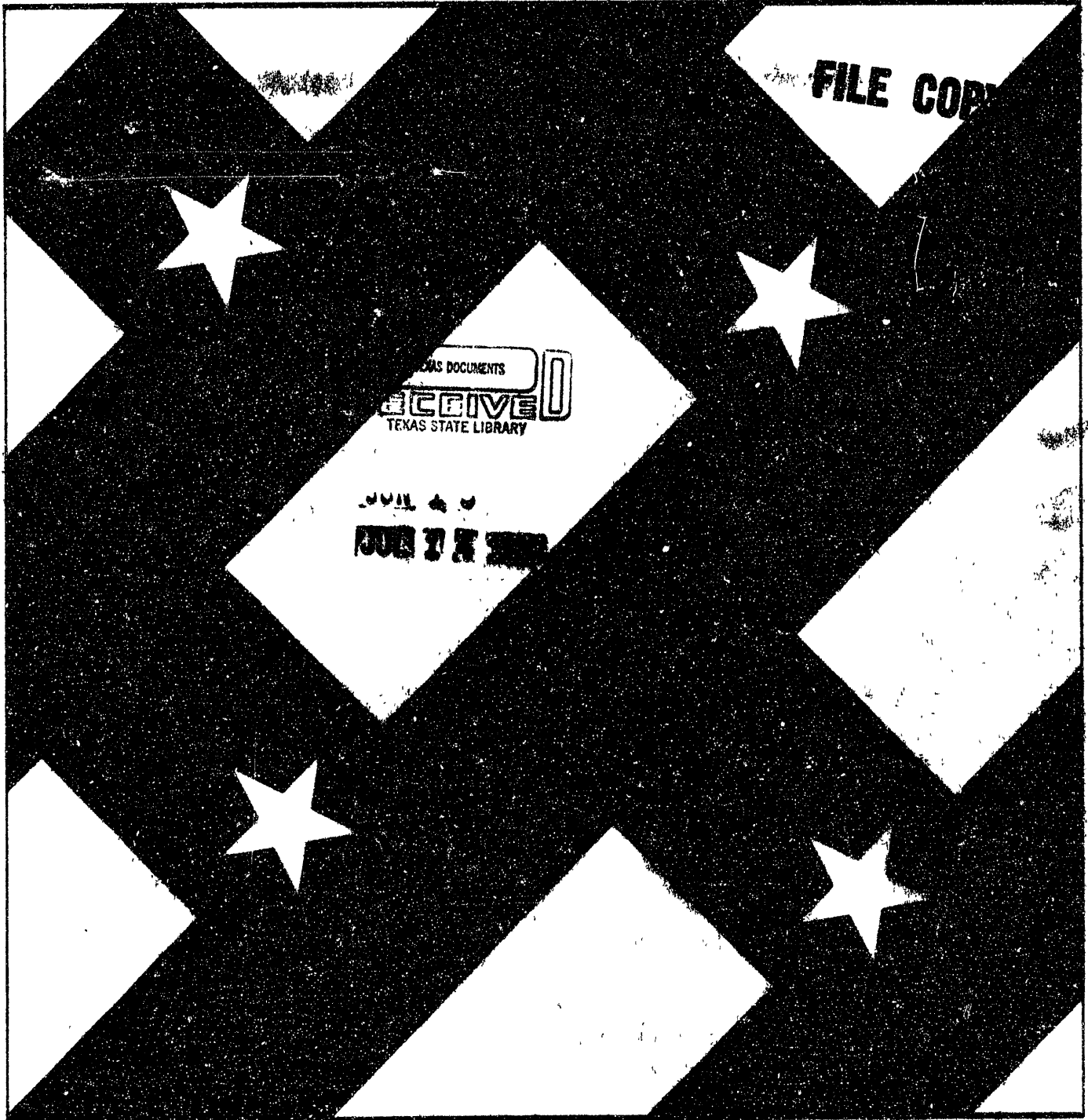


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Texas Register

Volume 11, Number 52, July 11, 1986

Pages 3186-3229



Highlights

The Texas Water Commission proposes new and amended sections concerning industrial solid waste and municipal hazardous waste. Earliest possible date of adoption - August 11page 3194

The Texas Department of Human Services proposes new sections concerning policy

eligibility for the Refugee Cash Assistance Program. Earliest possible date of adoption - August 11page 3208

The Texas State Board of Podiatry Examiners adopts new sections concerning continuing education and requirements. Effective date of adoption - July 24 .page 3215

Texas Register

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- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
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1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*;

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Attorney General

Description of attorney general submissions. Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Opinion

JM-887 (BQ-841). Request from Robert C. Lanier, chairman, State Department of Highways and Public Transportation, Austin, concerning whether the Texas Highway Commission may temporarily close a portion of the IH 35 East frontage road in Dallas for the purpose of allowing an intercity grand prix race.

Summary of Opinion. The Texas Highway Commission is authorized to temporarily close a portion of the IH 35 East frontage road in Dallas for the purpose of permitting its use in an intercity grand prix race.

TRD-8606553



★ ★ ★

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. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

The Texas Water Commission proposes new §§335.2, 335.24, 335.43, 335.45, and 335.221-335.226; amendments to §§335.1, 335.4, 335.6, 335.8, 335.9, 335.17, 335.22, 335.23, 335.41, 335.44, 335.61, 335.112, 335.152, 335.201, and 335.202; and the repeal of §335.222, concerning industrial solid waste and municipal hazardous waste.

The commission proposes to amend §§335.1, 335.4, 335.6, 335.8, 335.9, 335.17, 335.22, 335.23, 335.41, 335.44, 335.61, 335.201, and 335.202 to cross-reference Chapter 335 rather than the emergency sections in Chapter 336, which will be replaced by the permanent adoption of these sections.

These sections are proposed to address new requirements relating to the recycling of hazardous waste established by the administrator of the United States Environmental Protection Agency (EPA) on November 29, 1985 (50 FedReg 49164), pursuant to the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 United States Code §6901 *et seq.* The new federal rules initiate regulation of hazardous wastes that are marketed and burned for energy recovery and require all existing marketers and burners who store hazardous waste fuel and who are not currently operating under interim status to file a notification of storage activities with the EPA by January 29, 1986, and submit a Part A permit application to the EPA by May 28, 1986. Marketers and burners already operating pursuant to interim status but who operate existing hazardous waste fuel storage facilities newly subject to regulation by the November 29, 1985, rules, must also have filed a notification by January 29, 1986, and submit an amended Part A application by May 29, 1986. Because the rules have been promulgated pursuant to the Hazardous and Waste Amendments of 1984 (HSWA), §3004(q), which amended the RCRA, they are immediately effective in authorized states.

In addition to the November 29, 1985, rules promulgated by the EPA, these proposed sections are based on emergency sections adopted by the commission and published in the March 14, 1986, issue of the *Texas Register* (11 TexReg 1285) and in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2033).

Section 335.2 concerns permit requirements for the storage, processing, and disposal of industrial solid waste and hazardous waste. Subsection (c) of this section, relating to interim status for the on-site storage, processing, and disposal of hazardous waste, to specify statutory and regulatory amendments under either the Texas Solid Waste Disposal Act or the federal RCRA that render the facility subject to a permit requirement will trigger the requirements to obtain interim status. The effect of this provision is to allow on-site facilities to obtain interim status based on the enactment of federal as well as state requirements and is useful in those cases where federal action precedes imposition of requirements under state law by a considerable period of time. Specifically, this provision allows facilities covered by the November 29 EPA rulemaking to obtain state interim status (without the need for state rulemaking) if they file a Part A application with the state by May 29, 1986.

Section 335.43 concerns the permit requirements for on-site hazardous waste management facilities, and includes the same requirements as proposed in §335.2(c).

Section 335.45 concerns the effect of the hazardous waste program on existing facilities. Proposed subsection (b), which addresses facilities without a permit to reuse, recycle, or reclaim hazardous waste, provides that facilities in existence on or before the effective date of requirements under the RCRA that render a facility subject to a hazardous waste permit requirement may obtain interim status provided they file an application and by the effective date of those requirements. This provision therefore operates to allow interim status for facilities newly covered by new federal requirements relating to the recycling of hazardous waste, rather than limiting itself to the initial January 4, 1986, EPA regulation. As the other provisions of §335.2 and §335.43, this subsection would specifically allow facilities newly covered

by the November 29, 1985, sections to obtain interim status.

The commission also proposes §335.24, concerning requirements for recyclable materials and nonhazardous recyclable materials, and §§335.221-335.226, concerning standards for the management of specific wastes and specific types of facilities (hazardous waste burned for energy recovery). These proposed sections are based on the emergency sections adopted by the commission in February, 1986, except that these sections would reflect the new requirements relating to hazardous waste burned for energy recovery established by the EPA on November 29, 1985.

Subsection (c) of §335.24 specifically reflects new exemptions established in 40 Code of Federal Regulations §261.6(a)(3) concerning fuels derived from petroleum refining waste, and coke derived from indigenous petroleum refinery wastes.

Subsection (h) of §335.24 and §§335.221-335.226, which establish specific waste management standards, reflect new EPA provisions that remove the conditional exemption from regulation for spent materials and byproducts exhibiting a characteristic of hazardous waste; and the exemption for hazardous waste fuels produced from hazardous waste by blending or other treatment by a person who neither generated the waste nor burns the fuel. In addition, these sections establish administrative controls, including notification and record keeping, for those persons who market and burn hazardous waste; prohibit the burning of hazardous waste fuels in nonindustrial boilers; provide that hazardous waste fuels, including processed or blended fuel, are subject to storage requirements; and require the use of a manifest for shipments of hazardous waste fuels.

The commission also proposes to repeal existing §335.222, since this provision was substantially modified by the November 29, 1985, rulemaking.

The commission also proposes to amend §335.61(b) by adding paragraph (11) to provide that small quantity generators who mix hazardous wastes with used oil will be subject to the requirements of §335.4 and §335.6, will be regulated by the EPA pursuant to 40 Code of Federal Regulations Part 268, Subpart E, if the mixture is to be burned for energy recovery.

The proposed amendments do not reflect new requirements promulgated by the EPA relating to small quantity generators. See 51 FedReg 10148 (March 24, 1986). The commission intends to propose sections based on the new federal provisions later this summer after it has considered these proposed sections.

The commission also proposes to amend §336.112(a)(14) and §335.152(a)(13), to provide that the interim status and permitting standards applicable to incinerators shall apply to owners and operators who burn hazardous waste in boilers or industrial furnaces for any recycling purpose and elect to be regulated under these provisions.

The commission also points out that these proposed sections do not contain provisions based on 40 Code of Federal Regulations Part 266, Subpart E, related to used oil burned for energy recovery, also promulgated by the EPA on November 29, 1985. This subpart is promulgated by the EPA under the Used Oil Recycling Act of 1980 and is therefore not a part of the EPA's hazardous waste program delegable to states under the Resource Conservation and Recovery Act. Currently, these provisions are enforced in the state by the EPA as a matter of federal law. The commission solicits comments on whether it should consider proposed rulemaking based on Subpart E.

Bobbie Barker, chief fiscal officer, Fiscal Services Division, has determined that for the first five-year period the proposed repeal and new sections 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 those portions of the proposal based on provisions that existed prior to September 1, 1985, as sections adopted by the Texas Water Development Board and enforced and administered by the Texas Department of Water Resources. In addition, there will be no additional fiscal implications as a result of enforcing or administering the regulatory changes resulting from the new rules promulgated by EPA on November 29, 1985, relating to the burning of hazardous waste fuels for energy recovery, because these provisions, promulgated pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA), are effective in an authorized state (and therefore enforced by the EPA) until the state receives authorization to administer

these additions to the hazardous waste program. Texas has not yet received authorization relating to HSWA-based components of the program.

Ms. Barker also has determined that for each year of the first five years the repeal and new sections are in effect the public benefit anticipated as a result of enforcing the repeal and new sections will be greater protection of human health and the environment due to an improved state program relating to the burning of hazardous waste fuels for energy recovery. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal and new sections.

Comments on the proposal may be submitted to Mary Reagan, Legal Division, Texas Water Commission, P.O. Box 13067, Austin, Texas 78711, (512) 433-8067. Persons desiring to comment should be advised that the commission intends to consider these proposed repeal and new sections for adoption at the earliest possible date, since the emergency sections can be effective for only a six-month period. Persons are therefore encouraged to provide comments on this proposal by August 1, 1986.

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

★ 31 TAC §§335.1, 335.4, 335.6, 335.8, 335.9, 335.17, 335.22, 335.23

The amendments are proposed under the Texas Water Code, §5.103 and §5.106, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policy of the commission. The amendments also are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all

industrial solid waste and hazardous municipal waste, and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

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

Designated facility—A Class I or hazardous waste storage, processing, or disposal facility which has received an Environmental Protection Agency (EPA) permit (or a facility with interim status) in accordance with the requirements of 40 Code of Federal Regulations Parts 270 and 124; a permit from a state authorized in accordance with 40 Code of Federal Regulations Part 271 (in the case of hazardous waste); a permit issued pursuant to §335.2 [§336.2] of this title (relating to Permit Required) (in the case of nonhazardous waste); or that is regulated under §335.24(f) [§336.24(f)], (g), or (h) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials) or §335.24(i) of this title (relating to Applicability and Requirements) and that has been designated on the manifest by the generator pursuant to §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Municipal Hazardous Waste or Class I Industrial Solid Waste).

Solid waste—

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

(D) Materials are solid wastes if they are recycled or accumulated, stored, or processed before recycling as specified in this subparagraph. The chart referred to as Table 1 indicates only which materials are considered to be solid wastes when they are recycled, and is not intended to supersede the definition of solid waste provided in subparagraph (A) of this paragraph.

(i)-(iii) (No change.)

(iv) Accumulated speculatively. Materials noted with an asterisk in Column 4 of Table 1 are solid wastes when accumulated speculatively.

TABLE 1

Use Constituting Disposal (1)	Energy Recovery/Fuel (2)	Reclamation (3)	Speculative Accumulation (4)
Spent materials (listed hazardous & non-listed characteristically hazardous)	*	*	*
Spent materials (Class I non-hazardous and Class II)	*	*	*
Sludges (listed hazardous in 40 CFR §261.31 or §261.32)	*	*	*
Sludges (non-listed characteristically hazardous)	*	*	*
Sludges (Class I non-hazardous and Class II)	*	*	*
By-products (listed hazardous in 40 CFR §261.31 or §261.32)	*	*	*
By-products (non-listed characteristically hazardous)	*	*	*
By-products (Class I non-hazardous and Class II)	*	*	*
Commercial chemical products listed in 40 CFR §261.33	*	*	*
Scrap metal (hazardous)	*	*	*
Scrap metal (Class I non-hazardous and Class II)	*	*	*

NOTE: The terms "spent materials", "sludges", "by-products", and "scrap metal" are defined in §335.17 of this title relating to Special Definitions for Recyclable Materials and Nonhazardous Recyclable Materials). These materials are governed by the provisions of §335.24(h) [§336.24(h)] only.

(E)-(I) (No change.)

§335.4. General Prohibitions. In addition to the requirements of §335.2 [§336.2] of this title (relating to Permit Required), no person may cause, suffer, allow, or permit the collection, handling, storage, processing, or disposal of industrial solid waste or municipal hazardous waste in such a manner so as to cause:

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

§335.6. Notification Requirements.

(a) A person who intends to store, process, or dispose of industrial solid waste without a permit, as authorized by §335.2(d) [§336.2(d)], (e), or (f) of this title (relating to Permit Required) or §335.24 [§336.24] of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials), shall notify the executive director in writing that storage, processing, or disposal activities are planned, at least 90 days prior to engaging in such activities. Such person shall submit to the executive director upon request such information as may reasonably be required to enable the executive director to determine whether such storage, processing, or disposal is compliant with the terms of this chapter. Such information may include, but is not limited to, information concerning waste composition, waste management methods, facility engineering plans and specifications, or the geology where the facility is located. Any information provided under this subsection shall be submitted to the executive director in duplicate form.

(b) (No change.)

(c) Any person who generates municipal hazardous waste in quantities greater than or equal to 1000 kilograms in a calendar month or quantities of acute municipal hazardous waste in excess of quantities specified in §335.61(c)(5) of this title (relating to Purpose, Scope, and Applicability) in a calendar month; or any quantities of industrial solid waste shall notify the executive director of such activity on forms furnished or approved by the executive director. Such person shall also submit to the executive director upon request such information as may reasonably be required to enable the executive director to determine whether the storage, processing, or disposal is compliant with the terms of this chapter. Notifications submitted pursuant to this section shall be in addition to information provided in any permit applications required by §335.2 [§336.2] of this title (relating to Permit Required), or any reports required by §335.9 of this title (relating to Shipping and Reporting Procedures Applicable to Generators), §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Municipal Hazardous Waste or Class I Industrial Solid Waste), and §335.13 of this title (relating to Record-Keeping and Reporting Procedures Applicable to Generators of Municipal Hazardous Waste or Class I Industrial Solid Waste). Any person who notifies

pursuant to this subsection shall have the continuing obligation to immediately provide written notice to the executive director of any changes or additional information, to that reported previously. If waste is recycled on-site or managed pursuant to §335.2(d) [§336.2(d)] of this title (relating to Permit Required), the generator must also comply with the notification requirements specified in subsection (h) of this section. The information submitted pursuant to the notification shall include, but is not limited to:

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

(5) The disposition of each solid waste generated, if subject to the notification requirement of this subsection, including the following information:

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

(D) whether each unit is permitted, or qualifies for an exemption, under §335.2 [§336.2] of this title (relating to Permit Required).

(d) Persons generating more than 100 kilograms but less than 1000 kilograms of hazardous municipal waste in any given calendar month shall notify the executive director of such activity on forms provided by the executive director. Such person shall also submit to the executive director upon request such information as may be reasonably required to enable the executive director to determine whether the storage, processing, or disposal of such waste is compliant with the terms of these sections. Notifications submitted pursuant to this section shall be in addition to any information provided on any permit application required by §335.2 [§336.2] of this title (relating to Permit Required), or any reports required by §335.9 of this title (relating to Shipping and Reporting Procedures Applicable to Generators), §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Municipal Hazardous Waste or Class I Industrial Solid Waste), and §335.13 of this title (relating to Record-Keeping and Reporting Procedures Applicable to Generators of Municipal Hazardous Waste or Class I Industrial Solid Waste).

(e)-(g) (No change.)

(h) Any person who conducts or intends to conduct the recycling of industrial solid waste or municipal hazardous waste as defined in §335.24 [§336.24] of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials) or Subchapter H of this chapter (relating to Standards for the Management of Specific Wastes and Specific Types of Facilities) and who is required to notify under §335.24 [§336.24] of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials) or Subchapter H of this chapter (relating to Standards for the Management of Specific Wastes and Specific Types of Facilities) must submit in writing to the executive director, at a minimum, the following information: the type(s) of industrial solid waste or municipal hazardous waste to be recycled, the method

of storage prior to recycling, and the nature of the recycling activity. New recycling activities require such notification a minimum of 90 days prior to engaging in such activities. Persons engaged in recycling of industrial solid waste or municipal hazardous waste prior to the effective date of this section shall submit such notification within 60 days of the effective date of this subsection.

§335.8. Closure.

(a) Any person who stores, processes, or disposes of industrial solid waste or municipal hazardous waste at a facility permitted under §335.2(a) [§336.2(a)] of this title (relating to Permit Required), shall, unless specifically modified by other order of the commission, close the facility in accordance with the closing provisions of the permit.

(b) (No change.)

§335.9. Shipping and Reporting Procedures Applicable to Generators.

(a) Except with regard to the shipments of municipal hazardous waste or Class I industrial solid waste to which §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Municipal Hazardous Waste or Class I Industrial Solid Waste) applies, and except with regard to generators of Class II industrial solid waste with less than 100 employees; and except with regard to nonhazardous recyclable materials regulated pursuant to §335.24(h) [§336.24(h)] of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials), each generator shall:

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

(b) (No change.)

§335.17. Special Definitions for Recyclable Materials and Nonhazardous Recyclable Materials. For the purposes of the definition of "solid waste" in §335.1 of this title (relating to Definitions) and §335.24 [§336.24] of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials):

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

§335.22. Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-By-Case Basis. The commission may decide on a case-by-case basis that persons accumulating or storing the recyclable materials described in §335.24(b)(3) [§336.24(b)(3)] of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials) should be regulated under §335.24(d) [§336.24(d)] and (e) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials). The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. The procedures for this decision are set forth in §335.23 of this

title (relating to Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities). In making this decision, the commission will consider the following factors: (1)-(5) (No change.)

§335.23. Procedures for Case-By-Case Regulation of Hazardous Waste Recycling Activities. The commission will use the following procedures when determining whether to regulate hazardous waste recycling activities described in §335.24(b)(3) [§336.24(b)(3)] of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials) under the provisions of §335.24(d) [§336.24(d)] and (e) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials), rather than under the provisions governing recyclable materials utilized for precious metal recovery under Subchapter H of this chapter (relating to Standards for the Management of Specific Wastes and Specific Types of Facilities).

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

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

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TRD-880887

James K. Rourke, Jr.
General Counsel
Texas Water Commission

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For further information, please call (512) 483-8087.

★ ★ ★

★31 TAC §335.2, §335.24

The new sections are proposed under the Texas Water Code, §§103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policy of the commission. The new sections are also proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste, and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practi-

cal and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.2. Permit Required.

(a) Except with regard to storage, processing, or disposal to which subsections (c)-(f) of this section apply, and as provided in §335.45(b) of this title (relating to Effect on Existing Facilities), and in accordance with the requirements of §335.24 of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials), no person may cause, suffer, allow, or permit any activity of storage, processing, or disposal of any industrial solid waste or municipal hazardous waste, unless such activity is authorized by a permit, amended permit, or other authorization from the Texas Water Commission or its predecessor agencies, the Texas Department of Health, or other valid authorization from a Texas state agency. No person may commence physical construction of a new hazardous waste management facility without first having submitted Part A and Part B of the permit application and received a finally effective permit.

(b) In accordance with the requirements of subsection (a) of this section, no generator, transporter, owner or operator of a facility, or any other person may cause, suffer, allow, or permit its wastes to be stored, processed, or disposed of at an unauthorized facility or in violation of a permit. In the event this requirement is violated, the executive director will seek recourse against not only the person who stored, processed, or disposed of the waste, but also against the generator, transporter, owner or operator, or other person who caused, suffered, allowed, or permitted its waste to be stored, processed, or disposed.

(c) Any person who has commenced on-site storage, processing, or disposal of a hazardous waste on or before November 19, 1980, and who has filed a hazardous waste permit application with the commission on or before November 19, 1980, and in accordance with the rules and regulations of the commission, may continue the on-site storage, processing, or disposal of hazardous waste until such time as the Texas Water Commission approves or denies the application. Owners or operators of municipal hazardous waste facilities which satisfied this requirement by filing an application on or before November 19, 1980, with the United States Environmental Protection Agency are not required to submit a separate application with the Texas Department of Health. Applications filed under this section shall meet the requirements of §335.44 of this title (relating to Application for Existing On-Site Facilities). Owners and operators of hazardous waste management facilities who have

commenced the on-site storage, processing, or disposal of hazardous waste as defined in this subsection, or of hazardous waste management facilities in existence on the effective date of statutory or regulatory amendments under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, or the Resource Conservation and Recovery Act of 1976, as amended, 42 United States Code §6901 *et seq.*, that render the facility subject to the requirement to have a hazardous waste permit, may continue to operate if Part A of their permit application is submitted no later than six months after the date of publication of regulations by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, which first require them to comply with the standards set forth in Subchapter E of this chapter (relating to Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), or Subchapter H of this chapter (relating to Standards for the Management of Specific Wastes and Specific Types of Facilities); or 30 days after the date they first become subject to the standards set forth in these subchapters, whichever first occurs. This subsection shall not apply to a facility if it has been previously denied a hazardous waste permit or if authority to operate the facility has been previously terminated. Applications filed under this section shall meet the requirements of §335.44 of this title (relating to Application for Existing On-Site Facilities). For purposes of this subsection, a person has commenced the on-site storage, processing, or disposal of hazardous waste if the owner or operator has obtained all necessary federal, state, and local preconstruction approvals or permits, as required by applicable federal, state, and local hazardous waste control statutes, regulations, or ordinances; and either:

(1) a continuous physical, on-site construction program has begun; or

(2) the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for construction of the facility to be completed within a reasonable time.

(d) No permit shall be required for the storage, processing, or disposal of industrial solid waste which is not hazardous industrial waste, if the waste is disposed of on property owned or otherwise effectively controlled by the owner or operator of the industrial plant, manufacturing plant, mining operation, or agricultural operation from which the waste results or is produced; the property is within 50 miles of the plant or operation; and the waste is not commingled with waste from any other source or sources. An industrial plant, manufacturing plant, mining operation, or agricultural operation owned by one person shall not be considered an other source with respect to other plants and operations owned by the same person. Any person who intends to conduct such activity under this subsection shall comply with the notification

requirements of §335.6 of this title (relating to Notification Requirements).

(e) No permit shall be required for the on-site storage of hazardous waste by a person who is a small quantity generator as defined in §335.61(c) of this title (relating to Purpose, Scope, and Applicability).

(f) No permit under this chapter shall be required for the storage, processing, or disposal of hazardous waste by a person described in §335.41(b)-(d) of this title (relating to Purpose, Scope, and Applicability) or for the storage of hazardous waste under the provisions of 40 Code of Federal Regulations §261.4(c) and (d).

(g) Owners or operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit, and, for any unit that receives hazardous waste after January 26, 1983, during any postclosure care period required under 40 Code of Federal Regulations §264.117 and during any compliance period specified under §335.162 of this title (relating to Compliance Period), including any extension of that period.

§335.24. Requirements For Recyclable Materials and Nonhazardous Recyclable Materials.

(a) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (d)-(f) of this section, except for the materials listed in subsections (b) and (c) of this section. Hazardous wastes that are recycled will be known as recyclable materials. Nonhazardous industrial wastes that are recycled will be known as nonhazardous recyclable materials. Nonhazardous recyclable materials are subject to the requirements of subsections (h) and (i) of this section.

(b) The following recyclable materials are not subject to the requirements of this section, except as provided in subsections (g) and (h) of this section, but are regulated under the applicable provisions of Subchapter H of this chapter (relating to Standards for the Management of Specific Wastes and Specific Types of Facilities) and all applicable provisions in Chapter 305 of this title (relating to Consolidated Permits) and Chapter 261 of this title (relating to Introductory Provisions); Chapter 263 of this title (relating to General Rules); Chapter 265 of this title (relating to Procedures Before Public Hearing); Chapter 267 of this title (relating to Procedures During Public Hearing); Chapter 269 of this title (relating to Procedures After Public Hearing Before an Examiner); Chapter 271 of this title (relating to Procedures After Public Hearing Before the Full Commission); and Chapter 273 of this title (relating to Procedures After Final Decision):

(1) recyclable materials used in a manner constituting disposal;

(2) hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subchapter E of this chapter (relating to Interim Standards for Owners and Operators of Hazard-

ous Waste Storage, Processing, or Disposal Facilities) or Subchapter F of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities);

(3) used oil that exhibits one or more of the characteristics of hazardous waste is burned for energy recovery in boilers and industrial furnaces that are not regulated under the provisions governing incinerators that are adopted by reference in §335.112 (a)(14) of this title (relating to Standards) and §335.152 (a)(13) of this title (relating to Standards);

(4) recyclable materials from which precious metals are reclaimed;

(5) spent lead-acid batteries that are being reclaimed.

(c) The following recyclable materials are not subject to regulation under Subchapters B-I of this chapter (relating to Hazardous Waste Management General Provisions; Standards Applicable to Generators of Hazardous Waste; Standards Applicable to Transporters of Hazardous Waste; Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities; Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, and Disposal Facilities; Location Standards for Hazardous Waste Storage, Processing, or Disposal; Standards for the Management of Specific Wastes and Specific Types of Facilities; and Prohibition on Open Dumps), respectively, or Chapter 305 of this title (relating to Consolidated Permits) or Chapter 261 of this title (relating to Introductory Provisions); Chapter 263 of this title (relating to General Rules); Chapter 265 of this title (relating to Procedures Before Public Hearing); Chapter 267 of this title (relating to Procedures During Public Hearing); Chapter 269 of this title (relating to Procedures After Public Hearing Before an Examiner); Chapter 271 of this title (relating to Procedures After Public Hearing Before the Full Commission); and Chapter 273 of this title (relating to Procedures After Final Decision), except as provided in subsections (g) and (h) of this section:

(1) industrial ethyl alcohol that is reclaimed;

(2) used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

(3) used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery;

(4) scrap metal;

(5) fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;

(6) oil reclaimed from hazardous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal

process streams at a petroleum refining facility;

(7) coke from the iron and steel industry that contains hazardous waste from the iron and steel production process;

(8) the following hazardous waste fuels:

(A) hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 40 Code of Federal Regulations §266.40(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

(B) hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 40 Code of Federal Regulations §266.40(c);

(C) oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 40 Code of Federal Regulations §266.40(e); and

(9) petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in 40 Code of Federal Regulations Part 261, Subpart C.

(d) Generators and transporters of recyclable materials are subject to the applicable requirements of Subchapter C of this chapter (relating to Standards Applicable to Generators of Hazardous Waste) and Subchapter D of this chapter (relating to Standards Applicable to Transporters of Hazardous Waste), and the notification requirements of §335.6 of this title (relating to Notification Requirements), except as provided in subsections (a)-(c) of this section.

(e) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of this chapter, and Chapter 305 of this title (relating to Consolidated Permits) and Chapter 261 of this title (relating to Introductory Provisions); Chapter 263 of this title (relating to General Rules); Chapter 265 of this title (relating to Procedures Before Public Hearing); Chapter 267 of this title (relating to Procedures During Public Hearing); Chapter 269 of this title (relating to Procedures After Public Hearing Before an Examiner); Chapter 271 of this title (relating to Procedures After Public Hearing Before the Full Commission); and Chapter 273 of

this title (relating to Procedures After Final Decision), and the notification requirement under §335.6 of this title (relating to Notification Requirements), except as provided in subsections (a)-(c) of this section. The recycling process itself is exempt from regulation.

(f) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsections (a)-(c) of this section:

(1) notification requirements under §335.6 of this title (relating to Notification Requirements);

(2) section 335.12 of this title (relating to Shipping Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities).

(g) Except as provided in subsection (h) of this section, recyclable materials (excluding those listed in subsections (c)(1) and (5)-(9) of this section), remain subject to the requirements of §335.4 of this title (relating to General Prohibitions), §335.6 of this title (relating to Notification Requirements), §335.9 of this title (relating to Shipping and Reporting Procedures Applicable to Generators), §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Municipal Hazardous Waste or Class I Industrial Solid Waste), §335.11 of this title (relating to Shipping Requirements for Transporters of Municipal Hazardous Waste or Class I Industrial Solid Waste), §335.12 of this title (relating to Shipping Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities), §335.13 of this title (relating to Record-Keeping and Reporting Procedures Applicable to Generators of Municipal Hazardous Waste or Class I Industrial Solid Waste), §335.14 of this title (relating to Record-Keeping Requirements Applicable to Transporters of Municipal Hazardous Waste or Class I Industrial Solid Waste), and §335.15 of this title (relating to Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities), as applicable.

(h) Industrial solid wastes that are non-hazardous recyclable materials; and recyclable materials listed in subsection (b)(4) and subsection (c)(2)-(4) of this section remain subject to the requirements of §335.4 of this title (relating to General Prohibitions) and §335.6 of this title (relating to Notification Requirements). Such wastes may also be subject to the requirements of §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Municipal Hazardous Waste or Class I Industrial Solid Waste), §335.11 of this title (relating to Shipping Requirements for Transporters of Municipal Hazardous Waste or Class I Industrial Solid Waste), §335.12 of this title (relating to Shipping Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities), §335.13 of this title (relating to Record-Keeping and

Reporting Procedures Applicable to Generators of Municipal Hazardous Waste or Class I Industrial Solid Waste), §335.14 of this title (relating to Record-Keeping Requirements Applicable to Transporters of Municipal Hazardous Waste or Class I Industrial Solid Waste), and §335.15 of this title (relating to Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities), as applicable, if the executive director determines that such requirements are necessary to protect human health and the environment. In making the determination, the executive director shall consider the following criteria:

(1) the waste's toxicity, corrosivity, flammability, ability to sensitize or irritate, or propensity for decomposition and creation of sudden pressure;

(2) the potential for the objectionable constituent to migrate from the waste into the environment if improperly managed;

(3) the persistence of any objectionable constituent or any objectionable degradation product in the waste;

(4) the potential for the objectionable constituent to degrade into nonharmful constituents;

(5) the degree to which the objectionable constituent bioaccumulates in ecosystems;

(6) the plausible types of improper management to which the waste could be subjected;

(7) the nature and severity of potential damage to the public health and environment;

(8) whether subjecting the waste to additional regulation will provide additional protection for human health and the environment;

(9) other relevant factors.

(i) Except as provided in the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(f)(1), facilities managing recyclable materials that are required to obtain a permit under this section may also be permitted to manage nonhazardous recyclable materials at the same facility if the executive director determines that such regulation is necessary to protect human health and the environment. In making this determination, the executive director shall consider the following criteria:

(1) whether managing nonhazardous recyclable materials will create an additional risk of release of the hazardous recyclable materials into the environment;

(2) whether hazardous and non-hazardous wastes that are incompatible are stored and/or processed in the same or connected units;

(3) whether the management of recyclable materials and nonhazardous recyclable materials is segregated within the facility;

(4) the waste's toxicity, corrosivity, flammability, ability to sensitize or irritate, or propensity for decomposition and creation of sudden pressure;

(5) the potential for the objectionable constituent to migrate from the waste into the environment if improperly managed;

(6) the persistence of any objectionable constituent or any objectionable degradation product in the waste;

(7) the potential for the objectionable constituent to degrade into nonharmful constituents;

(8) the degree to which the objectionable constituent bioaccumulates in ecosystems;

(9) the plausible types of improper management to which the waste could be subjected;

(10) the nature and severity of potential damage to the public health and environment;

(11) whether subjecting the waste to additional regulation will provide additional protection for human health and the environment;

(12) other relevant factors.

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

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James K. Flourka, Jr.
General Counsel
Texas Water Commission

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For further information, please call
(512) 463-8037.

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Subchapter B. Hazardous Waste Management General Provisions

★31 TAC §335.41, §335.44

The amendments are proposed under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policy of the commission. The amendments also are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste, and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of

Industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.41. Purpose, Scope, and Applicability.

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

(g) Subchapters B-F of this chapter (relating to Hazardous Waste Management General Provisions; Standards Applicable to Generators of Hazardous Waste; Standards Applicable to Transporters of Hazardous Waste; Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities; and Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities) do not apply to hazardous waste which is managed as a recyclable material described in §335.24(b) [§336.24(b)] and (c) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials), except to the extent that requirements of these subchapters are referred to in Subchapter H of this chapter (relating to Standards for the Management of Specific Wastes and Specific Types of Facilities).

§335.44. Application for Existing On-Site Facilities.

(a) In order to satisfy the application deadline specified in §335.43(b) [§336.43(b)] of this title (relating to Permit Required), an application must be submitted prior to that date which contains information defining the following:

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

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

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

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(812) 463-8087.

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★ 31 TAC §335.43, §335.45

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

Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste, and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.43. Permit Required.

(a) Except as provided in subsection (b) of this section and §335.2 of this title (relating to Permit Required), no person shall store, process, or dispose of hazardous waste without first having obtained a permit from the Texas Water Commission.

(b) Any person who has commenced on-site storage, processing, or disposal of hazardous waste on or before November 19, 1980, and who has filed a hazardous waste permit application with the commission on or before November 19, 1980, and in accordance with the rules and regulations of the commission, may continue the on-site storage, processing, or disposal of hazardous waste until such time as the Texas Water Commission approves or denies the application. Owners and operators of hazardous waste management facilities who have commenced the on-site storage, processing, or disposal of hazardous waste as defined in subsection (c) of this section, or of hazardous waste management facilities in existence on the effective date of statutory or regulatory amendments under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, or the Resource Conservation and Recovery Act of 1976, as amended, 42 United States Code, §6901 *et seq.*, that render the facility subject to the requirement to have a hazardous waste permit, may continue to operate if Part A of their permit application is submitted no later than:

(1) six months after the date of publication of regulations by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, which first require them to comply with the standards set forth in Subchapter E of this chapter (relating to Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or

Disposal Facilities), or Subchapter H of this chapter (relating to Standards for the Management of Specific Wastes and Specific Types of Facilities); or

(2) 30 days after the date they first become subject to the standards set forth in Subchapter E of this chapter (relating to Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), or Subchapter H of this chapter (relating to Standards for the Management of Specific Wastes and Specific Types of Facilities); whichever first occurs.

(c) The following words and terms, when used in subsection (b) of this section, shall have the following meanings, unless the text clearly indicates otherwise.

(1) On-Site Storage, Processing, or Disposal—On-site storage, processing, or disposal occurs when industrial solid waste is:

(A) collected, handled, stored, processed, or disposed of within the property boundaries of a tract of land owned or otherwise effectively controlled by the owners or operators of the particular industrial plant, manufacturing plant, mining operation, or agricultural operation from which the waste results or is produced, and which tract of land is within 50 miles from the plant or operation which is the source of the industrial waste; and

(B) the industrial solid waste is not collected, handled, stored, processed, or disposed of with solid waste from any other source or sources. An industrial plant, manufacturing plant, mining operation, or agricultural operation owned by one person shall not be considered an other source with respect to other plants and operations owned by the same person.

(2) Commenced On-Site Storage, Processing, or Disposal of Hazardous Waste—A person has commenced on-site storage, processing, or disposal of hazardous waste if the owner or operator has obtained all necessary federal, state, and local preconstruction approvals or permits as required by applicable federal, state, and local hazardous waste control statutes, regulations, or ordinances; and either:

(A) a continuous physical, on-site construction program has begun; or

(B) the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for construction of the facility to be completed within a reasonable time.

(d) Subsection (b) of this section shall not apply to a facility if it has been previously denied a hazardous waste permit or if authority to operate the facility has been previously terminated.

§335.45. Effect on Existing Facilities.

(a) Effect on permitted off-site facilities. Subchapters B-E of this chapter (relating to Hazardous Waste Management General Provisions; Standards Applicable to Generators of Hazardous Waste; Standards Applicable to Transporters of Hazardous Waste;

and Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), provide minimum requirements applicable to all persons generating, transporting, storing, processing, and disposing of hazardous waste. All persons holding permits or any other authorizations from the commission or its predecessor agencies, which relate to hazardous waste, shall meet the requirements of Subchapter B of this chapter (relating to Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities) until final administrative disposition of their permit application pursuant to standards prescribed by Subchapter F of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities) is made. However, where the permit or authorization specifies additional or more stringent requirements, the provisions of the permit or authorization shall be complied with.

(b) Effect on off-site facilities without a permit to reuse, recycle, or reclaim hazardous waste. Any person who has commenced the off-site storage, processing, or disposal of hazardous wastes, or activities that are listed, identified, or described by the administrator of the United States Environmental Protection Agency in 40 Code of Federal Regulations Part 261, on or before the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act of 1976, as amended, 42 United States Code §6901 *et seq.*, relating to the reuse, recycling, or reclamation of hazardous waste, that render such wastes or activities subject to the requirements to have a hazardous waste permit, shall file an application with the commission on or before the effective date of such amendments, which includes the applicable information required by §335.44 of this title (relating to Application for Existing On-site Facilities). Any person who has commenced off-site storage, processing, or disposal of hazardous waste on or before the effective date of such amendments, who has filed a hazardous waste permit application with the commission on or before the effective date of such amendments in accordance with the rules and regulations of the commission, and who complies with requirements in this chapter applicable to such activities, may continue the off-site storage, processing, or disposal of the newly listed or identified wastes or waste activities until such time as the Texas Water Commission approves or denies the application. Facilities that have received a permit for the reuse, recycling, or reclamation of hazardous waste in accordance with Subchapter F of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities) are not required to comply with this subsection and may operate pursuant to their existing permit. Such permits, however, are subject to amendment under §304.62 of

this title (relating to Amendment) to reflect new regulatory 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.

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TRD-880689

James K. Rourke, Jr.
General Counsel
Texas Water Commission

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For further information, please call
(512) 463-8070.

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Subchapter C. Standards Applicable to Generators of Hazardous Waste

★31 TAC §335.61

The amendment is proposed under the Texas Water Code, §§103 and §5.106, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policy of the commission. The amendment also is proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste, and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.61. *Purpose, Scope, and Applicability.*

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

(c) Generators of small quantities of hazardous waste are subject to the following requirements:

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

(3) Hazardous waste that is recycled and that is excluded from regulation under §336.24(b)(4) and (c) [§336.24(b)(4) and (c)] of this title (relating to Requirements for

Recyclable Materials and Nonhazardous Recyclable Materials), is not included in the quantity determinations of this subsection and is not subject to any requirements of this section. Hazardous waste that is subject to the requirements of §335.24(d)-(f) [§336.24(d)-(f)] of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials) and §§335.211-335.214 of this title (relating to Recyclable Materials Used in a Manner Constituting Disposal), §335.221 [§336.221] of this title (relating to Applicability), §§335.223-335.226 [§336.223-336.226] of this title (relating to Standards Applicable to Generators of Hazardous Waste Fuel; Standards Applicable to Transporters of Hazardous Waste Fuel; Standards Applicable to Marketers of Hazardous Waste Fuel; and Standards Applicable to Burners of Hazardous Waste Fuel) and §335.241 of this title (relating to Applicability and Requirements) is included in the quantity determination of this subsection and is subject to the requirements of this section.

(4)-(10) (No change.)

(11) If a small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to the requirements of §335.4 of this title (relating to General Prohibitions) and §335.6 of this title (relating to Notification Requirements) and so regulated by the United States Environmental Protection Agency pursuant to 40 Code of Federal Regulations Part 266, Subpart E, if the mixture is destined for energy recovery. Any material produced from such mixture by processing, blending, or other treatment is also so regulated if it is destined for energy recovery.

(d)-(f) (No change.)

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

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

★31 TAC §335.112

The amendment is proposed under the Texas Water Code, §§103 and §5.106, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve

all general policy of the commission. The amendment also is proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste, and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.112. Standards.

(a) Except to the extent that they are clearly inconsistent with the express provisions of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, or the rules of the commission (including the provisions set forth in this subchapter), the following regulations contained in 40 Code of Federal Regulations Part 265 (including all appendices to Part 265) which are in effect as of October 1, 1985, and as amended at 50 FedReg 49165 (November 29, 1985), are adopted by reference:

(1)-(16) (No change.)

(b) (No change.)

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

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

★31 TAC §335.152

The amendment is proposed under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission

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

§335.152. Standards.

(a) Except to the extent that they are clearly inconsistent with the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, or the rules of the commission (including the provisions set forth in this subchapter), the following regulations contained in 40 Code of Federal Regulations Part 264 (including all appendices to Part 264) which are in effect as of October 1, 1985, and as amended at 50 FedReg 49165 (November 29, 1985), are adopted by reference:

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

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

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

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Subchapter G. Location Standards for Hazardous Waste Storage, Processing, or Disposal Facilities

★31 TAC §335.201, §335.202

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

§335.201. Purpose, Scope, and Applicability.

(a) This subchapter establishes minimum standards for the location of facilities used for the storage, processing, and disposal of hazardous waste. These standards are to be applied in the evaluation of an application for a permit to manage hazardous waste. This subchapter applies to permit applications for new hazardous waste management facilities and areal expansions of existing hazardous waste management facilities, filed on or after September 1, 1984. These sections do not apply to the following:

(1) permit applications submitted pursuant to §335.2(c) [§336.2(c)] of this title (relating to Permit Required); and §335.43(b) [§336.43(b)] of this title (relating to Permit Required), including any revision submitted pursuant to §305.51 of this title (relating to Revision of Applications for Hazardous Waste Permits); and

(2) permit applications filed pursuant to §335.2(a) [§336.2(a)] of this title (relating to Permit Required) which have been submitted in accordance with Chapter 305 of this title (relating to Consolidated Permits) and which have been declared to be administratively complete pursuant to §281.3 of

this title (relating to Initial Review) prior to September 1, 1984.

(b) (No changes.)

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

Existing hazardous waste management facility—Any facility used or proposed to be used for the storage, processing, or disposal of hazardous waste and which is authorized by a solid waste permit. Facilities identified in the following pending applications will also be considered existing hazardous waste management facilities pending final action on the application by the commission:

(A) an application submitted pursuant to §335.2(e) [§336.2(c)] of this title (relating to Permit Required) and §335.43(b) [§336.43(b)] of this title (relating to Permit Required), including any revisions made in accordance with §305.51 of this title (relating to Revision of Applications for Hazardous Waste Permits); or

(B) an application filed pursuant to §335.2(a) [§336.2(a)] of this title (relating to Permit Required) which has been submitted in accordance with Chapter 305 of this title (relating to Consolidated Permits) and which has been declared to be administratively complete pursuant to §281.3 of this title (relating to Initial Review) prior to September 1, 1984.

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

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Subchapter H. Standards for the Management of Specific Wastes and Specific Types of Facilities Hazardous Waste Burned for Energy Recovery

★31 TAC §335.222

The repeal proposed under the Texas Water Code, §5.103 and §5.106, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Water Code and other laws of this state and to establish and approve all general policy of the commission. The repeal also is proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate rules consistent with the general intent and

purpose of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.222. Prohibitions.

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

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★31 TAC §§335.221-335.226

The new sections are proposed under the Texas Water Code, §5.103 and §5.106, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Water Code and other laws of this state and to establish and approve all general policy of the commission. The new sections also are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including rules relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practi-

cal and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.221. Applicability.

(a) The regulations of §§335.221-335.226 of this title (relating to Hazardous Waste Burned for Energy Recovery) apply to hazardous wastes that are burned for energy recovery in any boiler or industrial furnace that is not regulated under the provisions governing incinerators that are adopted by reference in §375.112(a)(14) of this title (relating to Standards), or §335.152(a)(13) of this title (relating to Standards), except as provided by subsection (b) of this section. Such hazardous wastes burned for energy recovery are termed "hazardous waste fuel." Fuel produced from hazardous waste by processing, blending, or other treatment is also hazardous waste fuel. (Sections 335.221-335.226 of this title (relating to Hazardous Waste Burned for Energy Recovery) do not apply, however, to gas recovered from hazardous waste management activities when such gas is burned for energy recovery.)

(b) The following hazardous wastes are not regulated under §§335.221-335.226 of this title (relating to Hazardous Waste Burned for Energy Recovery):

(1) used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 40 Code of Federal Regulations Part 261, Subpart C. Such used oil is subject to regulation by the United States Environmental Protection Agency under 40 Code of Federal Regulations Part 266, Subpart E; and

(2) hazardous wastes that are exempt from regulation under the provisions of 40 Code of Federal Regulations §261.4, and §335.24(c)(5)-(9) of this title (relating to Requirements for Recyclable Materials and Non-hazardous Recyclable Material), and hazardous wastes that are subject to the special requirements for small quantity generators under the provisions of §335.61(c) of this title (relating to Purpose, Scope, and Applicability).

§335.222. Prohibitions.

(a) A person may market hazardous waste fuel only:

(1) to persons who have notified the United States Environmental Protection Agency of their hazardous waste fuel activities under the Resource Conservation and Recovery Act (RCRA), §3010, as amended, 42 United States Code §6901 *et seq.*, and have a United States Environmental Protection Agency identification number; and

(2) if the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces identified in subsection (b) of this section.

(b) Hazardous waste fuel may be burned for energy recovery in only the following devices:

(1) industrial furnaces identified in §335.1 of this title (relating to Definitions);

(2) boilers, as defined in §335.1 of this title (relating to Definitions), that are identified as follows:

(A) industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any hazardous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than 500,000 (based on the most recent census statistics) unless such kiln fully complies with regulations under this chapter that are applicable to incinerators.

§335.223. Standards Applicable to Generators of Hazardous Waste Fuel.

(a) Generators of hazardous waste that is used as a fuel or used to produce a fuel are subject to the requirements of Subchapter C of this chapter (relating to Standards Applicable to Generators of Hazardous Waste).

(b) Generators who market hazardous waste fuel to a burner also must comply with §335.225 of this title (relating to Standards Applicable to Marketers of Hazardous Waste Fuel).

(c) Generators who are burners also must comply with §335.226 of this title (relating to Standards Applicable to Burners of Hazardous Waste Fuel).

§335.224. Standards Applicable to Transporters of Hazardous Waste Fuel. Transporters of hazardous waste fuel (and hazardous waste that is used to produce a fuel) are subject to the requirements of Subchapter D of this chapter (relating to Standards Applicable to Transporters of Hazardous Waste).

§335.225. Standards Applicable to Marketers of Hazardous Waste Fuel. Persons who market hazardous waste fuel are called "marketers." Marketers include generators who market hazardous waste fuel directly to a burner, persons who receive hazardous waste from generators and produce, process, or blend hazardous waste fuel from these hazardous wastes, and persons who distribute but do not process or blend hazardous waste fuel. Marketers must comply with the following requirements.

(1) Prohibitions. The prohibitions are under §335.222 of this title (relating to Prohibitions).

(2) Notification. Notification requirements under the Resource Conservation and Recovery Act (RCRA), §3010, as amended,

42 United States Code §6901 *et seq.*, and §335.6 of this title (relating to Notification Requirements) for hazardous waste fuel activities. Even if a marketer has previously notified the United States Environmental Protection Agency of his hazardous waste management activities and obtained a United States Environmental Protection Agency identification number, he must renotify to identify his hazardous waste fuel activities.

(3) Storage. The applicable provisions are under §335.69 of this title (relating to Accumulation Time) and Subchapter A of this chapter (relating to Industrial Solid Waste and Municipal Hazardous Waste Management in General), Subchapter B of this chapter (relating to Hazardous Waste Management General Provisions), Subchapter E of this chapter (relating to Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), Subchapter F of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), and Chapter 305 of this title (relating to Consolidated Permits).

(4) Off-site shipment. The standards for generators are in Subchapter C of this title (relating to Standards Applicable to Generators of Hazardous Waste) when a marketer initiates a shipment of hazardous waste fuel.

(5) Required notices. The following notices are required.

(A) Before a marketer initiates the first shipment of hazardous waste fuel to a burner or another marketer, he must obtain a one-time written and signed notice from the burner or marketer certifying that:

(i) the burner or marketer has notified the United States Environmental Protection Agency under the Resource Conservation and Recovery Act (RCRA), §3010, as amended, 42 United States Code §6901 *et seq.*, and identified his waste-as-fuel activities; and

(ii) if the recipient is a burner, the burner will burn the hazardous waste fuel only in an industrial furnace or boiler identified in §335.222(b) of this title (relating to Prohibitions).

(B) Before a marketer accepts the first shipment of hazardous waste fuel from another marketer, he must provide the other marketer with a one-time written and signed certification that he has notified the United States Environmental Protection Agency under the Resource Conservation and Recovery Act (RCRA), §3010, as amended, 42 United States Code §6901 *et seq.*, and identified his hazardous waste fuel activities; and

(6) Recordkeeping. In addition to the applicable recordkeeping requirements of §§335.61-335.76 of this chapter (relating to Standards Applicable to Generators of Hazardous Waste), §§335.111-335.126 of this title (relating to Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), and §§335.151-

335.177 of this title (relating to Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), a marketer must keep a copy of each certification notice he receives or sends for three years from the date he last engages in a hazardous waste fuel marketing transaction with the person who sends or receives the certification notice.

§335.226. Standards Applicable to Burners of Hazardous Waste Fuels. Owners and operators of industrial furnaces and boilers identified in §335.222(b) of this title (relating to Prohibitions) that burn hazardous waste fuel are subject to the following requirements.

(1) Prohibitions. The prohibitions are under §335.222(b) of this title (relating to Prohibitions);

(2) Notification. Notification requirements are under the Resource Conservation and Recovery Act, §3010, and §335.6 of this title (relating to Notification Requirements) for hazardous waste fuel activities. Even if a burner has previously notified the United States Environmental Protection Agency of his hazardous waste management activities and obtained a United States Environmental Protection Agency identification number, he must renotify to identify his hazardous waste fuel activities.

(3) Storage. Burners are subject to the following storage requirements:

(A) for short term accumulation by generators who burn their hazardous waste fuel on-site, the applicable provisions of §335.69 of this title (relating to Accumulation Time);

(B) for existing storage facilities, the applicable provisions of Subchapter A of this chapter (relating to Industrial Solid Waste and Municipal Hazardous Waste Management in General), Subchapter B of this chapter (relating to Hazardous Waste Management General Provisions), Subchapter E of this chapter (relating to Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), Chapter 305 of this title (relating to Consolidated Permits), Chapter 261 of this title (relating to Introductory Provisions), Chapter 263 of this title (relating to General Rules), Chapter 265 of this title (relating to Procedures Before Public Hearing), Chapter 267 of this title (relating to Procedures During Public Hearing), Chapter 269 of this title (relating to Procedures After Public Hearing Before an Examiner), Chapter 271 of this title (relating to Procedures After Public Hearing Before the Full Commission), and Chapter 273 of this title (relating to Procedures After Final Decision); and

(C) for new storage facilities, the applicable provisions of Subchapter A of this chapter (relating to Industrial Solid Waste and Municipal Hazardous Waste Management in General), Subchapter B of this chapter (relating to Hazardous Waste Management General Provisions), Subchapter F of

this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), Chapter 305 of this title (relating to Consolidated Permits), Chapter 261 of this title (relating to Introductory Provisions), Chapter 263 of this title (relating to General Rules), Chapter 265 of this title (relating to Procedures Before Public Hearing), Chapter 267 of this title (relating to Procedures During Public Hearing), Chapter 269 of this title (relating to Procedures After Public Hearing Before an Examiner), Chapter 271 of this title (relating to Procedures After Public Hearing Before the Full Commission), and Chapter 273 of this title (relating to Procedures After Final Decision).

(4) Required notices. Before a burner accepts the first shipment of hazardous waste fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

(A) he has notified the United States Environmental Protection Agency under the Resource Conservation and Recovery Act (RCRA), §3010, as amended, 42 United States Code §6901 *et seq.*, and identified his waste-as-fuel activities; and

(B) he will burn the fuel only in a boiler or furnace identified in §335.222(b) of this title (relating to Prohibitions).

(5) Recordkeeping. In addition to the applicable recordkeeping requirements of §§335.111-335.126 of this title (relating to Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities) and §§335.151-335.177 of this title (relating to Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), a burner must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives hazardous waste fuel from that marketer.

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

Issued in Austin, Texas, on July 3, 1986.

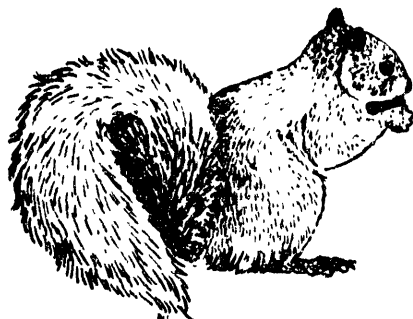
TRD-860658

James K. Courka, Jr.
General Counsel
Texas Water Commission

Earliest possible date of adoption:

August 11, 1986

For further information, please call
(512) 463-9087.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 7. Refugee Assistance Program

The Texas Department of Human Services (DHS) proposes the repeal of §§7.901, 7.902, 7.1001-7.1006, 7.1111-7.1117, 7.1201, 7.1401, 7.1901-7.1904, 7.2001-7.2016, 7.2101-7.2103, 7.9601, and 7.9802, and new §§7.101, 7.201-7.213, 7.301-7.307, 7.401-7.405, 7.501, 7.502, and 7.601-7.603, concerning the Refugee Cash Assistance Program (RCA). The existing sections are repealed and new sections are proposed to delete references to the previous Indochinese Refugee Assistance Program (IRAP), revise policies for RCA eligibility that differ from the IRAP criteria, and make the rules consistent with current DHS program handbook policies and procedures.

The primary changes relate to the following. RCA is a program for all nationalities instead of an Indochinese only refugee program. Eligibility is restricted to the first 18 months the refugee resides in the United States. Grants from Voluntary Resettlement Agencies count as income toward eligibility. Cuban-Haitian entrants are included as an eligible refugee group. The Cuban Refugee Program (from 1961) is eliminated. Permanent residents who were previously classified as refugees are eligible. Work registration requirements and sanctions are stricter and follow Aid to Families with Dependent Children Program (AFDC) criteria. Refugees must be ineligible for AFDC to receive RCA. The DHS does not allow the \$30 and 1/2 AFDC earned income disregard.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed repeals and new sections 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 repeals and new sections.

Mr. Packard also has determined that for each year of the first five years the repeals and new sections are in effect the public benefit anticipated as a result of enforcing the repeals and new sections will be current program rules that are more consistent with AFDC rules and federal regulations. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals and new sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-306, Texas Department of Human Services, 153-E, P.O. Box 2980, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

Background of Refugee Assistance Programs

★40 TAC §§7.901, §7.902

(Editor's note: The text of the following sections under Chapter 7, proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 563F, Sam Houston Building, 201 East 14th Street, Austin.)

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§7.901. Cuban Refugee Program.

§7.902. Definition of a Cuban Refugee.

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

Issued in Austin, Texas, on July 7, 1986.

TRD-860607

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

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

Determining Eligibility for Refugee Assistance

★40 TAC §§7.1001-7.1006

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§7.1001. Cuban Refugee Financial and Medical Assistance.

§7.1002. Cuban Entering U.S. with Affidavits of Support.

§7.1003. Indochinese Refugee Financial and Medical Assistance.

§7.1004. Refugees Who Are Medically Needy.

§7.1005. Verification of Sponsorship.

§7.1006. Referral for SSI Benefits.

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

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Commissioner
Texas Department of
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For further information, please call
(512) 450-3786.

★ ★ ★

Certification Process

★ 40 TAC §§7.1111-7.1117

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs.

- §7.1111. *Application and Interview.*
- §7.1112. *Foster Care Cases.*
- §7.1113. *Medical Assistance.*
- §7.1114. *Reporting Changes.*
- §7.1115. *Referral for SSI Benefits.*
- §7.1116. *Appeals, Fraud, and Recoupment Procedures.*
- §7.1117. *Food Stamps.*

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8606609 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

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August 11, 1986
For further information, please call
(512) 450-3766.

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Educational Grants

★ 40 TAC §7.1201

The repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public assistance programs.

§7.1201. *Educational Grants to Refugees.*

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8606610 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

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For further information, please call
(512) 450-3766.

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Refugee Eligibility

★ 40 TAC §7.1401

The repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs.

§7.1401. *Food Stamps.*

This agency hereby certifies that the proposal has been reviewed by legal counsel

and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on July 7, 1986.

TRD-8606611 Marlin W. Johnston
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Texas Department of
Human Services

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For further information, please call
(512) 450-3766.

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Refugee Resettlement and Cuban/Haitian Program

★ 40 TAC §§7.1901-7.1904

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs.

- §7.1901. *Definition of a Refugee.*
- §7.1902. *Persons Eligible for the Refugee Resettlement Program.*
- §7.1903. *Persons Ineligible for the Refugee Resettlement Program.*
- §7.1904. *Persons Eligible for the Cuban/Haitian Entrant Program.*

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8606612 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

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For further information, please call
(512) 450-3766.

★ ★ ★

Refugee Resettlement and Cuban/Haitian Entrant Financial and Medical Assistance

★ 40 TAC §§7.2001-7.2016

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs.

- §7.2001. *Financial Assistance.*
- §7.2002. *Income and Resources.*
- §7.2003. *Work-related Expenses.*
- §7.2004. *Educational Grants.*
- §7.2005. *U.S.-born Children/Marriage to U.S. Citizen Sponsors/VOLAGs.*
- §7.2006. *18-month Limit.*
- §7.2007. *Matching Grant Program.*
- §7.2009. *Work Registration Requirements.*
- §7.2010. *Criteria for Exempt Status and Determining Validity of Claims of Exemption.*

- §7.2011. *Refusal To Register for Employment or Training.*
- §7.2012. *Refusal To Accept an Offer of Appropriate Employment or Training.*
- §7.2013. *Determining Appropriateness of Employment or Training.*
- §7.2014. *Secondary Work or Training Standards.*
- §7.2015. *Ceasing Employment To Become or Remain Eligible for Financial Assistance.*
- §7.2016. *Reporting Changes that Affect Employment Status.*

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8606613 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

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For further information, please call
(512) 450-3766.

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Refugee/Entrant Resettlement Services

★ 40 TAC §§7.2101-7.2103

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs.

- §7.2101. *Available Services.*
- §7.2102. *Refugee/Entrant Medical Spenddown Program.*
- §7.2103. *Spenddown.*

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8606614 Marlin W. Johnston
Commissioner
Texas Department of
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For further information, please call
(512) 450-3766.

★ ★ ★

Support Documents

★ 40 TAC §§7.9801, §7.9802

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs.

§7.9001. *Public Law 94-313.*

§7.9002. *Public Law 94-330.*

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

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TRD-8608615

Marlin W. Johnston
Commissioner
Texas Department of
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For further information, please call
(512) 460-3766.

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Subchapter A. Program Purpose and Scope

★40 TAC §7.101

The new section is proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§7.101. *Refugee Cash Assistance Program (RCA) Purpose and Scope.* The Refugee Cash Assistance Program was established by the Refugee Act of 1980, effective December 1, 1980. The purpose is to provide temporary cash and medical assistance to eligible refugees and Cuban-Haitian entrants until they become self-sufficient or have lived in the United States for 18 months. The program is 100% federally-funded, with the number and nationalities of refugees admitted to the United States determined by the President of the United States each federal fiscal year.

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

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(512) 460-3766.

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Subchapter B. Eligibility Criteria

★40 TAC §§7.201-7.213

The new sections are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§7.201. *AFDC Ineligibility.* A refugee must be ineligible for the Aid to Families

with Dependent Children Program (AFDC) before being tested for eligibility under RCA.

§7.202. *Identity.* The refugee must possess the arrival and departure record issued to the refugee by the Immigration and Naturalization Service (INS) to determine identity and refugee status.

§7.203. *Voluntary Quit.* If a refugee voluntarily quits a job 30 days before applying for RCA or anytime after being certified for RCA, DHS denies assistance.

§7.204. *Social Security Numbers.* Requirements for Social Security numbers are the same as outlined in the AFDC rules.

§7.205. *Domicile.* Refugees must live together to be certified together.

§7.206. *SSI Applications.* Refugees who are age 65 or older or disabled must apply to the Social Security Administration for SSI eligibility determination.

§7.207. *Permanent Residents.* A permanent resident is eligible for RCA if he previously held refugee status and is within the 18-month limit.

§7.208. *Eighteen-Month Limit.* Eligibility for RCA is restricted to refugees who have lived in the United States 18 months or less.

§7.209. *Household Composition.* Households need not have a dependent child living in the home. Single adults and couples with or without children may be eligible. Nonrelated persons may receive assistance together if DHS determines that the household interacts and functions as a unit.

§7.210. *Children Born to Refugees in the U.S.* If a refugee has a child born in the U.S., the child is eligible as long as the parent(s) are eligible.

§7.211. *Marriage to a U.S. Citizen.* If a refugee marries a U.S. citizen, only the refugee can be eligible for RCA. Children resulting from the marriage are citizens and are not eligible for RCA. DHS considers income of the refugee's spouse toward eligibility, using stepparent policies and procedures outlined in the AFDC rules.

§7.212. *Employment Services.* All nonexempt refugees who are at least 16 years old and not older than 64 years must register for employment. DHS uses the same exemptions that it uses in the AFDC program.

§7.213. *Refusal to Register.*

(a) DHS does not certify nonexempt applicants for RCA who refuse to register for employment services.

(b) DHS removes from the grant the needs of nonexempt recipients who refuse to register for employment services.

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8608617

Marlin W. Johnston
Commissioner
Texas Department of
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For further information, please call
(512) 460-3766.

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Subchapter C. Eligibility Determination

★40 TAC §§7.301-7.307

The new sections are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§7.301. *Application and Interview.* An applicant must complete and sign an application form to apply for refugee cash assistance. The applicant must also have a personal interview with a caseworker.

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

- (1) refugee—section 207;
- (2) granted asylum—section 206;
- (3) Cuban-Haitian entrant (status pending);
- (4) citizen of Cuba or Haiti paroled or granted voluntary departure.

§7.303. *Age and Relationship.* DHS verifies age by the arrival and departure record issued by INS, Voluntary Resettlement Agency (VOLAG) relationship documents, school records, or other arrival records. Persons need not be related to receive a grant, since deprivation is not an eligibility factor for RCA. Refugees age 18 or older are certified for an adult grant amount. If the month and year of birth is unknown, July 2 is used.

§7.304. *Income from Voluntary Resettlement Agencies and Sponsors.* DHS counts as unearned income toward RCA eligibility resettlement and matching grants from the refugee's VOLAG, and any cash assistance from the refugee's sponsor. DHS does not count toward eligibility the income and resources of the sponsor and VOLAG.

§7.305. *Income and Resources.*

(a) The AFDC rules apply to RCA except:

- (1) VOLAG grants are counted as unearned income toward eligibility;
- (2) the \$30 and 1/3 earned income disregard is not allowed.

(b) SSI payments, and overpayments caused by SSI payments, are treated in the same manner as outlined in the AFDC rules.

§7.306. *Grant Amounts and Budgeting.* The same grant amounts and budgeting procedures in AFDC rules are used for RCA.

§7.307. Financial Management. DHS determines whether household expenses can be met by income according to the same requirements as outlined in the AFDC rules.

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8606616 Martin W. Johnston
Commissioner
Texas Department of
Human Services

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August 11, 1986
For further information, please call
(512) 450-3766.

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Subchapter D. Eligibility for Other Programs

★40 TAC §§7.401-7.405

The new sections are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§7.401. Food Stamps. Refugees are eligible for food stamps the same as any other lawfully admitted alien. If all members of the household residing as a family unit receive either AFDC or RCA, DHS considers the household a public assistance case. If the refugee group is residing with other persons who are not recipients of RCA or AFDC, DHS considers the household a non-public assistance case.

§7.402. Medicaid/Early and Periodic Screening, Diagnosis, and Treatment (EPSDT). AFDC, Medicaid, and EPSDT rules apply to RCA, except four-month post Medicaid is denied if the 18-month limit is reached.

§7.403. Refugee Medically Needy Program. The Refugee Medically Needy Program is the same as outlined in the AFDC Medically Needy Program rules, except:

(1) the refugee must be ineligible for AFDC medical programs;

(2) the refugee must meet all RCA eligibility requirements except work registration.

§7.404. Foster Care. Refugee children who are removed from their homes by DHS and who are ineligible for AFDC foster care may receive the same foster care services under RCA. The child must have refugee status and be within the 18-month residency limit.

§7.405. Family Self-Support Services. Refugees are eligible for all family self-support services if they meet eligibility requirements outlined in family self-support rules.

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8606619 Martin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
August 11, 1986
For further information, please call
(512) 450-3766.

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Subchapter E. Client Reporting Requirements

★40 TAC §7.501, §7.502

The new sections are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§7.501. Monthly Reporting. RCA clients have the same monthly reporting requirements as outlined in AFDC rules.

§7.502. Reporting Changes. RCA clients must report changes according to the same requirements as outlined in AFDC rules.

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8606620 Martin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
August 11, 1986
For further information, please call
(512) 450-3766.

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Subchapter F. Penalty Provisions

★40 TAC §§7.601-7.603

The new sections are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§7.601. Sanctions for Noncompliance with Employment Services Requirements. The same sanctions in AFDC rules are used for RCA for refusal to comply with employment services requirements, including failure to appear for an interview, failure to apply for or accept employment, or failure to participate in training.

§7.602. Fraud, Recoupment, and Appeal. AFDC rules regarding fraud, referral, re-

coupment of overpayments, and the right to appeal apply to RCA.

§7.603. Good Cause. If a refugee refuses to register for employment, participate in employment services, or voluntarily quits a job, he may remain eligible only if the good cause requirements in the AFDC rules are met.

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8606621 Martin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
August 11, 1986
For further information, please call
(512) 450-3766.

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Chapter 41. Utilization Review Level-of-Care Criteria

★40 TAC §§41.801, §41.802

The Texas Department of Human Services proposes amendments to §41.801 and §41.802, concerning level-of-care criteria. Section 41.801 is amended to include a definition of medically related condition as it pertains to level-of-care determination. Section 41.802 is amended to add a dependency criterion to existing level-of-care criteria.

The amendments are necessary to prevent the potential discharge of individuals from nursing facilities when discharge would place these individuals at risk of jeopardy to health or life. The dependency criterion applies to individuals who need continued care in highly structured, 24-hour institutional settings and who do not meet existing skilled-nursing-facility (SNF), intermediate-care-facility (ICF), and ICF II criteria. These individuals have lost their self-care capabilities and can neither monitor their own health nor maintain proper nutrition. They have usually exhausted their financial resources and lack the social support systems necessary to maintain them outside the nursing facilities.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The anticipated additional costs to the state are an estimated \$2,006 in fiscal year 1986; \$51,762 in fiscal year 1987; \$75,694 in fiscal year 1988; \$77,999 in fiscal year 1989; and \$75,631 in fiscal year 1990. There is no effect on local government or small businesses.

Mr. Packard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the continued protection of individuals who are dependent on structured care in geriatric nursing facilities. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Roesberg, Administrator, Policy Development Support Division-079, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

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

Medically related condition—A chronic, organic, debilitating disease or disorder that requires services provided in a geriatric nursing facility, under the supervision of licensed nurses.

§41.802. Criteria for Medicaid Level-of-care Determination. Medical necessity is the prerequisite for participation in the Medicaid (Title XIX) Long-term Care program. This section contains the general qualifications for a level of care and specific criteria for each level of care (skilled nursing care, intermediate level of care, or intermediate level of care II).

(i) General qualifications. To qualify for a level of care, an individual must meet the conditions described in subparagraph (A) and (B) of this section or the condition described in subparagraph (C) of this section. To qualify under the conditions described in subparagraph (C), the individual must first be evaluated and found ineligible for skilled nursing care, intermediate care, and intermediate care facility II levels.

(A) The individual must demonstrate a medical disorder or disease or both, with a related [, and/or] impairment that [which]:

(i) limits his ability to recognize problems, changes in his condition, and the need for, or side effects of prescribed medications;

(ii) (No change.)

(iii) requires [the] nurses' supervision, assessment, planning, and [and/or] intervention that [which] are available only in an institution.

(B) The individual must require medical/nursing services that:

(i) [Services] are ordered by and remain under the supervision of a physician;

(ii) [Services] are dependent upon the individual's documented medical, physical, and/or functional disorders, conditions, or impairments;

(iii) [Services] require the skills of registered or [and/or] licensed vocational nurses;

(iv) [Services] are provided either directly by or under the supervision of nurses in an institutional setting; and

(v) [Services] are required on a regular basis.

(C) The individual must have been admitted to a geriatric nursing facility for a medically related condition and must:

(i) require medical/nursing services that:

(I) are ordered by and remain under the supervision of a physician;

(II) depend upon the individual's documented medical or physical disorders, with related functional disorders, conditions, or impairments; and

(III) have lived in a geriatric nursing facility for five consecutive years, causing him to lack a readily available support system and adequate financial resources to maintain him in a community setting.

(2) (No change.)

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

Issued in Austin, Texas, on July 7, 1986.

TRD-8608805

Martin W. Johnston
Commissioner
Texas Department of
Human Services

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August 11, 1986

For further information, please call
(512) 460-3768.

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★ 49 TAC §41.803

The Texas Department of Human Services proposes new §41.803, governing retroactive level-of-care determinations for patients who live in long-term care nursing facilities and who are potentially eligible for three-months-prior coverage under Medicaid.

The proposed section is necessary to comply with federal regulations (42 Code of Federal Regulations 435.914), which require that retroactive eligibility determination be available for institutionalized individuals who do not receive supplemental security income (SSI) cash benefits. Section 41.803 specifies the steps necessary to meet utilization review (UR) requirements, thereby facilitating the determination of retroactive levels of care for nursing-home residents who may be eligible for three-months-prior Medicaid payments.

The section also includes special requirements covering applicants who have not

maintained current levels of care but who are nevertheless potentially eligible for three-months-prior vendor payments; a requirement that plans of care be checked to determine whether they were established and reviewed at appropriate times during applicable retroactive periods; and a statement that the department makes payment for only those months during which plan-of-care requirements were met.

Although paragraph (5) of the section covers residents who lack current levels of care, the department encourages facility staff and potentially eligible residents to apply for current levels of care approximately six months before residents' financial resources are exhausted and to maintain these levels of care by renewing them regularly, as specified in paragraph (1) of the proposed section, until the potential recipients apply for determination of their financial eligibility. If residents have not maintained current levels of care in this manner, nursing facility staff may submit appropriate forms (including physicians' signed certifications) as described in paragraph (5) of the proposed section. A physician's plan of care must be on file for each ICF or SNF patient-applicant before retroactive payment can be authorized.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state government as a result of enforcing or administering the section. The estimated additional costs to the state are \$128,051 in fiscal year 1986; \$504,677 in fiscal year 1987; \$513,621 in fiscal year 1988; \$519,239 in fiscal year 1989; and \$519,474 in fiscal year 1990. There is no effect on local government or small businesses.

Mr. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the section will facilitate the level-of-care determination process for nursing-home residents who may be eligible for retroactive Medicaid nursing-home coverage. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Roesberg, Administrator, Policy Development Support Division-074, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The new section is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

§41.803. Retroactive Level-of-Care Determination. To ensure that vendor payments begin on the date that an individual's finan-

cial resources are exhausted, nursing facility staff should maintain a potential recipient's medical records in compliance with Medicaid Utilization Review (UR) requirements, as described in paragraph (1) of this section. If, before his application, an applicant's level of care has not been maintained in this manner, nursing facility staff must comply with paragraph (5) of this section.

(1) To be in compliance with UR requirements, potential recipients' medical records must be maintained and reviewed as follows.

(A) The physician's plan of care and certification for a specific level of care (intermediate or skilled) must be dated no more than 30 days before the date that the facility administrator learned about the potential need for Medicaid assistance.

(B) The physician's plan of care must be updated at least every 60 days for all potential recipients.

(C) The physician's recertification must be obtained 60 days after initial certification and must be updated every 60 days thereafter for all potential recipients.

(D) When the facility administrator learns about a potential need for Medicaid assistance, nursing facility staff must submit a level-of-care (LOC) assessment form to the regional Texas Department of Health/Long-term Care Unit (TDH/LTCU). The LOC form must:

(i) include the code indicating that the individual is a potential Medicaid recipient; and

(ii) be renewed every 60 days for all potential recipients, thereby maintaining the assigned level of care in Texas Department of Human Services (TDHS) files.

(E) Nursing facility staff must prepare a list of potential Medicaid recipients who need updated levels of care, and submit this list to the TDH/LTCU nurse during any on-site visit to the facility by the LTCU team.

(F) Before assigning or updating a level of care during an on-site visit, the LTCU nurse must review the potential recipient's medical record to verify that the physician's certification, recertifications, and plans of care are maintained in compliance with UR requirements.

(2) When a potential recipient exhausts his financial resources and applies for Medicaid assistance, nursing facility staff must submit:

(A) a patient-transaction notice to the local TDHS office within 72 hours after the facility administrator learns of the applicant's need; and

(B) an updated LOC assessment form to the regional LTCU. Facility staff must indicate on the form that it is a request for admission to the Medicaid program.

(3) If an applicant's level of care and physician's certification, recertifications, and plans of care are maintained according to UR requirements, the effective date of the new level of care is the first day of the month

in which the applicant applied for Medicaid assistance (the date the applicant signed the application).

(4) If an applicant meets all other eligibility criteria for three-months-prior coverage, TDHS makes retroactive vendor payment according to the level of care recorded in the TDHS suspense file during the specified eligibility period (the period immediately before the applicant applied for Medicaid assistance).

(5) If, before his application for assistance, an applicant's level of care has not been maintained according to UR requirements described in paragraph (1) of this section;

(A) nursing facility staff must submit an LOC assessment form indicating a request for admission to the Medicaid program;

(B) upon notification from TDHS Medicaid eligibility staff that the applicant is potentially eligible for three-months-prior coverage, nursing facility staff must review the applicant's current medical record to ensure that it meets UR requirements;

(C) nursing facility staff must submit another LOC assessment form. This form must:

(i) indicate potential eligibility for Medicaid;

(ii) clearly identify, in the form's comment section, the applicable retroactive period(s); and

(iii) include, in the form's comment section, a statement of certification that the applicant required ICF or SNF services during the applicable period(s). This statement must be initialed by the attending physician.

(6) The LTCU nurse must verify that the applicant's record includes certification, recertifications, and plans of care; and that the plans of care were reviewed as required during the applicable period(s). The LTCU nurse must verify this information during the first on-site visit after establishment of any retroactive level of care.

(7) TDHS makes retroactive vendor payments for only those months during which UR requirements were met.

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

Issued in Austin, Texas, on July 7, 1986.

TRD-900608

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 11, 1986

For further information, please call
(512) 450-3788.

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Chapter 49. Child Protective Services

The Texas Department of Human Services (DHS) proposes new §49.105 and an amendment to §49.1502, concerning criminal record checks on Big Brother/Big Sister volunteers and on adoptive parent applicants.

Senate Bill 48, passed by the 69th Legislature in Regular Session, amended Chapter 22 of the Human Resources Code to give the department the authority to obtain criminal record information from the Texas Department of Public Safety, the Federal Bureau of Investigation, or other law enforcement agencies regarding individuals who have access to or the responsibility for caring for children. The proposed new section provides for Big Brothers/Big Sisters chapters to receive through DHS, criminal record information concerning volunteers. The amendment to §49.1502 establishes criminal history as one of the screenable items for approving an adoptive home.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Packard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to better ensure the safety of children by identifying those individuals who have the potential to harm children. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division (344), Texas Department of Human Services—153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

Subchapter A. Administration

★40 TAC §49.105

The new section is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 41, which authorizes the department to enforce laws for the protection of children.

§49.105. *Criminal Records Checks for Big Brothers/Big Sisters Volunteers.* To obtain criminal history information through DHS, Big Brothers/Big Sisters chapters in Texas must submit identifying information on persons applying as volunteers on forms designated for this purpose. DHS returns all information directly to the local affiliates. Criminal history information obtained by

DHS is privileged information for the exclusive use by DHS staff and people authorized to receive the records.

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

Issued in Austin, Texas, on July 3, 1986.

TRD-880688

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
August 11, 1986
For further information, please call
(512) 450-3786.

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Subchapter O. Foster and Adoptive Home Development

★ 49 TAC §49.1502

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 41, which authorizes the department to enforce laws for the protection of children.

§49.1502. *Adoptive Home Screening.* DHS' policies for assessing and approval of adoptive homes are as follows.

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

(14) *Criminal History.* Criminal history checks are required for all persons 18 years old and older who live in the applicant's home. Criminal history is evaluated in terms of the potential danger it presents to placement, rearing, and protection of children. Persons who have been convicted of

offenses against the person, offenses against the family, public indecency, or a felony violation of the Texas Controlled Substances Act must submit proof of rehabilitation to DHS for their application to be considered further.

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

Issued in Austin, Texas, on July 3, 1986.

TRD-880688

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
August 11, 1986
For further information, please call
(512) 450-3786.

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Withdrawn

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

TITLE 22. EXAMINING BOARDS

Part XXIV. State Board of Veterinary Medical Examiners

Chapter 571. Licensing

★22 TAC §571.9

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §571.9, submitted by the State Board of Veterinary Medical Examiners, has been automatically withdrawn, effective July 7, 1986. The new section as proposed appeared in the January 3, 1986, issue of the *Texas Register* (11 TexReg 30).

TRD-8806804
Filed: July 7, 1986

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 309. Effluent Standards Domestic Wastewater Treatment Plants

★31 TAC §§309.1-309.4

The Texas Water Commission has withdrawn from consideration the emergency effectiveness of §§309.1-309.4, concerning domestic wastewater treatment plants. The text of the new sections appeared in the May 13, 1986, issue of the *Texas Register* (11 TexReg 2220). The effective date of these new sections is July 8, 1986.

Issued in Austin, Texas, on July 3, 1986.

TRD-8806800 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Filed: July 3, 1986
For further information, please call
(512) 463-8070.

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Chapter 325. Certificates of Competency

Subchapter A. Certificates of Competency

★31 TAC §§325.2-325.16

The Texas Water Commission has withdrawn from consideration the emergency effectiveness of §§325.2-325.16, concerning certificates of competency. The text of the new sections appeared in the July 1, 1986, issue of the *Texas Register* (11 TexReg 3026). The effective date of these new sections is July 8, 1986.

Issued in Austin, Texas, on July 3, 1986.

TRD-8806899 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Filed: July 3, 1986
For further information, please call
(512) 463-8070.

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Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

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

★31 TAC §§335.2, §335.24

The Texas Water Commission has withdrawn from consideration the emergency effectiveness of §§335.2 and §335.24, concerning industrial solid waste and municipal hazardous waste management in general. The text of the new sections appeared in the January 10, 1986, issue of the *Texas Register* (11 TexReg 123). The effective date of these new sections is July 3, 1986.

Issued in Austin, Texas, on July 3, 1986.

TRD-8806801 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Filed: July 3, 1986
For further information, please call
(512) 463-8070.

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Subchapter B. Hazardous Waste Management General Provisions

★31 TAC §§335.43, §335.45

The Texas Water Commission has withdrawn from consideration the emergency effectiveness of §§335.43 and §335.45, concerning hazardous waste management general provisions. The text of the new sections appeared in the January 10, 1986, issue of the *Texas Register* (11 TexReg 123). The effective date of these new sections is July 3, 1986.

Issued in Austin, Texas, on July 3, 1986.

TRD-8806802 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Filed: July 3, 1986
For further information, please call
(512) 463-8070.

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Subchapter H. Standards for the Management of Specific Wastes and Specific Types of Facilities Hazardous Waste Burned for Energy Recovery

★31 TAC §§335.221, 335.223-335.227

The Texas Water Commission has withdrawn from consideration the emergency effectiveness of §§335.221 and 335.223-335.227, concerning hazardous waste burned for energy recovery. The text of the new sections appeared in the January 10, 1986, issue of the *Texas Register* (11 TexReg 123). The effective date of these new sections is July 3, 1986.

Issued in Austin, Texas, on July 3, 1986.

TRD-8806803 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Filed: July 3, 1986
For further information, please call
(512) 463-8070.

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**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE**

**Part I. Texas Department
of Human Services
Chapter 2. Medically Needy
Program Requirements**

★40 TAC §2.1006

The Texas Department of Human Services has withdrawn from consideration the emergency effectiveness of §2.1006, concerning medically needy program requirements. The text of the amendment appeared in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2874). The effective date of the amendment is July 3, 1986.

issued in Austin, Texas, on July 3, 1986.

TRD-8908568 Marlin W. Johnston
Deputy Commissioner
Texas Department of
Human Services

Filed: July 3, 1986
For further information, please call
(512) 441-3355.

**Chapter 4. Medicaid Programs—
Children and Pregnant Women
Eligibility Requirements**

★40 TAC §4.1006

The Texas Department of Human Services has withdrawn from consideration the emergency effectiveness of §4.1006, concerning Medicaid programs—children and pregnant women. The text of the amendment appeared in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2874). The effective date of the amendment is July 3, 1986.

issued in Austin, Texas, on July 3, 1986.

TRD-8908567 Marlin W. Johnston
Deputy Commissioner
Texas Department of
Human Services

Filed: July 3, 1986
For further information, please call
(512) 441-3355.

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Adopted

Rules

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.

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. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 22. EXAMINING BOARDS

Part XVIII. Texas State Board of Podiatry Examiners

Chapter 378. Continuing Education

★ 22 TAC §§378.1-378.7

The Texas State Board of Podiatry Examiners adopts new §§378.1-378.7. Sections 378.2-378.5 and 378.7 are adopted with changes to the proposed text published in the May 18, 1986, issue of the *Texas Register* (11 TexReg 2379). Section 378.1 and §378.6 are adopted without changes and will not be republished.

Justification for the new sections pertaining to continuing education is set forth in Senate Bill 819, 69th Legislature, 1985, which was approved and signed by Governor White. Grammatical changes are made to §§378.2-378.5 and 378.7.

The new sections require licensed podiatrists to have 15 hours of approved continuing education credits annually to renew their podiatry license. The new sections provide better and safer provisions of podiatric services to the citizens of Texas.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Articles 4568(j) and 4590(e), which provide the Texas State Board of Podiatry Examiners with the authority to adopt all reasonable or necessary rules, regulations, and by-laws not inconsistent with the law regulating the practice of podiatry, the laws of this state, or the United States, to govern its proceedings and activities, the regulations of the practice of podiatry, and the enforcement of the law regulating the practice of podiatry.

§378.2. *Exceptions and Allowances.*

(a) Excess hours of continuing education obtained in the last three months of the preceding fiscal year may be carried forward to the following year, providing they do not exceed five hours in number.

(b) Delinquency for continuing education may be allowed in cases of hardship as determined on an individual basis by the Texas State Board of Podiatry Examiners. In instances, hours of delinquency must be current at the end of a three-year period.

(c) Any practitioner fully retired from the practice of podiatric medicine shall be exempt from these requirements; however, upon resuming practice of podiatry, that person shall fulfill the requirements of these sections from the effective date previous to his resumption of practice.

(d) Delinquency for continuing education may be allowed in cases of hardship as determined on an individual basis by the Texas State Board of Podiatry Examiners by it by majority vote.

§378.3. *Method of Approval of Hours.*

(a) Any program approved by the Council on Continuing Education of the American Podiatric Medical Association will be approved by the Texas State Board of Podiatry Examiners.

(b) Hours obtained in colleges or universities while working on a degree or non-degree program or an approved residency program by the council on education and providing these courses shall be of a medical nature, shall be considered as having fulfilled the requirements of continuing education hours for that fiscal year.

(c) Hours of continuing education submitted to the state board for approval, by any member, must be certified by the continuing education director of the institution or organization from which the hours were obtained, that he/she was in actual attendance for the specified period.

(d) Holders of current cardio-pulmonary resuscitation certificates expiring after December 31 of the current year are eligible for three hours credit of continuing education.

(e) Advance life support course certificate after December 31 of the current year are eligible for six hours credit of continuing education.

§378.4. *Methods of Reporting Continuing Education Requirements.*

Hours of continuing education are to be reported prior to September 1 of each year, on the form submitted or a reproduction of same, to the office of the Texas State Board of Podiatry Examiners, Austin, Texas. Each separate occurrence is to list giving the date, place, subject, hours, and total hours. Reproduced copies of verification of an individual's attendance of each program shall be presented with his form. This must be the responsibility of the licensee to provide this to the state board office.

§378.5. *Records.* All records shall be kept by the Texas State Board of Podiatry Examiners for a period of four years.

§378.7. *Violations.* Any podiatrist who violates the sections in Chapter 378 of this title (relating to Continuing Education) are hereby subject to revocation, probation, cancellation, and/or suspension of the podiatrist's license as provided by Texas Civil Statutes, Article 4573.

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

issued in Austin, Texas, on July 2, 1986.

TRD-8606561

Gus Lyons
Attorney
Attorney General's Office

Effective date: July 24, 1986
Proposal publication date: May 20, 1986
For further information, please call
(512) 477-4010.

Open Meetings

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

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

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

Texas Department of Agriculture

Friday, July 18, 1986, 10 a.m. The Family Farm and Ranch Security Program Advisory Council of the Texas Department of Agriculture will meet in Room 1033, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the council will review the application of James Lee Dowty, Case 00616, Family Farm and Ranch loan guarantee.

Contact: Larry Strange, P.O. Box 12847, Austin, Texas 78711, (512) 463-7624.

Filed: July 3, 1986, 11:56 a.m.
TRD-8606558

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Texas Animal Health Commission

Thursday, July 17, 1986, 2 p.m. The Finance Committee of the Texas Animal Health Commission (TAHC) will meet in the TAHC Conference Room, 210 Barton Springs Road, Austin. According to the agenda, the committee will review an explanation of the state requirements for the fiscal year 1988-1989 biennium budget submission; an explanation of the budget priorities established by the Finance Committee; and discuss the agency fiscal year 1988-1989 budget submission.

Contact: Jo Anne Conner, 1020 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 479-6697.

Filed: July 3, 1986, 3:33 p.m.
TRD-8606574

Friday, July 18, 1986, 9 a.m. The Texas Animal Health Commission will meet in the TAHC Conference Room, 210 Barton Springs Road, Austin. According to the agenda summary, the commission will approve the minutes of the previous meetings; approve action of the executive director; consider adopting amendments to the Texas Bovine Brucellosis Regulation; consider pro-

posing amendments to the Texas Bovine Brucellosis Regulations; and consider the reports of the TAHC Finance Committee.

Contact: Jo Anne Conner, 1020 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 479-6697.

Filed: July 3, 1986, 3:33 p.m.
TRD-8606573

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Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Thursday, July 17, 1986, 10 a.m. The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet at 4800 North Lamar Boulevard, Austin. According to the agenda, the committee will introduce visitors; approve the minutes of the April 17, 1986, meeting; review the Texas Committee Rules; discuss and act on the performance report; the new service contracts; and price revisions for arch files, clipboards, typing tables, office tables, and 5¼" floppies.

Contact: Ron P. Mansolo, P.O. Box 12866, Austin, Texas 78711, (512) 459-2603.

Filed: July 7, 1986, 1:50 p.m.
TRD-8606643

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Texas Department of Corrections

Monday, July 14, 1986, 10 a.m. The Board of Corrections of the Texas Department of Corrections will meet in the Hazel D. Kerper Courtroom, Criminal Justice Center, 815 16th Street at Avenue I, Sam Houston State University, Huntsville. According to the agenda summary, the board will consider operations; inmate affairs; medical matters; finance matters; agriculture matters; business; construction; industries; the director's items; and the Windham School System. The board also will meet in executive session.

Contact: O. L. McCotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371 ext. 1160.

Filed: July 3, 1986, 1:18 p.m.
TRD-8606577

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Texas Education Agency

Friday, July 11, 1986. Committees of the Texas Education Agency (TEA) will meet in the William B. Travis Building, 1701 North Congress Avenue, Austin. Times, committees, rooms, and agendas follow.

8:30 a.m. In Room 1-104, the Committee for Finance and Programs will consider investment of the Permanent School Fund; adult basic and secondary education; textbooks; a provision of computer services to school districts; the Texas education computer cooperative; school district bonds; nonpublic schools for handicapped students; the Apprenticeship and Training Advisory Committee; per capita apportionment for the 1986-1987 school year; school transportation; funds for the annual performance report; funds for the implementation of the Public Education Information Management System; the State Board of Education Sunset Review of the advisory committees; vocational education; Federal Vocational Education Funds; the annual audit plan of the TEA; a request for proposal for the Texas Educational Assessment of Minimum Skills; further discussion of budget issues; the progress report from the Price Differential Index Advisory Committee; and authorization to apply for funds under Title VII, Elementary and Secondary Education Act.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701 (512) 463-8985.

Filed: July 3, 1986, 1:30 p.m.
TRD-8606579

8:30 a.m. In Room 1-109, the Committee for Students will discuss alternatives to social promotion, Grades 9-12; the curriculum for promotion and alternatives to social promotion, Grades 9-12; the curriculum; special education; kindergarten; assessment; driver education; the Software Advisory Committee; concerns related to families; the Texas Education Assessment of Minimum Skills; the Grade 1 Spanish Pilot Testing conducted in Spring 1986; advanced placement; credit by examination; the use of equivalency scores for student entry into and exit from special programs; issues relating to teenage pregnancy; and extracurricular activities.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701 (512) 463-8985.

Filed: July 3, 1986, 1:31 p.m.
TRD-8606584

8:30 a.m. In Room 1-109, the Committee for Personnel will discuss public school finance-personnel; inservice training in instructional leadership for district administrator; the testing program; teacher certification; certification of educators in Texas; the competency of teachers of computer literacy (Grades 7 or 8); alternative teacher certification plans; the teacher exchange program with the German government; the teacher appraisal system; a report on pre-professional skills test data from the March administration; and the implementation of alternative certification plans.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701 (512) 463-8985.

Filed: July 3, 1986, 1:31 p.m.
TRD-8606581

4 p.m. The Committee for Long-Range Planning will meet in Room 1-110. According to the agenda, the committee will consider the status report on the accreditation of school districts; the status report on waiver requests for pre-kindergarten and maximum class size of 22; the update on the campus performance based accreditation monitoring system; the long-range plan update; and discuss information available at the agency for assessment of the condition of education in Texas.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701 (512) 463-8985.

Filed: July 3, 1986, 1:31 p.m.
TRD-8606582

Friday, July 11, 1986, 6:30 p.m. The State Board of Education of the Texas Education Agency will meet in the Palmwood Room, Embassy Suites, 300 South Congress Avenue, Austin. According to the agenda, the board will hold a dinner meeting to receive reports from the chairmen of the State Board of Education Committees concerning items discussed in the committee meetings on Thursday and Friday, July 10 and 11, 1986, including the Committee for Finance and

Programs, the Committee for Students, the Committee for Personnel, the Committee for Long-Range Planning, and the Committee of the Whole.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701 (512) 463-8985.

Filed: July 3, 1986, 1:30 p.m.
TRD-8606580

Saturday, July 12, 1986, 8:30 a.m. The State Board of Education (SBOE) of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the board will review the TEA Annual Operating Plan/Budget for state fiscal year (SFY) 1987; the TEA biennial budget request (operating budget) for the 1988-1989 state fiscal biennium; the TEA annual program budget for SFY 1987; the TEA biennial budget request (program budgets) for the 1988-1989 state fiscal biennium; the permanent school fund; adult basic and secondary education; textbooks; a provision of computer services to school districts; the Texas Education Computer Cooperative; school district bonds; nonpublic schools for handicapped students; the Apprenticeship and Training Advisory Committee; per capita apportionment for 1986-1987; school transportation services; funds for the annual performance report; funds for implementation of the Public Education Information Management System; the SBOE Sunset Review of advisory committees; the curriculum; special education; kindergarten; assessment; driver education; the Software Advisory Committee; public school finance personnel; and inservice training for district administrators.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701 (512) 463-8985.

Filed: July 3, 1986, 1:31 p.m.
TRD-8606583

Thursday, July 17, 1986. Committees of the Commission on Standards for the Teaching Profession of the Texas Education Agency will meet in Room 1-109, William B. Travis Building, 1701 North Congress Avenue, Austin. Times, committees, and agendas follow.

11 a.m. The Membership Committee will discuss and possibly recommend individuals for commission membership.

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

Filed: July 7, 1986, 11:04 a.m.
TRD-8606574

1:30 p.m. The Committee on Certification Programs and Requirements will review the status report on certification tests; a report on the survey of institutions with regard to the proposed endorsement program for in-

formation processing technologies; a possible recommendation of the endorsement program for information processing technologies; and individual programs from Howard Payne University, McMurry College, Sul Ross State University, Southwestern Adventist College, Southern Methodist University, and the University of Texas at Arlington. All programs were submitted under the 1984 standards.

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

Filed: July 7, 1986, 11:04 a.m.
TRD-8606673

3 p.m. The Committee on Standards and Procedures for Institutional Approval will review a request from Corpus Christi State University for a pilot program in English as a second language; a report from Texas A&M University on the pilot program in mathematical sciences; a report from the University of Texas at El Paso on the pilot program in English as a second language; a letter from Wayland Baptist University concerning courses offered at off-campus sites; and consider a report of the visiting evaluation team to Wayland Baptist University concerning graduate programs.

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

Filed: July 7, 1986, 11:03 a.m.
TRD-8606672

4:30 p.m. The Teacher Education Conference Planning Committee will discuss a possible recommendation for the site for the 1988 conference in Dallas; and discuss plans for the 1986 conference.

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

Filed: July 7, 1986, 11:02 a.m.
TRD-8606671

Friday, July 18, 1986, 8:15 a.m. The Executive Committee of the Commission on Standards for the Teaching Profession of the Texas Education Agency will meet in Room 1-109, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will review agenda items with the committee chairmen.

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

Filed: July 7, 1986, 11:02 a.m.
TRD-8606670

Friday, July 18, 1986, 9 a.m. The Commission on Standards for the Teaching Profession of the Texas Education Agency will meet in Room 8-101, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will review information

items including a report on the State Board of Education actions, and a report on the activities of the Select Committee on Higher Education; discuss teacher education standards with Dr. W. N. Kirby, Commissioner of Education; and hear reports from the following committees: the Membership Committee, the Certification Programs and Requirements Committee, the Standards and Procedures for Institutional Approval Committee, and the Teacher Education Conference Planning Committee.

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

Filed: July 7, 1986, 11:02 a.m.
TRD-8606669

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Texas Employment Commission

Wednesday, July 16, 1986, 8:30 a.m. The Texas Employment Commission will meet in Room 644, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes; internal procedures for commission appeals; consider and act on higher level appeals in unemployment compensation cases on Commission Docket 28; and set the date of the next meeting.

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

Filed: July 7, 1986, 1:29 p.m.
TRD-8606640

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Office of the Governor

Monday and Tuesday, July 14 and 15, 1986, 7 p.m. and 8:30 a.m. respectively. The Task Force on Adult Literacy of the State Job Training Coordinating Council of the Office of the Governor will meet in the Marriott Hotel, 290 and IH 35 North, Austin. According to the agenda, the task force will review the preliminary report and the continuation of subcommittee work session; hear subcommittee reports; discuss the agenda for the August meeting in Dallas; and other business.

Contact: Joe Jennings, 107 West 27th Street, Austin, Texas 78712, (512) 471-6010.

Filed: July 3, 1986, 10:10 a.m.
TRD-8606557

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Texas Department of Health

Committees of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Austin. Days, times, rooms, committees, and agendas follow.

Friday, July 11, 1986, 11 a.m. In Room G-107, the Environmental Health Committee will consider the adoption of final rules on radiation; hazard communication; solid waste management; the solid waste permit application process and cross-referencing for fees and annual reports, and licensing fees to be paid by food, drug, device, and cosmetic salvage establishments and brokers; consider the proposed rules on the Texas Air Control Board/Texas Department of Health joint permitting procedures for solid waste facilities; migrant labor housing; and discuss milk and dairy rules concerning the Grade "A" Pasteurized Milk Ordinance, fee collection, and bulk milk hauler qualifications and requirements.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 3, 1986, 4:33 p.m.
TRD-8606642

Friday, July 11, 1986, 1:30 p.m. In Room G-107, the Strategic Planning Committee will hear a presentation and discussion of the external assessment of the State Chest Hospitals.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 3, 1986, 4:33 p.m.
TRD-8606645

Friday, July 11, 1986, 4 p.m. In Room G-107, the Legislative Committee will approve the minutes of the May 31, 1986, meeting; approve the draft legislation "Liability Coverage of contract Physicians," "Toxic Substances-Health Risk Assessment," "Local Public Health Reorganization Act Amendments," and "Texas Cancer Control Act Amendments;" consider a request to withdraw the proposal "Adult Diabetes Education Program" and "Co-Pay Revision;" and review the update on the proposal for drafting legislation "Pharmacies in Regional Clinics."

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 3, 1986, 4:34 p.m.
TRD-8606648

Friday, July 11, 1986, 5 p.m. In Room G-107, the Public Relations Committee will consider the progress report concerning the action plan to implement the mission statement and strategic goals established by the committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 3, 1986, 4:34 p.m.
TRD-8606649

Saturday, July 12, 1986, 8 a.m. In Room T-604, the Personnel Committee will consider appointments to the Texas Emergency medical Services Advisory Council and the Municipal Solid Waste Management Re-

source Recovery Advisory Council; and consider the appointment of director of the San Antonio State Chest Hospital.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 3, 1986, 4:33 p.m.
TRD-8606641

Saturday, July 12, 1986, 8:30 a.m. In Room G-107, the Nursing Homes Committee will discuss proposed amendments to rules concerning the certification and decertification of long term care facilities; and discuss the final adoption of new rules concerning a trust fund for the use by a trustee in a nursing home or related facility.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 3, 1986, 4:33 p.m.
TRD-8606647

Saturday, July 12, 1986, 9 a.m. In Room G-107, the Alternate Care Committee will consider the final adoption of amendments to rules concerning respiratory care practitioner certification requirements and general requirements and guidelines relating to athletic trainers.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 3, 1986, 4:34 p.m.
TRD-8606651

Saturday, July 12, 1986, 9 a.m. In Room T-709, the Budget Committee will discuss the proposed amendment to the rule concerning the fees for clinical health services; a request for an increase in budgeted salary supplements for the San Antonio Chest Hospital Physicians from funds in the Medical Services Trust Fund; and hear a report on internal audit.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 3, 1986, 4:34 p.m.
TRD-8606652

Saturday, July 12, 1986, 9 a.m. In Room T-705, the Crippled Children's Services Committee will review the final adoption of rules concerning the Crippled Children's Services Program; and the update on the appropriation process and funding concerning the Crippled Children's Services Program.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 3, 1986, 4:35 p.m.
TRD-8606654

Saturday, July 12, 1986, 9:30 a.m. In Room T-610, the Texas Board of Health will consider the approval of the minutes of the last meeting; the commissioner's report; approval of commendatory resolutions; adoption of proposed and final rules; committee reports from the Personnel Committee; the Budget Committee; the Nursing Homes

Committee; the Environmental Health Committee; the Strategic Planning Committee; the Legislative Committee; the Public Relations Committee; the Hospital's Committee; the Alternate Care Committee; the Crippled Children's Services Committee; and the Emergency and Disaster Committee; announcements and comments (requiring no board action); and setting the date of the next meeting. The board also will meet in executive session.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 3, 1986, 4:35 p.m.
TRD-8606653

Friday, July 18, 1986, 10 a.m. The Texas Emergency Medical Services Advisory Council of the Texas Department of Health will meet in Room T-610, Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda include approval of minutes; introduction of new members; the associate commissioner's comments; the bureau chief's comments; the introduction of the division director and director's report; rule activity including establishment of volunteer status, legal recognition of out-of-state emergency medical services personnel, amendments to existing rules, continuing education, and revocation of certification of personnel; the Ad Hoc Committee reports concerning providers, medical directors, and educators; and messages and communications to the Texas Emergency Medical Services Advisory Council.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2601.

Filed: July 3, 1986, 4:34 p.m.
TRD-8606650

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Texas Health and Human Services Coordinating Council

Wednesday, July 16, 1986, 9 a.m. The Public/Private Policy Group of the Texas Health and Human Services Coordinating Council will meet in the Senate Reception Room, State Capitol, Austin. According to the agenda, the group will hear a report from council staff; the Conference Committee report including recommended rates, and the finalization of committee recommendations; the Cost Committee report; the Program Committee report including levels of care finalization, and the monitoring subcommittee report; the Common Documents Committee report including pilot project results, and classification systems; and discuss old business and new business.

Contact: Patrice Thomas, 311A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: July 8, 1986, 10 a.m.
TRD-8606682

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Texas Historical Commission

Friday, July 11, 1986, noon. The Division of Architecture Committee of the Texas Historical Commission will meet in emergency session in the Carrington-Covert House Library, 1511 Colorado Street, Austin. According to the agenda, the committee will discuss the Texas Historic Preservation Grant ratings. The emergency status is necessary because it is the only possible meeting date prior to the grants open meeting for applicants to be held on July 21, 1986.

Contact: Stanley Graves, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: July 7, 1986, 12:16 p.m.
TRD-8606677

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State Board of Insurance

Tuesday, July 15, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9268—application of United Dental Care of Texas, Inc., Dallas, for a certificate of authority to operate a Health Maintenance Organization.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: July 7, 1986, 10:54 a.m.
TRD-8606658

Tuesday, July 15, 1986, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will review Fire Marshal personnel matters; Commissioner personnel matters; and pending and contemplated litigation.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: July 7, 1986, 3:15 p.m.
TRD-8606657

Wednesday, July 16, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9308—application of Omega Management Services, Inc., Amarillo, to acquire control of Trustee Life Insurance Company, Austin.

Contact: O. A. Cassidy, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: July 7, 1986, 10:54 a.m.
TRD-8606675

Friday, July 18, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110

San Jacinto Street, Austin. According to the agenda, the section will consider Docket 7429—motion to lift state of supervision in regards to determine whether General Life and Accident Insurance Company, Fort Worth, has complied with Commissioner's Order 83-3088, dated October 19, 1984.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: July 8, 1986, 8:31 a.m.
TRD-8606681

Monday, July 21, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9307—application of Kevin W. Boyd, Tulsa, Oklahoma, and Larry D. Lander, Tulsa, Oklahoma, to acquire control of Bankers Protective Life Insurance Company, Dallas.

Contact: O. A. Cassidy, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: July 7, 1986, 10:53 a.m.
TRD-8606676

Thursday, July 24, 1986, 9 a.m. The State Board of Insurance will meet in Room 101, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the board will consider a revision of the Personal Fire and Allied Lines, homeowners and farm and ranch owners rates and manual rules, classification plans, forms, clauses, permits, warranties, classes, rating plans and amendments to the general basis schedules; and review the fire premiums and losses, by classification.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: July 3, 1986, 3:09 p.m.
TRD-8606571

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Lamar University System

Monday, July 7, 1986. Committees of the Board of Regents of the Lamar University System (LU) met in the Lamar Room, Gray Library, Lamar University, Beaumont. Times, committees, and agendas follow.

1:15 p.m. The Personnel Committee considered approval of the revised faculty handbook.

Contact: Dr. George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: July 3, 1986, 1:15 p.m.
TRD-8606585

1:30 p.m. The Finance/Audit Committee considered LU-System items including the approval of the May 1986 monthly financial

operations report for LU-Beaumont, LU-Orange, LU-Port Arthur, John Gray Institute, and the office of the chancellor; considered the approval of request for legislative appropriations for fiscal years ending August 31, 1988 and 1989, for LU-Beaumont, LU-Orange, LU-Port Arthur, and LU system office. LU-Beaumont items including the approval of the Development Office credit card proposal; considered approval of the proposal for the use of Master Card and Visa for payment of tuition, fees, room, and board; considered approval of the proposal for the use of Master Card and Visa for ticket purchases; and considered approval of the proposal to establish a \$15 matriculation fee for students who enroll and withdraw before the first class day. The committee also met in executive session to discuss personnel matters.

Contact: Dr. George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: July 3, 1986, 1:15 p.m.
TRD-8606655

1:45 p.m. The Buildings and Grounds Committee considered LU-Beaumont items including approval of bids for the construction and installation of an elevator in the Education Building; considered approval of bids to replace the roof of the Tech Arts 2 Building and to replace the boiler at Gentry Hall; considered the appointment of the architect to develop plans and solicit bids for roof repair on the Wimberly Building. LU-Orange items including the approval of recommendations to award an engineering contract for energy management study; and the approval of the recommendation to renew leases on the racquetball courts and Cove Gymnasium. The committee also met in executive session.

Contact: Dr. George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: July 3, 1986, 1:15 p.m.
TRD-8606656

2 p.m. The Student Relations and Services Committee considered the approval of the Student Handbook for LU-Beaumont and LU-Orange.

Contact: Dr. George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: July 3, 1986, 1:16 p.m.
TRD-8606638

Wednesday, July 9, 1986, 1:30 p.m. The Board of Regents of the Lamar University System met in Rooms 206 and 208, Monroe Education Building, Lamar University, Port Arthur. Items on the agenda included the chairman's comments; the chancellor's report; approval of recommendations from the Finance/Audit Committee and Buildings and Grounds Committee; and the Regent's comments and suggestions.

Contact: Dr. George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: July 3, 1986, 1:16 p.m.
TRD-8606639

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Texas Commission on Law Enforcement Officer Standards and Education

Tuesday, July 29, 1986, 1:30 p.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet in the El Paso Room of the El Paso Civic Center, El Paso. According to the agenda, the commission will discuss basic training for jailers.

Contact: Fred Toier, Suite 100, 1606 Headway Circle, Austin, Texas 78754, (512) 834-9222.

Filed: July 3, 1986, 12:03 p.m.
TRD-8606678

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Texas State Library and Archives Commission

Thursday, July 24, 1986, 2 p.m. The Records Management and Preservation Advisory Committee of the Texas State Library and Archives Commission will meet in Room 314, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. According to the agenda, the committee will consider a report of the subcommittee on the revision of the recommended retention schedule; a presentation of the proposed legislative revisions regarding standards and guidelines for records storage and destruction; the nomination and election of a new chair of the committee; new projects for the committee to consider; and other business.

Contact: Susan Tenneson, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355.

Filed: July 7, 1986, 10:12 a.m.
TRD-8606668

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Texas State Board of Medical Examiners

Saturday, July 19, 1986, 9 a.m. The Disciplinary Process Review Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the committee will review individual investigation files, and discuss committee recommendations to expedite case hearings and disposition of cases. The board also will meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.05(e)(1), and Attorney General Opinion H-484 (1974).

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: July 3, 1986, 1:32 p.m.
TRD-8606587

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State Board of Morticians

Monday, July 14, 1986, 11 a.m. The State Board of Morticians will meet via conference call from Suite 550, Building B, 8100 Cameron Road, Austin. According to the agenda summary, the board will review reciprocal interview and recommendations and discuss the complaint review procedure.

Contact: Larry A. Farrow, Suite 550, Building B, 8100 Cameron Road, Austin, Texas 78753, (512) 834-9992.

Filed: July 3, 1986, 2:21 p.m.
TRD-8606565

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Board of Pardons and Paroles

Monday-Friday, July 14-18, 1986, 1:30 p.m. daily, except 11 a.m. on Friday. A Board Panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: July 3, 1986, 12:05 p.m.
TRD-8606631

Tuesday, July 15, 1986, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than Out of Country Conditional Pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: July 3, 1986, 12:05 p.m.
TRD-8606632

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Public Utility Commission of Texas

Thursday, July 17, 1986, 9 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 hold a

prehearing conference in Docket 6915—application of Gulf States Utilities Company for determination of in-service date of River Bend Unit I.

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

Filed: July 3, 1986, 2:36 p.m.
TRD-8606667

Monday, August 18, 1986, 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 hold a hearing on the merits in Docket 6893—application of Southwestern Bell Telephone Company for approval of Megalink-I offering within the special access tariff.

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

Filed: July 3, 1986, 2:36 p.m.
TRD-8606666

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Railroad Commission of Texas

Monday, July 14, 1986, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: July 3, 1986, 12:10 p.m.
TRD-8606635

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: July 3, 1986, 12:08 p.m.
TRD-8606624

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

Filed: July 3, 1986, 12:09 p.m.
TRD-8606627

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: July 3, 1986, 12:13 p.m.
TRD-8606634

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: July 3, 1986, 12:08 p.m.
TRD-8606625

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

Filed: July 3, 1986, 12:09 p.m.
TRD-8606626

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: July 3, 1986, 12:11 p.m.
TRD-8606636

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: July 3, 1986, 12:06 p.m.
TRD-8606630

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: July 3, 1986, 12:08 p.m.
TRD-8606622

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: July 3, 1986, 12:09 p.m.
TRD-8606637

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

Filed: July 3, 1986, 12:08 p.m.
TRD-8606623

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

Filed: July 3, 1986, 12:05 p.m.
TRD-8606629

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: July 3, 1986, 12:07 p.m.
TRD-8606628

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House of Representatives

Tuesday, July 22, 1986, 10:30 a.m. The Texas State Korean and Vietnam Veterans Memorials Committee of the House of Representatives will meet in Room 106, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will review announcements; the minutes and summary of the April 7, 1986, meeting; the progress report; the report on the years the memorial should include; a discussion of memorial designs; an update on the Sponsoring Committee; and update on fundraising; and new business.

Contact: C. J. Kelley, Room 345A, State Capitol, Austin, Texas 78701, (512) 463-0494.

Filed: July 3, 1986, 10:53 a.m.
TRD-8606659

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Texas Savings and Loan Department

Tuesday, July 15, 1986, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will determine whether to grant or deny the application of Paris Savings and Loan Association, Paris, Lamar County, for a branch office to be located at 5335 Broadway, Suite 215, Garland, Dallas County.

Contact: Russell R. Oliver, Suite 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

Filed: July 3, 1986, 12:49 p.m.
TRD-8606560

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School Land Board

Tuesday, July 15, 1986, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will approve the minutes of the previous board meeting; discuss pooling applications; an application for lease suspension; nominations, terms, conditions and procedures for the October 7, 1986, oil, gas, and other minerals lease sale; discuss direct sale of tracts for Panola County and Red River County; excess acreage applications; good faith claimant applications; the final adoption of rules for the coastal public land fees; final approval of land trade in Calhoun County; coastal public lands easement applications; the cabin permit assignment requests; cabin permit requests; commercial lease applications; and the preliminary sales contracts and lease.

Contact: Linda K. Fisher, Room 836, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

Filed: July 7, 1986, 4:25 p.m.
TRD-8606660

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University System of South Texas

Thursday, July 10, 1986, 2 p.m. The Board of Directors of the University System of South Texas made emergency additions to the agenda for the meeting held in Salon B, Wyndham Hotel, IH 35 at Ben White Boulevard, Austin. The additions concerned consideration of a fee change for parking permits at Texas A&I University; and consideration of traffic rules at Texas A&I University. The emergency status was necessary because in order to be implemented for the Fall Semester, 1986, fee changes and traffic rules at Texas A&I need to be approved. This is the last meeting of the board before the Fall Semester.

Contact: Frederick D. C. Bigelow, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: July 3, 1986, 10:52 a.m.
TRD-8606633

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Texas State University System

Thursday, July 10, 1986, 10:30 a.m. The Board of Regents of the Texas State University System met in Room 505, Sam Houston Building, Austin. According to the agenda, the board discussed the possible closure of Sul Ross State University recommendation being considered by the Select Committee on Higher Education.

Contact: Lamar Urbanovsky, Suite 505, 201 East 14th Street, Austin, Texas 78701, (512) 463-1808.

Filed: July 7, 1986, 8:52 a.m.
TRD-8606684

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Texas Water Commission

Tuesday, July 15, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider proposed bond issues; bond amendments; the release from escrow; a change in plans; water rate matters; the proposed water quality permits; amendments and renewals; water right amendments; the certificate of adjudication amendments; and a certification of surface water and authorization to enter the amendment to the remedial design phase contract relative to the Bio Ecology Superfund Site.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 3, 1986, 3:51 p.m.
TRD-8606578

Thursday, July 24, 1986, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the office will consider Docket 6274—application by Anderson Mill Estates for a water Certificate of Convenience and Necessity.

Contact: Cynthia G. Hayes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 3, 1986, 3:54 p.m.
TRD-8606664

Wednesday, August 13, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider a petition for creation of Northwest Harris County Municipal Utility District 32, containing 282.3294 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 3, 1986, 3:56 p.m.
TRD-8606665

Wednesday, August 20, 1986, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of City of Manor, P.O. Box 387, Manor, Texas 78653 for a renewal of Permit 11003-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 192,000 gallons per day from the wastewater treatment facilities which are located approx-

imately ¼ mile west of State Highway 212 and ¼ mile south of U.S. Highway 290 on the Old Austin Road in Travis County. The effluent is discharged into Gilleland Creek; thence to the Colorado River in Segment 1428 of the Colorado River Basin.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 3, 1986, 3:53 p.m.
TRD-8606663

Wednesday, August 20, 1986, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in the auditorium, MBank, 910 Travis Street, Houston. According to the agenda summary, the office will consider the application of the City of Coldspring, P.O. Box 247, Coldspring, Texas 77331, for a Proposed Permit 13291-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day. The applicant proposes to construct wastewater treatment facilities to replace the malfunctioning septic tank system within the city.

Contact: Charmaine Rhodes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 3, 1986, 3:52 p.m.
TRD-8606662

Thursday, August 21, 1986, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of Donald Dempsey, 6925 East Ben White Boulevard, Austin, Texas 78741 for a Proposed Permit 13293-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 42,400 gallons per day from the Goforth Utility Company Wastewater Treatment Plant. The proposed plant would serve a residential area.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 3, 1986, 3:51 p.m.
TRD-8606661

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Regional Agencies Meetings Filed July 3

The Bandera County Appraisal District, Appraisal Review Board, met at the district office, on July 9 and 10, 1986, at 8:30 a.m. Information may be obtained from Larry Reagan, P.O. Box 518, Bandera, Texas 78003, (512) 796-3039.

The Bosque County Appraisal District, Board of Directors, met at the county courthouse, Meridian, on July 10, 1986, at 7 p.m. Information may be obtained from David G. Cooper, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304.

The Brazos River Authority, Lake Management Committee, met in the Lake Supervisor's office, Possum Kingdom Lake, on July 8, 1986, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Comal Appraisal District, Board of Directors, met at 644 North Loop 337, New Braunfels, on July 7, 1986, at 7:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130.

The Lampasas County Appraisal District, Review Board, met at 403 East Second, Lampasas, on July 8 and 10, 1986, at 9 a.m. The board will also meet at the same location, on July 15, 1986, at 9 a.m. The Board of Directors will also meet at the same location, on July 16, 1986, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-8606570

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Meetings Filed July 7

The Bastrop County Appraisal District, Appraisal Review Board, met at 1200 Cedar Street, Bastrop, on July 10, 1986, at 7 p.m. The Board of Directors will also meet at the same location, on July 11, 1986, at 11:30 a.m. The Appraisal Review Board will again meet at the same location, on July 12, 1986, at 8 a.m., July 15 and 17, 1986, at 7 p.m., and July 18, 1986, at 8 a.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on July 11, 1986, at 9 a.m. Information may be obtained from the Bexar County Appraisal Review Board, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Carson County Appraisal District, Board of Directors, will meet at 102 Main Street, Panhandle, on July 16, 1986, at 8:30 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068, (806) 537-3569.

The Comal Appraisal District, Appraisal Review Board, will meet at 644 North Loop 337, New Braunfels, on July 21, 25, and 28-31, 1986, at 9 a.m. Information may be

obtained from Glenn L. Brucks, P.O. Box 122, New Braunfels, Texas 78130, (512) 625-8597.

The Denton County Appraisal District, Board of Directors, met at 3811 Morse, Denton, on July 10, 1986, at noon. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76234, (817) 566-0904.

The Eastland County Appraisal District, Board of Directors, will meet in the commissioners' courtroom, Eastland County courthouse, Eastland, on July 16, 1986, at 1 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

The Golden Crescent Service Delivery Area, Private Industry County, Inc., met at 101 South Main, Victoria, on July 9, 1986, at 6:30 p.m. Information may be obtained from Cleva F. Schoener, P.O. Box 2149, Victoria, Texas 77901, (512) 578-0341.

The Gonzales County Appraisal District, Board of Directors, met at 928 St. Paul Street, Gonzales, on July 10, 1986, at 7 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Hansford County Appraisal District, Appraisal Review Board, will meet at 709 West Seventh Avenue, Spearman, on July 15, 1986, at 10 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Hockley County Appraisal District, Appraisal Review Board, will meet at 1103-C Houston, Levelland, on July 25, 1986, at 10 a.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, met at 4815-B King Street, Greenville, on July 10, 1986, at 7 p.m. Information may be obtained from Joe Pat Davis or Jeanette Jordan, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on July 17, 1986, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

The Lamb County Appraisal District, Appraisal Review Board, will meet at 330 Phelps Avenue, Littlefield, on July 17, 1986, at 9 a.m. The Board of Directors will also meet at the same location, on July 17, 1986, at 8:30 p.m. Information may be obtained from Murlene J. Bilbrey, 3300 Phelps Avenue, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Lavaca County Central Appraisal District, Board of Directors, will meet at 113 North Main, Hallettsville, on July 14, 1986, at 6 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Texas Municipal Power Agency, Board of Directors, met in the administration building, Gibbons Creek Steam Electric Station, 2½ miles north of Carlos on FM Road 244, on July 10, 1986, at 10 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The Nortex Regional Planning Commission, Executive Committee, will meet in the Bounty Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on July 17, 1986, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Central Appraisal District of Rockwall County, Board of Directors, met at the Rockwall County courthouse, Rockwall, on July 8, 1986, at 7:30 p.m. The Appraisal Review Board also met at the same location, on July 10, 1986, at 2 p.m. Information may be obtained from Ray Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

The Rusk County Appraisal District, Appraisal Review Board, will meet at 107 North Van Buren, Henderson, on July 15, 1986, at 7 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (214) 657-9697.

The San Antonio River Authority, Board of Directors, will meet at 100 East Guenther Street, San Antonio, on July 16, 1986, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The South Plains Association of Governments, Executive Committee, met at 3424 Avenue H, Lubbock, on July 8, 1986, at 9 a.m. The Board of Directors also met at the same location, on the same date, at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452, (806) 762-8721.

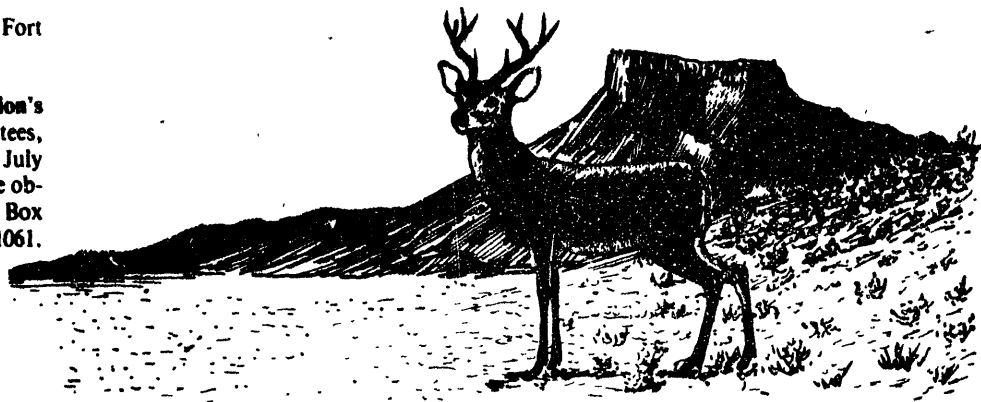
The Swisher County Appraisal District, Appraisal Review Board, will meet at 130 North Armstrong, Tulia, on July 15, 1986, at 11:30 a.m. The Board of Directors will also meet at the same location, on July 17, 1986, at 8 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.

The Tarrant Appraisal District, Appraisal Review Board, met in Suite 505, 1701 River Run, Fort Worth, on July 11, 1986, at 8:30 a.m. The board will also meet at the same location, on July 15-19, 1986, at 8:30 a.m. Information may be obtained from Linda

Danford, 1701 River Run, Suite 505, Fort Worth, Texas 76107, (817) 332-3151.

The Texas Regional Planning Commission's Employee Benefit Plan, Board of Trustees, met at Waller Creek Plaza Hotel, on July 10, 1986, at 9 a.m. Information may be obtained from Pam K. Weatherby, P.O. Box 6391, Midland, Texas 79711, (915) 563-1061. TRD-8606644

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In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Department of Agriculture Amendment to Consultant Contract Award

The Texas Department of Agriculture is amending the terms of the consultant contract awarded to Warren D. Lincoln published in the October 1, 1985, issue of the *Texas Register* (10 TexReg 3881). The maximum value of the contract is not to exceed \$24,075, with a beginning date of September 1, 1985, and an ending date of August 31, 1986. This amendment shall be effective July 18, 1986. All other terms of the contract remain the same.

Issued in Austin, Texas, on July 3, 1986.

TRD-8606551 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of Agriculture

Filed: July 3, 1986

For further information, please call (512) 463-7583.



Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Agriculture (TDA) is requesting proposals for the services of a consultant.

Description of Services. A consultant is sought to conduct telephone surveys which will document local residents' evaluation of current and anticipated effects of a proposed federal development on the agricultural economy and rural communities in the Texas Panhandle. The consultant must have the capability to perform the following activities: identify a randomly selected sample of households; recontact respondents who participated in earlier surveys; conduct telephone interviews in English and Spanish; prepare transcripts of responses for open-ended questions; prepare a report of frequencies and percentages for all precoded questions; and prepare precoded responses in a data tape or other form readily transferrable to the University of Texas at Austin computation system. The consultant will have the opportunity to comment on the survey instrument to assure maximum compatibility with the consultant's data-collection system; however, the instrument will be designed primarily to project staff and other contractors.

Contact. Written proposals are to be submitted to Gary Keith, Texas Department of Agriculture, P.O. Box 12487, Austin, Texas 78711. Additional information is available from Judy Fleishman at (512) 463-7600.

Deadline for Proposal. Proposals must be received at the specified address not later than 5 p.m., on August 8, 1986.

Evaluation Criteria. Proposals will be judged on the basis of proven experience in conducting telephone surveys. Demonstrated expertise in sample-selection, telephone

interviewing, and preparation of statistical reports and computer-readable data files is required. An applicant with the ability to perform correlation, multiple regression, and reliability analyses is preferred but not required. Proposals should include an itemized statement of costs, plans for managing the project, and personal qualifications of key staff who would work on the project. Applicants are requested to submit evidence of any special capabilities for interviewing moderately hearing-impaired respondents, and of their ability to achieve high response rates, to recontact earlier research samples, and to conduct interviews in Spanish. Finalists will be contacted by telephone if additional information is needed to make the final evaluation.

Contract Award. Awarding the contract will not necessarily be made to the bidder offering the lowest price, but to the lowest price and best bidder, considering price and results of evaluation. Final selection will be made by the project manager of this contract based upon submitted qualifications. However, this proposal request in no way obligates the department to execute a resulting contract. The right to reject any or all proposals is reserved.

Notice of Contract Award. The consultant selected will receive a letter notifying him or her of the contract award. The letter will be issued not later than August 15, 1986. Notice will also be sent to unsuccessful applicants in the foregoing manner.

Issued in Austin, Texas, on July 3, 1986.

TRD-8606559 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of Agriculture

Filed: July 3, 1986

For further information, please call (512) 463-7583.



Texas Air Control Board Extension of Deadline for Written Comments

In the June 6, 1986, issue of the *Texas Register* (11 Tex-Reg 2577), the Texas Air Control Board (TACB) published a notice of public hearing on proposed rule amendments to be held in Austin on June 24, 1986. The hearing was held, as scheduled, to receive public testimony concerning revisions to the TACB standard exemption list and to four sections of Regulation VI (control of air pollution by permits for new construction or modification).

The deadline for receipt of written comments stated in the notice has been extended to July 14, 1986. Comments presented at the hearing and all written comments received by 4 p.m. on July 14, 1986, at the TACB central office in Austin will be considered by the board prior to any final decision on the proposed changes.

Copies of the proposed revisions are available from the TACB central office, 6330 U.S. Highway 290 East, Austin, Texas 78723, and at the regional offices of the agency. For further information, call Brenda Klinger at (512) 451-5711, ext. 499.

Issued in Austin, Texas, on July 2, 1986.

TRD-8806534 Allen Ell Bell
Executive Director
Texas Air Control Board

Filed: July 2, 1986

For further information, please call (512) 451-4711, ext. 354.

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State Banking Board Notice of Hearing

As no opposition has been noted in the application for First Consolidated Bank-Pleasant Run at IH-35, N.A., Lancaster, to convert to a state charter under the name of First Consolidated Bank-Pleasant Run, the hearing previously scheduled for Monday, July 7, 1986, has been canceled.

Issued in Austin, Texas, on June 30, 1986.

TRD-8806552 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: July 2, 1986

For further information, please call (512) 479-1200.

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As no opposition has been noted in the application for First Consolidated Bank-Hillsboro, N.A., Hillsboro, to convert to a state charter under the name of First Consolidated Bank-Hillsboro, the hearing previously scheduled for Tuesday, July 8, 1986, has been canceled.

Issued in Austin, Texas, on June 30, 1986.

TRD-8806530 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: July 2, 1986

For further information, please call (512) 479-1200.

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Notice of Hearing Cancellation

As no opposition has been noted in the application for First Consolidated Bank-Buda, N.A., Buda, to convert to a state charter under the name of First Consolidated Bank-Buda, the hearing previously scheduled for Wednesday, July 9, 1986, has been canceled.

Issued in Austin, Texas, on July 2, 1986.

TRD-8806563 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: July 2, 1986

For further information, please call (512) 479-1200.

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As no opposition has been noted in the application for First Consolidated Bank-Rosebud, N.A., Rosebud, to convert to a state charter under the name of First Consolidated Bank-Rosebud, the hearing previously scheduled for Thursday, July 10, 1986, has been canceled.

Issued in Austin, Texas, on July 2, 1986.

TRD-8806564 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: July 3, 1986

For further information, please call (512) 479-1200.

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The hearing officer of the State Banking Board will conduct a hearing on Wednesday, August 13, 1986, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for RepublicBank Austin.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on June 30, 1986.

TRD-8806554 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: July 2, 1986

For further information, please call (512) 479-1200.

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Comptroller of Public Accounts Correction of Error

Withdrawn rules submitted by the Comptroller of Public Accounts contained an error as published in the July 4, 1986, issue of the *Texas Register* (11 TexReg 3101).

The proposed section on §§5.111, 5.112-5.114, and 5.112-5.115 should have been withdrawn, not the emergency effectiveness.



**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

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

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽¹⁾ /Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 07/07/86-07/13/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 07/01/86-07/31/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/86-09/30/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11(3) 07/01/86-09/30/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d)(2) 07/01/86-09/30/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 07/01/86-09/30/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11(3) 07/01/86-09/30/86	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 07/01/86-09/30/86	18.00%	N/A
Judgment Rate—Article 1.05, §2 07/01/86-07/31/86	10.00%	10.00%

- (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 June 30, 1986.

TRD-8602562 Al Endsley
Consumer Credit
Commissioner

Filed: July 3, 1986
For further information, please call (512) 479-1280.

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**Coordinating Board, Texas College
and University System**

Correction of Error

An open meeting of the Campus Planning Committee of the Coordinating Board, Texas College and University System contained an error as submitted in the July 1, 1986, issue of the *Texas Register* (11 TexReg 3077).

The date of the meeting should be Thursday, July 17, 1986.

Houston-Galveston Area Council

Correction of Error

A consultant proposal request submitted by the Houston-Galveston Area Council contained an error as published in the July 1, 1986, issue of the *Texas Register* (11 TexReg 3084).

The closing date for offers is Monday, July 14, 1986.

State Board of Insurance

**Hearing on Fire and Allied Lines
Insurance**

The State Board of Insurance gives notice of a public hearing to be held at 9 a.m. on Thursday, July 24, 1986, in Hearing Room 101 of the John H. Reagan Building, 105 West 15th Street, Austin, to consider revisions of the personal fire and allied lines, homeowners, and farm and ranch owners rates and manual rates, classification plans, forms, clauses, permits, warranties, classes, rating plans, amendments to the general basis schedules and all other matters pertaining to the writing of fire and allied lines, commercial multi-peril, homeowners, and farm and ranch owners insurance. The hearing will be held pursuant to the provisions of the Insurance Code, Articles 5.25-5.52, 5.54, 5.81, 5.96, and 21.49, pertinent portions of the rules of practice and procedures before the State Board of Insurance, and the Texas Administrative Code, Title 28, §§5.8001-5.8004. The board will consider the following requests, as agenda items 86-2 through 86-45.

- (2) Credit for security devices under Texas standard homeowners policy.
- (3) Study committee on credit on homeowners insurance for intrusion and fire alarm system.
- (4) Coverage on contents by Form 81-G, damage by weight of ice, sleet, or snow.
- (5) Amending guidelines and standards for testing laboratories to recognize working units with testing by one corporation and certification and inspection by another.
- (6) Recognizing and accepting polybutylene fire sprinkler piping systems for rating purposes.
- (7) Revision of rating procedures and coverage forms for oil properties.
- (8) Requiring 30-day notice to insured and mortgagee of cancellation in Texas standard policy (insuring one family dwellings or duplexes or contents of either or governmental units), Texas standard homeowners, Texas standard farm and ranch owners, and Texas standard combination farm and ranch owners.
- (9) and (10) Requiring 30-day notice to insured and mortgagee of cancellation and nonrenewal on all commercial property policies.
- (11) \$1,000 flat deductible option on the homeowners, dwelling fire, farm and ranch owners, and farm and ranch policies.
- (12) Revision of Section IV—boiler and machinery forms.

(13) Exclusion of coverage for sexually transmitted sickness or disease in the personal liability and personal medical payment coverages.

(14) Amending the extended coverage tables relating to power transmission, floodlights, or other electrical lines, supports, and wires.

(15) Revising homeowners Rule 3.5 and Premium Chart 17 to reflect changes in Form HO-301.

(16) Allowing earnings insurance to be written for manufacturing risks.

(17) Allowing homeowners and dwelling standard fire coverage on agreed amount basis.

(18) Reviewing the recent changes in general liability insurance in relation to existing property insurance policies.

(19) Providing exclusions under the personal liability and personal medical payments coverages for negligent entrustment.

(20) Minimum premium of \$50 for farm and ranch property.

(21) Same rate of \$1.02 for self-propelled cotton pickers and strippers.

(22) Loss assessment endorsement for Homeowners Forms A, B, or C.

(23) and (24) Developing a small computer machine form for attachment to the Texas commercial multi-peril policy.

(25) Allowing replacement cost to carpet and/or domestic appliances in a townhouse or residential condominium.

(26) Promulgation of the approved demolition cost endorsement, the contingent liability from operation of building laws endorsement, and the increased cost of construction endorsement as standard endorsements.

(27) Eliminating part of FRO Rule 3.3 ("when the principal business is raising and using horses for racing purposes.")

(28) Combined single limits for TxCMP-222, hired and nonowned automobile liability endorsement.

(29) Providing rates for \$500,000 personal liability with \$5,000 medical payments in the Texas general basis schedule.

(30) Providing a specific definition for stock and allowing stock to be excluded from the Texas commercial multi-peril policy.

(31) Nonowned watercraft coverage under TxCMP policy for boats under 26 feet long.

(32) Attachment of Form HO-305 on an optional basis rather than mandatory.

(33) Amending Form HO-305 to clarify coverage for property damage and bodily injury occurring on the premises.

(34) New endorsement to provide limited in-home business liability coverage.

(35) Use of package credit applicable to occupancies comprising at least 60% of total floor area for buildings subject to more than one program.

(36) Increasing Homeowners Policy limit of business personal property to \$5,000.

(37) Amending Forms HO-315 and HO-339 to reflect total amount of insurance.

(38) Extending coverage for residential condominiums for perils of wind-driven rain and water which backs up through sewers and drains to commercial property.

(39) Amending coverage for glass under the Texas commercial multiperil forms to \$100 per pane with a maximum limitation of \$500 per occurrence.

(40) Eliminating the exception under the waiver of premium rule.

(41) Definition of motor vehicles for homeowners and townhouse policies.

(42) Adopting an exclusion endorsement for break-away walls.

(43) Adding water damage coverage in Form TxCMP-124.

(44) Amending the coinsurance condition of business interruption gross to the basis of the 12 months of the current policy period.

(45) Endorsement to homeowners policy to eliminate "or farming purposes" from dwelling extension exclusion and "ranch, farm" under exclusion (f).

Each request and agenda item is available, in detail, at the Chief Clerk's Office, State Board of Insurance, Room 401, 1110 San Jacinto, Austin.

Issued in Austin, Texas, on July 3, 1986.

TRD-9908572 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 3, 1986

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

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Legislative Budget Office Joint Budget Hearing Schedule

The following schedule for the period of July 14-18, 1986, provides the dates and locations of the joint executive and legislative budget office hearings for appropriations requests for the 1988-1989 biennium.

Board of Veterinary Medical Examiners, 9 a.m., July 14, Room 102, John H. Reagan Building, Austin; Texas Advisory Commission on Intergovernmental Relations, 11 a.m., July 14, Room 102, John H. Reagan Building, Austin; Structural Pest Control, 1:30 p.m., July 14, Room 102, John H. Reagan Building, Austin; Board of Architectural Examiners, 3:30 p.m., July 14, Room 102, John H. Reagan Building, Austin; Board of Examiners in the Fitting and Dispensing of Hearing Aids, 9 a.m., July 15, Room 102, John H. Reagan Building, Austin; Texas Amusement Machine Commission, 10 a.m., July 15, Room 213, State Capitol Building, Austin; Texas Air Control Board, 10:30 a.m., July 15, Room 102, John H. Reagan Building, Austin; Texas Commission on Law Enforcement Office Standards and Education; 2 p.m., July 15, Room 213, State Capitol Building, Austin; State Purchasing and General Services Commission, 9 a.m., July 16, Room 213, State Capitol Building, Austin; Firemen's Pension Commissioner, 10 a.m., July 16, Room 107, John H. Reagan Building, Austin; Texas Public Building Authority, 1 p.m., July 16, Room 107, John H. Reagan Building, Austin; Board of Podiatry Examiners, 2 p.m., July 16, Room 107, John H. Reagan Building, Austin; Texas Cosmetology Commission, 10 a.m., July 17, Room 107, John H. Reagan Building, Austin; Texas Indian Commission, 10 a.m., July 17, Room 213, State Capitol Building, Austin; Commission on Jail Standards, 1:30 p.m., July 17, Room 107, John H. Reagan Building, Austin; Texas Motor Vehicle Commission, 2 p.m., July 17, Room 213, State Capitol Building, Austin; Soil and Water Conservation Board, 10 a.m., July 18, Room 107, John H. Reagan Building, Austin; Industrial Accident Board, 10 a.m., July 18, Room 213, State Capitol Building, Austin; Texas Animal Health Commission, 2 p.m., July 18, Room 107, John H. Reagan Building, Austin; Board of Private

Investigators and Private Security Agencies, 2 p.m., July 18, Room 213, State Capitol Building, Austin.

Please confirm dates, times, and locations since experience has shown that some rescheduling always occurs.

Issued in Austin, Texas, on July 3, 1986.

TRD-8608586 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed: July 3, 1986
For further information, please call (512) 463-1200.

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Texas Water Commission Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and

a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to the City of Copperas Cove on July 1, 1986, assessing \$30,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Pat Burnhard, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on July 2, 1986.

TRD-8608555 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: July 2, 1986
For further information, please call (512) 463-7886.

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