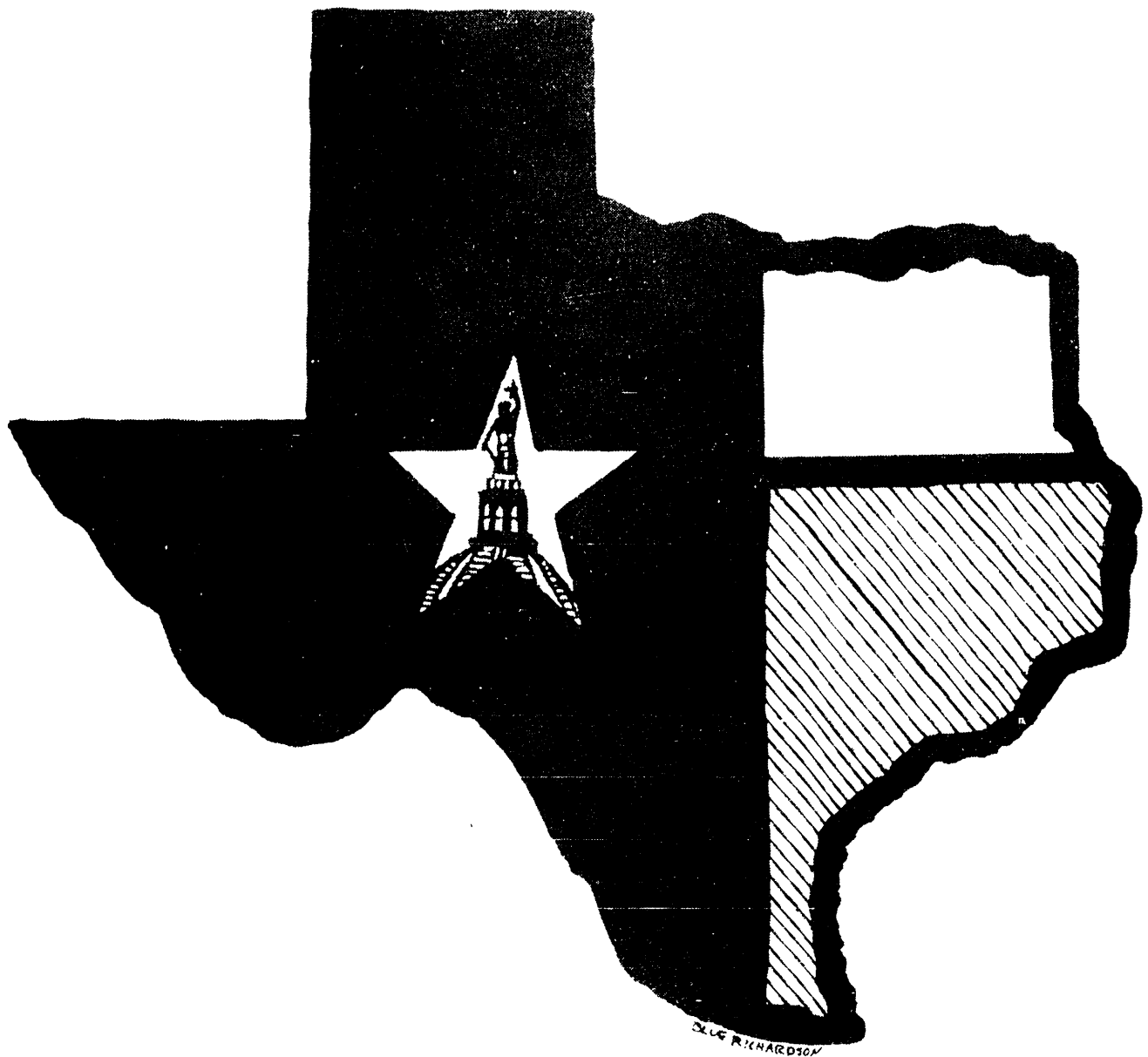


Texas Register

Volume 12, Number 76, October 9, 1987

Pages 3613-3752



Highlights

The **Automated Information and Telecommunications Council** adopts an emergency amendment for acquisition of automated information and telecommunications systems. Effective date - October 2, 1987 . . . **page 3619**

The **Comptroller of Public Accounts** adopts an emergency amendment concerning the state sales and use tax for food, food products, meals,

and food services. Effective date - October 1, 1987 . . . **page 3623**

The **Texas Education Agency** proposes an amendment concerning the adoption of Bulletin 742, updating and making minor revisions for the 1987-1988 school year. Earliest possible date of adoption - November 9, 1987. **page 3634**

**Office of
the Secretary
of State**

Texas Register

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- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
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27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1, 15 represents the individual rule within the chapter).



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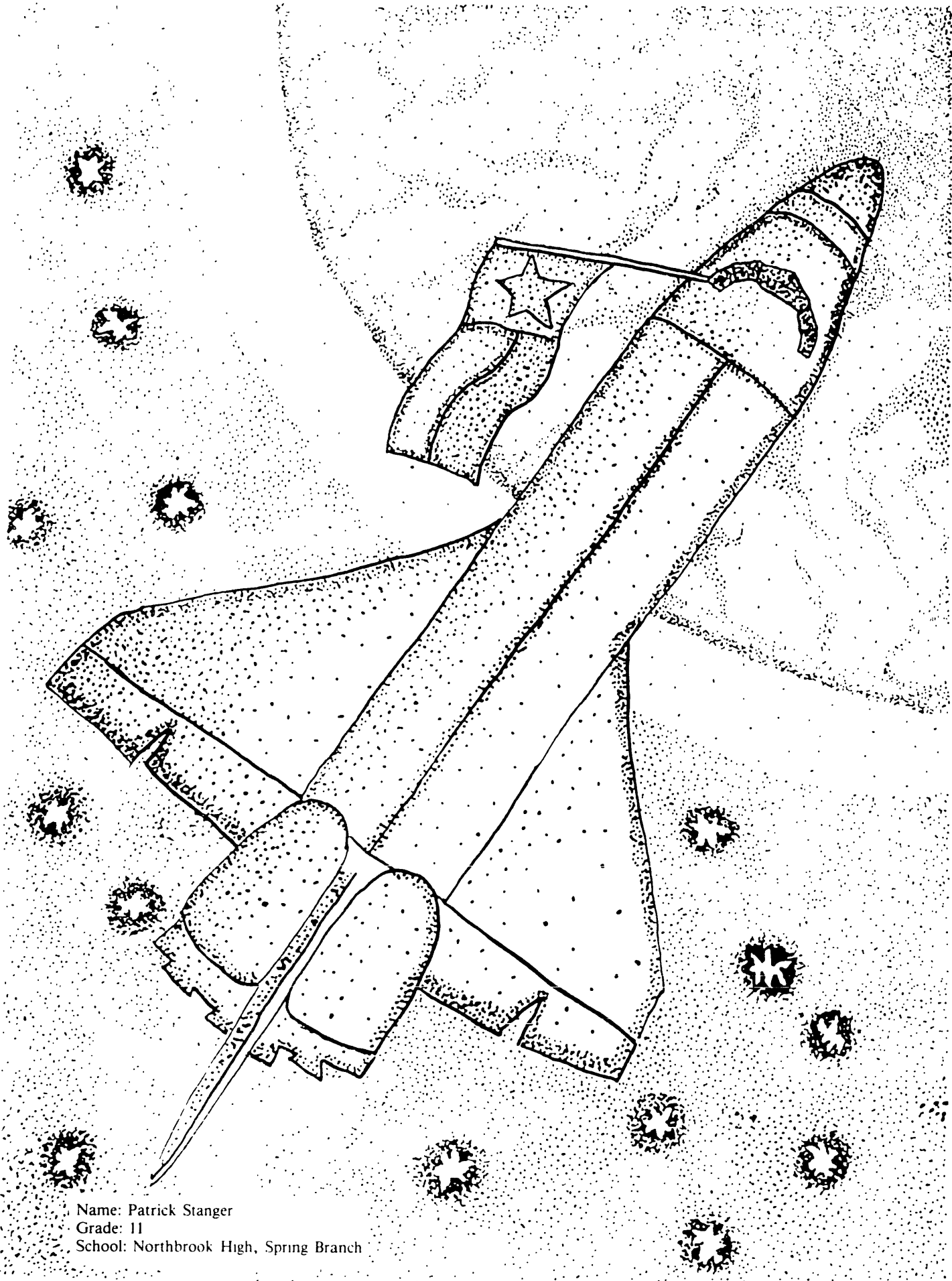
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Emergency

Rules

An agency may adopt a new or amended rule or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state.

The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

TITLE 1.

ADMINISTRATION

Part X. Automated Information and Telecommunications Council

Chapter 201. Acquisition of Automated Information and Telecommunications Systems

★1 TAC §201.1

The Automated Information and Telecommunications Council (AITC) adopts on an emergency basis an amendment to §201.1, concerning acquisition of automated information and telecommunications systems. This amendment is adopted on an emergency basis due to the need to implement the provisions of House Bill 2224, 70th Legislature, 1987, which requires that AITC review and certify in writing to the governor, lieutenant governor, speaker of the house of representatives, state auditor, and State Purchasing and General Services Commission whether state governmental body long-range plans and inventories are adequately prepared by October 1. House Bill 2224 requires this certification for specified procurement actions, effective October 1, 1987. This amendment implements and provides direction to the provisions of House Bill 2224.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4413 (32h), which give the agency the authority to promulgate rules to administer the Act.

§201.1. Automated Information and Telecommunications Council Guidelines

(a) [Advisory] Council goals. The role of the Automated Information [Systems Advisory] **and Telecommunications** Council is to aid state governmental bodies in the planning for effective, efficient, and economical use of automated information **and telecommunications** systems. As part of these guidelines, the following statement of goals is presented:

(1) to facilitate the development of automated information **and telecommunications** systems in support of more efficient and economical state government;

(2) to promote deliberate, logical,

managerial, and technically competent planning in state governmental bodies concerning automated information **and telecommunications** systems, the computers and peripheral devices on which they are automated, internal[,] and external **telecommunications** [communications] networks, and other automation systems that support the strategic goals of the chief executive officer of the body and which constitute a regular component of the state governmental body's legislative appropriations request;

(3) to process the [Advisory] council's comments or justifications for the purchase or lease of automated information **and telecommunications** systems, the computers on which they are automated, or related services on a timely, unbiased, and objective basis;

(4) to promote interactive planning between state governmental bodies concerning management and technical experiences, software design and development, systems architecture, use of common data bases, **telecommunications** [communications] networks, utilization of excess computing capacity, software licensing, data and equipment security, and resources available in disaster recovery assistance;

(5) to develop and advise the governor, the lieutenant governor, speaker of the House of Representatives, State Purchasing and General Services Commission, and the state auditor on policies relating to the orderly development of automated information **and telecommunications** systems, the acquisition of equipment, and related automation services;

(6) to provide advice and counsel to state governmental bodies concerning the policies and regulations of the [Advisory] council relating to the review of long-range planning and the justification of purchase or development of automated information **and telecommunications** systems, the computers on which they are automated, or related services.

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

(1) **Advanced certification**—A certification by AITC that all criteria for a proposed information systems procurement action as defined in Texas Civil Statutes, Article 4413 (32h), §2.02, regarding advanced

certification, have been fulfilled by a state governmental body.

(2)(7) Annual budget of a governmental body—The current operating budget prepared and filed in accordance with the provisions of the General Appropriations Act.

(3)(1) Automated information system—A set of computer **hardware**, programs, procedures[,] and associated documentation by which computers are used to perform the function of the information system.

(4) **Basic certification**—A certification by AITC that all criteria for basic certification as defined in Texas Civil Statutes, Article 4413(32h), §2.015, have been fulfilled by a state governmental body.

(5)(2) Computer—

(A) digital computer processors, including word processors, regardless of size or capacity, that accept data input, store data, perform calculations[,] or other processing steps, and prepare information for output;

(B) all peripheral or auxiliary equipment, including data input and output equipment, which are used in support of information systems automated on computer processors, whether selected and acquired with a computer processor or separately;

(C) data transmission and communications equipment that are selected and acquired solely or primarily for use with a configuration of computer processors or peripheral or auxiliary equipment.

(5) Long-range plan—A document relating to automated information systems and the computers on which they are automated which has been prepared by the management and approved by the chief executive officer of a state governmental body, which:

[(A) includes a statement of strategic objectives, relating to information systems, of the state governmental body for the two years required by the legislative appropriations request and the two years of the subsequent biennium;

[(B) includes a statement of the current environment which is the basis for the planning process;

[(C) includes a statement of assumptions and constraints employed in the planning process;

[(D) includes a description of the

decision and review process employed by the management;

[(E) includes a schedule for the next two years, of proposed acquisitions and major conversions of automated information systems, the computers on which they are automated, or services related to the automation of information systems or the computers on which they are automated;

[(F) includes an explanation for lease or purchase of automated information systems equipment where it is expected that state-appropriated funds will be needed beyond the end of the biennium;

[(G) includes an explanation of the relationship of the plan to the governmental body's legislative appropriations request.]

(6) Long-Range Automated Information and Telecommunications System (AITS) Plan [Justification Statement]—A document outlining the needs of a state governmental body regarding telecommunications devices and systems, automated information systems and the computers on which they are automated, including computer software, and proposing the strategy and actions to be taken to satisfy the stated needs. [The information provided in support of a proposed action in the acquisition of automated information systems, the computers on which they are automated or services related to the automation of information systems, or the computers on which they are automated, or major conversions of automated information systems. This document must include:

[(A) the manner in which the organization uses or will use the automated system requiring the items being acquired, the results to be achieved, and, if appropriate, a dollar estimate of the value of those results;

[(B) a statement of the relationship of the proposed action to the long-range plan;

[(C) a description of the automated information system, computers, or services to be acquired, or the major conversion to be accomplished. Agencies should provide copies of each requisition and appropriate justification material with proposal submission;

[(D) a statement of acquisition costs and annual operating expenses, both those of the proposed action itself and estimated incremental costs entailed in consequence (e.g., for training, system development, absorbed mainframe capacity, etc.);

[(E) a schedule for acquisition, installation, and/or implementation;

[(F) a statement of alternatives considered, including the utilization of existing state resources. If automated information systems are to be acquired under the provisions of Texas Civil Statutes, Article 601(b), §3.09, information regarding this action must be included in the proposal;

[(G) an analysis of a proposed action to acquire automated information

systems equipment on a lease or purchase arrangement where it is expected that state-appropriated funds will be needed beyond the end of the biennium. The following information is required.

[(ii) anticipated interest charges over the life of the contract to the extent that this can be determined;

[(iii) anticipated cost savings to be realized through present acquisition of the equipment compared with later outright purchase should adequate funds become available;

[(iv) any other information the agency may deem appropriate; and

[(v) an affirmative statement that the agency reasonably expects to be able to make payments beyond the current biennium without having to rely on an increased level of general revenue appropriations;

[(H) a statement to the effect that if the proposed action involves general revenue funding that the proposed action was included in the organization's legislative appropriations request, or an explanation as to why it was not.]

(7)[(4)] **Major conversion—A change in an automated information or telecommunications system requiring the acquisition of computer programs, computers, or services qualifying to the criteria of subsection (f)(e) of this section.**

(8)(3) **Services related to the automation of information and telecommunications systems or the computers on which they are automated—Services provided by private sources to perform such tasks as long-range planning, feasibility studies, system design studies, development of system specifications, system analysis, programming, system implementation, and operation of computers.**

(9) **State governmental body—A board, commission, department, institution, office, or other agency (including an institution of higher education as defined by the Education Code, §61.003), that is in the executive branch of state government; or the supreme court, the court of criminal appeals, a court of appeals, or the State Bar of Texas or another judicial agency.**

(10) **Telecommunications system—Equipment or facilities providing for the transmission of audible, written or printed, switched voice and/or data, or video information by means of an electromagnetic or optic system. This section does not apply to a single agency point-to-point radio system, a system of criminal justice information telecommunications or any part of those systems.**

(c) Long Range AITS Plan

(1) Each state governmental body as defined in [House Bill 1463, §1, 67th Legislature, 1981], subsection (b)(9) is to prepare and file with the council [by October 1, 1982,] a long-range AITS plan of all telecommunications devices and systems and automated information systems and the computers on which they are automated,

purchased, or leased by the state governmental body, including computer software. [Those governmental bodies which do not have automated information systems are not required to file a long-range plan; however, they are to file a statement of exemption with the council. If after filing a statement or exemption a governmental body proposes to implement an automated information system, a long-range plan is to be submitted to the council in accordance with the schedule of paragraph (2) of this subsection.] **The long-range AITS plan must support the overall objectives of the state governmental body. The long-range AITS plan must be prepared by management and approved by the chief executive officer. If the annual budget of the state governmental body exceeds \$10 million, or if the annual automated information system budget of the state governmental body exceeds \$0.5 million, or if the annual automated information system budget exceeds 3.0% of the annual budget, then the state governmental body must submit a long-range AITS plan which addresses the following areas. Otherwise, the state governmental body must submit a plan, which may be in the form of a letter to AITC, which describes the planned major expenditures for automated information and telecommunications systems.**

(A) **Executive summary. This area provides an overall summary of the long-range AITS plan.**

(B) **Planning assumptions. This area includes a brief description of the state governmental body's overall objectives. It also describes the key assumptions regarding the service delivery and technological environment that will exist over the life of the plan.**

(C) **Present status. This area describes the current automated information and telecommunications systems being employed to satisfy the needs and functions of the state governmental body. It also includes an evaluation of the state governmental body's skills and resources.**

(D) **Automated Information and Telecommunications Systems (AITS) plan strategy statement. This area contains a proposed automated information and telecommunications systems strategy and proposed actions to be taken to achieve the state governmental body's overall plan. The strategy statement should include a schedule for the four year period of the plan, and proposed procurement actions to be taken.**

(E) **Organizational impact. This area contains an assessment of the impact which the proposed long-range AITS plan will have on the state governmental body's objectives and its operation.**

(F) **Policy implications. This area discusses the need for changes, if any, in existing organizational policies or objectives, or for the adoption of new policies which might impact the timely implementation of the proposed long-range AITS plan.**

(G) **High priority projects. This**

area briefly discusses each of the state governmental body's high priority projects that are affected by the implementation of the proposed long-range AITS plan.

(H) Economic considerations.

This area discusses and lists the overall costs, benefits, methods of financing, risk assessment, etc., for the proposed long-range AITS plan over a four year period.

(I) Program utilization. This area contains current and planned program utilization and major application utilization of information and telecommunications systems resources by percent of total systems used. Reasons for major changes in utilization should be described, as well as systems backlog, if any.

(J) Attachments. Attachments to the long-range AITS plan must at a minimum contain the following attachments.

(i) Present and proposed systems configuration. This attachment should provide an overview of the state governmental body's current and proposed automated information and telecommunications systems;

(ii) Data processing cost allocation. This attachment should include the information required by §203.1 of this title (relating to Cost Allocation Guideline for Automated Information Systems); and

(iii) Disaster recovery plan. This attachment should contain the state governmental body's disaster recovery plan as required by §207.1 of this title (relating to Guidelines for the Preparation and Submission of Disaster Recovery Plans).

(2) To integrate the long-range AITS plan with the legislative appropriations request (LAR), the four years to be included in the plan are the two years required in the LAR and the subsequent two years in the following biennium. Accordingly, a long-range AITS plan should utilize the current year as the base period and project the next two biennia. [The long-range plan shall be revised in each even-numbered year and submitted to the council concurrently with submission of the legislative appropriations request. If an acquisition request for an automated information system, the computers on which they are automated, or a service related to the automation of information systems does not conform to the long-range plan currently on file with the council, then the long-range plan should be revised and submitted at the time of filing of the proposal action]

(3) The supporting data used in preparing and revising the long-range plan shall be held by the state governmental body and shall be made available to the advisory council upon request.]

(d) Criteria for Proposed Actions Requiring Basic Certification. The council must certify in writing to the State Purchasing and General Services Commission that a state governmental body has complied with the requirements for basic certification before the governmental body may take any of the fol-

lowing actions:

(1) purchase at a cost of more than \$1,500 of telecommunications devices, systems, or services or of automated information systems, the computers on which they are automated, or a service related to the automation of information systems or the computers on which they are automated, including computer software;

(2) lease or lease-purchase at a cost of more than \$1,000 per month of telecommunications devices or systems, or of automated information systems or the computers on which they are automated, including computer software; or

(3) major conversion of telecommunications devices or systems or of automated information systems or the computers on which they are automated.

(e) Criteria for Basic Certification.

(1) Basic certification is based upon a review and finding of an adequately prepared and filed:

(A) long-range AITS plan; and

(B) inventory of hardware, software, and skills.

(2) Initial basic certification, required after September, 1987, shall be based upon the long-range AITS plans on file with the council on September 1, 1987. Agencies with no long-range AITS plans on file must submit such plans in order to receive basic certification. Basic certification must be updated biennially in each even numbered year by the submission of a long-range AITS plan prepared under subsection (c) of this section. (See subsection (h) of this section, regarding submission instructions, for more detail.)

(3) When the council finds serious inadequacies in the long-range AITS plan or inventories submitted, the council will note the areas of inadequacies which require action by the state governmental body, with a specified date indicated by which time the inadequacies must be addressed. The council may provisionally certify the long-range AITS plan during this time limit extension. If so, the State Purchasing and General Services Commission will be notified of the extension. If the state governmental body does not satisfactorily address the noted inadequacies of the long-range AITS plan or inventories within the specified date, then the council will notify the State Purchasing and General Services Commission and the agency of that fact, and the actions contingent upon basic certification specified in Texas Civil Statutes, Article 4413(32h), §2.016, may not be taken.

(4) Notification of basic certification is to be provided by the council to the governor, lieutenant governor, speaker of the house of representatives, State Purchasing and General Services Commission, state auditor, and the state governmental body.

(f)(e) Criteria for proposed actions requiring advanced certification.

(1) The following provides the criteria for proposed actions of state governmental bodies in regard to automated infor-

mation or telecommunications devices, systems, or services:

(A) the purchase of telecommunications devices, systems, or services, or of automated information systems or the computers on which they [information systems] are [to be] automated which will have a cost recorded in an inventory of at least \$300,000 or 2.0% of the governmental body's annual budget, whichever is less, provided, however, that such purchase cost shall be at least \$100,000 [\$75,000];

(B) the acquisition of proprietary computer programs which shall be components of automated information or telecommunications systems which have an initial cost of at least \$150,000 or 1.0% of the governmental body's annual budget, whichever is less, provided, however, that such initial cost shall be at least \$100,000 [\$75,000];

(C) the contracting for a service related to telecommunications devices, systems, or services, or of automated [the automation of] information systems or the computers on which they are automated which will have a contract cost of at least \$100,000 [\$75,000];

(D) the leasing of automated information or telecommunications devices, systems, or services [computers on which information systems are to be automated], or the licensing of computer programs to be used in automated information or telecommunications systems [, or the acquisition of services related to the automation of information systems or the computers on which they are automated] which have a monthly cost of \$12,000 or 0.08% of a governmental body's annual budget, whichever is less, provided, however, that such monthly cost shall be at least \$5,000 [\$3,000];

(E) an annual purchase of computer time-shared service or an annual increase of such service, provided by private sources, of more than \$300,000 or 2.0% of the governmental body's annual budget, whichever is less, provided, however, that such annual purchase shall be at least \$100,000 [\$75,000].

[(2) Justification for proposed actions meeting one or more of these criteria must be filed with the council whether requisite purchasing procedures are to be conducted by the State Purchasing and General Services Commission or by the governmental body itself in accordance with the provisions of the State Purchasing and General Services Act, Texas Civil Statutes, Article 601(b), §3.02, or under authority delegated to the governmental body under the Act, §3.06. Justification does not have to be filed with the council for proposed actions financed solely with gift or grant funds specifically designated for such purpose by the grantor when the grantor is not an agency of the State of Texas. However, agencies must notify the Automated Information and Telecommunications Council of any actions so exempted with a description of the action, associated costs, and sources of funds used]

to finance these costs.]

(2)(3) Proposals for commercial maintenance service contracts for telecommunications devices, systems, or services, or for computer programs or computers and renewals thereof need not be filed with the advisory council if the cost of such commercial maintenance service was projected in the justification for acquisition of the computer programs or computers.

(g)(d) Advanced Certification procedures. [Review of proposed actions.] [1] When a state governmental body proposes to take a [an] procurement action meeting the criteria of subsection (f) [(e)] of this section, then the state governmental body shall file with the council a justification statement approved [signed] by the chief executive officer or appointed designee.

(1) At a minimum the justification statement should include:

(A) copies of the appropriate requisition(s) to be forwarded to the State Purchasing and General Services Commission for processing;

(B) statements that:

(i) basic certification has previously been filed by the council;

(ii) the proposed items to be purchased, leased, or lease-purchased are necessary; best suited to fulfill the state governmental body's needs; and, where appropriate, capable of electronically interchanging information; and

(iii) the terms of the purchase, lease, or lease-purchase are the most cost-effective alternative available and equivalent items or services are not available, by interagency contract or otherwise, from another state governmental body;

(C) a statement of the relationship of the proposed action to the long-range AITS plan;

(D) a description of the automated information or telecommunications systems, computers, or services to be acquired, or the major conversion to be accomplished;

(E) a statement that efforts have been made to purchase compatible hardware, software, or telecommunications systems;

(F) a statement of acquisition costs and annual operating expenses, both those of the proposed action itself and estimated incremental costs entailed in consequence (e.g., for training, system development, absorbed mainframe capacity, etc.);

(G) a schedule for acquisition, installation, and/or implementation;

(H) an analysis of a proposed action to acquire automated information systems or telecommunications systems equipment on a lease or purchase arrangement where it is expected that state-appropriated funds will be needed beyond the end of the biennium. The following information is required:

(i) anticipated interest charges over the life of the contract to the extent that

this can be determined;

(ii) anticipated cost savings to be realized through present acquisition of the equipment compared with outright purchase, should adequate funds become available;

(iii) any other information the agency may deem appropriate; and

(iv) an affirmative statement that the state governmental body reasonably expects to be able to make payments beyond the current biennium without having to rely on an increased level of general revenue appropriations;

(1) a statement to the effect that the proposed action was included in the state governmental body's legislative appropriations request, or an explanation as to why it was not.

(2) Within 10 days after initial receipt of the proposal, the council shall, with reasonable specificity, notify the submitting state governmental body of any supporting or other information the council requires to conduct its review. The date of receipt of the proposal is either the initial date of arrival of the proposal or the date that any supporting or other information, if requested, is received. Review shall commence on the date of receipt.

(3)(2) The advisory council shall review each procurement action proposed [by a state governmental body] and shall, within 90 [60] days after the date of the receipt of the [a] proposal [and its justification statement], certify in writing to [file with] the governor, lieutenant governor, speaker of the house of representatives, State Purchasing and General Services Commission, and state auditor whether or not the proposed procurement action satisfies the criteria for advanced certification. The council shall also send a copy of the appropriate requisition(s) to the State Purchasing and General Services Commission for processing [a report about whether the strategic objectives described by the governmental body in its long-range plan currently on file with the advisory council and the results to be achieved as defined in the justification would be fulfilled if the governmental body's proposed action were taken]. [A copy of said report will also be sent to the governmental body proposing the subject action. In those instances of a proposed equipment lease or purchase arrangement using appropriated funds, where the arrangement may exceed the biennium, the Automated Information Systems Advisory Council (AISAC) may note approval of appropriate portion(s) of the existing long-range plan in the AISAC comment letter relating to the proposal. When an organization is required to certify approval of a long-range plan, the governmental body may send a letter to the AISAC requesting plan approval. This letter would be expected to include a justification conforming to subsection (b)(6) of this section and a copy of the portion of the plan which applies.]

(3) For those acquisitions of

automated information systems to be acquired under the provisions of Texas Civil Statutes, Article 601(b), §3.09, the covering letter to the AITC must include a reference to this circumstance.

(4) If a state governmental body is required to expedite an action meeting the criteria of subsection (e) of this section because of emergency conditions, the chief executive officer or appointed designee shall file a letter with the council describing the emergency and the necessary actions being taken; the state governmental body then shall file with the council within 60 days of the letter of emergency notice the appropriate justification statement for each such action taken.]

(h)(f) Submission instructions.

(1) The long-range AITS plans and inventories [their revisions], as described in subsection (c) of this section, and [the] information relating to [concerning] proposed actions as described in subsection (g) [(d)] of this section, are to be submitted [mailed] to the Executive Director, Automated Information and Telecommunications Council, P.O. Box 13564, Austin, Texas 78711-3564. [The advisory council will notify the governmental body of receipt of justifications of proposed actions by return mail.]

(2) Long-range AITS plans and inventories submitted prior to December, 1987, may be prepared under prior AITC rules and guidelines at the state governmental body's option. Subsequent plans must be submitted in accordance with subsection (c)(1) of this section. [Governmental bodies proposing actions which will require processing by the State Purchasing and General Services Commission are advised to file all requisitions pursuant to the proposed actions with the commission at the same time the proposal is filed with the council.]

(3) Long-range AITS plans and inventories must be prepared and submitted to the council within 30 days of submission of the first legislative appropriations request by the state governmental body during each even-numbered fiscal year.

(4) A summary of all hardware purchases over \$100,000 but less than \$300,000 executed during the prior fiscal year are to be submitted to the above address during September of each calendar year.

(5) Extensions of the time limit for filing for and making basic or advanced certifications may be granted by agreement between the state governmental body and the council.

(i) Exemptions. The executive director of a state governmental body may take an action meeting the criteria of subsection (d) of this section without complying with subsection (e) of this section, or subsection (f) of this section without complying with subsection (g) of this section, if it is determined that the action is necessary as a result of a fire, natural disaster, or other actual emergency which poses imminent threats to the public health and safety, or which creates

reasonably unforeseeable situations requiring immediate action. The executive director is to make necessary changes to the long-range AITS plan and submit to the council justification for the action within 14 days after the action is taken. The council will review the justification on a priority basis to determine if the action taken was prudent.

Issued in Austin, Texas, on October 2, 1987

TRD-8708580 Tina J Turner
Administrative Assistant
Automated Information
and
Telecommunications
Council

Effective date: October 2, 1987
Expiration date: January 30, 1988
For further information, please call
(512) 463-5530

◆ ◆ ◆

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

★34 TAC §3.293

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.293, concerning food, food products, meals, and food service. The amendment to this section is the result of changes to the Tax Code made during the 70th Legislature, 1987. Many products which were not taxable except when sold by restaurants, drug stores, lunch counters, cafeterias, hotels, or other like places of business are now taxable in some grocery and convenience store and bakeries. The sales price of products sold through vending machines was also set by the legislature.

The amendment is adopted on an emergency basis under the Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2

§3.293. *Food; Food Products; Meals; Food Service.*

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

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

(4) **Convenience store**—A store that primarily sells food ready for immediate consumption but also sells food and nonfood products and durable and nondurable household products.

(5)(4) **Food**—All edible [food] products intended for humans which products are consumed for taste, aroma, or nutritional value [human consumption].

(6)(5) **Food products.**

(A) **Food products are food normally referred to as staples or necessities which are usually taken off premises by the buyer for later preparation, storage, or consumption.** [include items intended for human consumption] **Examples include but are not limited to: boxed** [such as] cereal and cereal products, milk in any quantity and milk products, including ice cream **except when packaged as sundry items**, oleomargarine, **uncooked** meat and meat products, poultry products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices, condiments and salt, sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products, **canned foods**, or any combination of these.

(B) Food products do not include:

(i) alcoholic beverages, [medicines, tonics, vitamins, and medicinal preparations in any form;] carbonated and noncarbonated packaged soft drinks; diluted juices, [when sold in liquid or frozen forms;] ice, [and] candy, [;], or **medicines, tonics, vitamins, and medicinal preparations in any form. A substance will be treated as medicinal or as a tonic if the substance has no nutritional value, or the quantities of food elements in the substance are small and its contribution to any diet is small, or the substance has substantial nutritional value but the substance is marketed, labeled, and promoted to the public as being therapeutic; or**

(ii) (No change.)

(7) **Grocery store**—A store that primarily sells food and food products to be prepared and consumed off the premises, durable and nondurable household supplies, as well as other taxable items.

(8)(6) **Mobile vendor**—A person who sells food ready for immediate consumption from a motor vehicle, push cart, or any other form of vehicle.

(9)(7) **Ready for immediate consumption**—**Food prepared, packaged, marketed, or served either by the manufacturer or retailer in such a manner or quantity that encourages immediate consumption. Examples include, but are not limited to, food maintained in a heated state, sandwiches, ice cream sundries, cooked poultry, fruits and vegetables cooked and sold daily by the retailer, and individual-sized portions or packages of bakery products or potato chips.**

[(A) Food ready for immediate consumption means the type of food, beverages or meals normally prepared, served, or sold by restaurants, drug stores, lunch counters, cafeterias, vending machines for \$.17 or more, etc., which, when sold, require no further preparation prior to consumption.

sumption.

[(B) When food is sold by a retailer who provides eating facilities (tables, trays, chairs, benches, or booths), food ready for immediate consumption also includes:

[(i) all food sold in a heated state;

[(ii) all food sold in individual size packages or portions when food heating facilities are available for customer use;

[(iii) all food sold with eating utensils provided, including plates, knives, forks, spoons, glasses, cups, or straws;

[(iv) all sandwiches ready for immediate consumption (examples of sandwiches ready for immediate consumption include most triangle type sandwiches whether or not refrigerated such as ham, cheese, tuna, or chicken salad. An example of a sandwich not ready for immediate consumption would be a frozen sandwich or a sandwich with a frozen or a partially frozen filling);

[(v) all individual ice cream sundries, for example, ice cream cones, ice cream sandwiches, dishes, bars, sticks, specialties, or the like, however, ice cream sundries, when sold in prepackaged units containing six or more such items, are not included;

[(vi) all individual-sized portions of bakery products sold in quantities of five or less; and

[(vii) all food sold in individual-sized packages or portions requiring no further processing before consumption, when more than ¾ (75%) of the retailer's gross sales on an outlet-by-outlet basis consist of sales of non-food items and/or food sold in a heated state, with utensils provided, or in the form of sandwiches or individual ice cream sundries.

[(C) When food is sold by a retailer who does not provide eating facilities (tables, trays, chairs, benches, or booths), food ready for immediate consumption also includes:

[(i) all food sold in a heated state, when the food is heated by the retailer rather than the customer;

[(ii) all food sold with eating utensils provided, including plates, knives, forks, spoons, glasses, cups, or straws;

[(iii) all sandwiches ready for immediate consumption (examples of sandwiches ready for immediate consumption include most triangle type sandwiches whether or not refrigerated such as ham, cheese, tuna, or chicken salad. An example of a sandwich not ready for immediate consumption would be a frozen sandwich or a sandwich with a frozen or partially frozen filling);

[(iv) all individual ice cream sundries, for example, ice cream cones, ice cream sandwiches, dishes, bars, sticks, specialties, or the like, however, ice cream sundries sold in pre-packaged units containing six or more such items are not included.]

(10)(8) **Retirement facility**—A

facility which provides permanent housing and residence to individuals, a majority of whom are 60 years of age or older

(11)(9) Wedding consultant--A person who provides services other than or in addition to the preparation and serving of food at weddings. Such services may include sending invitations, providing floral arrangements, decorating, supervision, and clean-up.

(b) Taxable food sales. Tax is due on the sale of food, meals, and drinks:

(1) prepared, served, or sold ready for immediate consumption by any retailer whether or not the food is sold to go;

(1)(2) sold by concession stands at ball parks, recreation halls, gymnasiums, and other like places of business, or served to a person seated in a stadium witnessing a sporting event;

(2)(3) prepared, sold, or served by caterers and wedding consultants. See subsection (f) of this section;

(3)(4) sold [ready for immediate consumption] by a mobile vendor;

(4)(5) prepared, sold, or served under the American plan. If the American plan is used by hotels, boarding houses, or other places of business, the charge for meals must be separated from the charges for room or lodging;

(5)(6) sold by universities, colleges, junior colleges, or other schools of higher learning; [or]

(6)(7) sold ready for immediate consumption through a vending machine; [for \$.17 or more.]

(7) sold from a delicatessen, snack bar, lunch counter, or like area located in a grocery store; or

(8) food ready for immediate consumption and all durable and nondurable items sold from a convenience store except food products.

(c) Exempt sales.

(1) Food products [not ready for immediate consumption] sold by businesses other than restaurants, drug stores, lunch counters, cafeterias, vending machines, hotels, or like places of business.

(A) All items defined as a food or food product are exempt from tax so long as not sold ready for immediate consumption.

(B) When a package contains both food products and taxable items the application of the tax depends upon the essential character of the complete package. If the taxable items are the primary component of the package and a single charge is made, the entire sales price of the package is taxable. If the taxable items are not the primary component of the package, the entire sale is exempt unless a separate charge is made for the taxable items, in which case the separate charge is subject to tax. In cases where no charge is made for the taxable items, these items are promotional items not purchased for resale by the person preparing the package. The person who provided the pro-

motional items is liable for the tax based upon the cost of the item.]

(2) Food sales by schools, school associated groups, state institutions, and carriers. For the purposes of this paragraph, food includes soft drinks and candy but does not include alcoholic beverages. Tax is not due on the sale of food when:

(A)-(E) (No change.)

(F) purchased by common carriers to be served to passengers en route aboard the carriers. Any charge made by the carrier for serving these items (including alcoholic beverages) also is exempt from tax;

(F)(G) items purchased with food coupons under the food stamp program operated under 7 United States Code Chapter 51; or

(G)(H) served to permanent residents of a retirement facility at the retirement facility. Meals served to visitors or employees of the facility are taxable.

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

(g) Food sales through vending machine [for \$.17 or more]. With the exceptions of soft drinks and candy, vending machine operators may report sales tax on 50% of the total gross receipts. [either the actual retail sales price of food sold ready for immediate consumption or they may report sales tax based upon their wholesale cost plus a 35% mark-up. Should the vending machine operator elect to report tax on wholesale plus 35%,] no deduction will be allowed for spoilage, waste, or other loss of foods. Vending machine operators must [continue to report and] pay sales tax on the total gross receipts [actual sales price] from sales of soft drinks and candy.

(h) (No change.)

(i) When a package contains both food products and taxable items the application of the tax depends upon the essential character of the complete package. If the taxable items are the primary component of the package and a single charge is made, the entire sales price of the package is taxable. If the taxable items are not the primary component of the package the entire sale is exempt unless a separate charge is made for the taxable items, in which case the separate charge is subject to tax. In cases where no charge is made for the taxable items, these items are promotional items not purchased for resale by the person preparing the package. The person who provided the promotional items is liable for the tax based upon the cost of the item.

Issued in Austin, Texas, on September 30, 1987

TRD-8708518

Bob Bullock
Comptroller of Public
Accounts.

Effective date: October 1, 1987

Expiration date: January 29, 1988

For further information, please call

(512) 463-4604

★ 34 TAC §3.298

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.298, concerning amusement services. The amendment is necessary because of changes made to the Tax Code by the 70th Legislature, 1987. The amendment exempts amusements from sales tax for events provided by nonprofit organizations only when the amusements are provided exclusively by the nonprofit group. When an amusement is provided by a nonprofit group in conjunction with a for-profit group, the exemption is lost and tax must be collected on the amusement. Also added to the definition of amusement services was membership in a private club or organization that provides entertainment, recreation, sports, dining, or social facilities to its members.

The amendment is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.298. *Amusement Services.*

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

(1) Amusement services—Entertainment, recreation, sport, pastime, diversion or enjoyment that is a pleasurable occupation of the senses. Amusement services and places offering amusement services include, but are not limited to, the following:

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

(D) participatory sports or games:

(i)-(ix) (No change.)

(x) chartered boat or party boat excursions (see paragraph (2) of this subsection for excursions of more than one day duration and for excursions on which fishing guide services are provided);

(xi)-(xvi) (No change.)

(E) (No change.)

(F) other:

(i) cover charges (for admission to [live entertainment/]night clubs, dance halls, discos, etc., providing dancing, music, or other entertainment);

(ii) (No change.)

(iii) parties (New Year's Eve) sponsored by radio stations, hotels, etc. Ticket price includes meal, set-ups, [live] entertainment, party favors;

(iv) rides [(for pleasure)] (in hot-air balloons, helicopters, trains, ships, horse-drawn carriages, etc.);

(v) tour trains and buses, whose primary purpose is to show tourist sights along a route as opposed to regular transportation; [and]

(vi) tours of tourist attractions, such as ships, buildings, and monuments, and natural wonders such as caves and caverns; [] and

(vii) palm reading, fortune telling, and astrological chart preparation.

(G) country clubs and other private clubs and organizations that provide entertainment, recreation, sports, dining, or social facilities to members.

(2) Nonamusement services—Activities which are primarily [social or] instructional in nature or nontaxable personal services. Places and services not covered by the tax on amusement services include, but are not limited to:

(A) [memberships or initiation fees to clubs, which are primarily social in nature or any type of] hobby clubs (stamp collecting clubs, toastmaster clubs, camera clubs, amateur radio clubs);

(B)-(C) (No change.)

[(D) activities or memberships centered on cooking, dining, or eating;]

(D)[(E)] video cassette clubs;

(E)[(F)] political fundraisers;

(F)[(G)] campground admissions;

(G)[(H)] cruises which last longer than 24 hours and extend offshore outside Texas territorial limits;

(H)[(I)] Fishing and hunting leases and guide services.

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

(5) Sales price of an amusement service. The fee charged for admission to an amusement including a convenience fee, handling charge, service charge, or other amount over and above the amount that would be charged for an amusement admission at the ticket counter of the facility at which the amusement service will be rendered. Also included are dues, initiation fees, and other charges, assessments, and fees required for a special privilege, status, or membership classification in a private club or organization.

(6)-(7) (No change.)

(b) Charges to private [social] club members and guests [or hobby clubs]. The membership dues, initiation fees, and other assessments and fees charged for a special privilege, status, or membership classification in a private club or organization are taxable. Taxable fees for special privileges in the organization include, but are not limited to, liquor pool dues, boat slip rental fees, golf cart storage fees, locker rental fees, locker room use fees, and fees for access to the restaurant and bar. Separate charges for amusement services by persons operating [social] clubs or other facilities [or hobby clubs] over and above amounts received for membership or initiation fees [which are attributable to recreational activities], such as green fees[,] or fees for admissions to swimming pools, racketball courts, or tennis courts are also [will be] taxable. Initiation fees which are refundable, as evidenced by a written agreement, are not taxable. For charges for amusement services provided by nonprofit organizations, see subsection (g) of this section.

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

(e) Imposition of tax.

(1) Sales tax is due on the sale of an admission to an amusement service if the event or location of the service is [occurs] within the State of Texas. Sales tax is not due on the sale of an admission to an amusement service if the event or location of the service is [takes place] outside Texas.

(2)-(3) (No change.)

(f) Taxable item sold or transferred with amusement service.

(1) A resale certificate may be issued for a service if the buyer intends to transfer the service as an integral part of taxable services. A service will be considered an integral part of a taxable service if the service purchased is essential to the performance of the taxable service and without which the taxable service could not be rendered. A resale certificate may be issued for a taxable service if the buyer intends to incorporate the service into tangible personal property which will be resold. If the entire service is not incorporated into the tangible personal property, it will be presumed the service is subject to tax and the service will only be exempt to the extent the buyer can establish the portion of the service actually incorporated into the tangible personal property. If the buyer does not intend to incorporate the entire service into the tangible personal property, no resale certificate may be issued, but credit may be claimed at the time of sale of the tangible personal property to the extent the service was actually incorporated into the tangible personal property. [Sales tax is not due on a taxable item purchased to be sold or transferred as an integral part of any amusement service. See §3.285 of this title (relating to Sales for Resale; Resale Certificate). Examples of such items include, but are not limited to, tickets, printed programs that are provided as part of the admission price, bowling balls provided with the purchase of bowling game admissions and prizes given with games at carnivals and fairs. The seller of such items must secure a valid resale certificate from the purchaser.]

(2) (No change.)

(g) Exemptions.

(1) Sales tax is not due on the sale of an amusement service if the service is provided exclusively by:

(A) a nonprofit organization, corporation, or association if the proceeds do not go to the benefit of an individual except as a part of the services of a purely public charity. Initiation and membership fees and other assorted fees charged by such a nonprofit organization, corporation, or association are not taxable. Examples would include organizations, corporations, or associations recognized as nonprofit organizations under Internal Revenue Code, §501(c), nonprofit country clubs, Kiwanis clubs, labor unions, and ex-students organizations;

(B)-(F) (No change.)

(2) (No change.)

(3) a nonprofit group may hire a for-profit organization to provide the expertise to produce an event without loss of the exemption provided by paragraph (1)(A) of this subsection. The nonprofit organization must hold itself out as the provider of the amusement and may not be a joint venturer with the for-profit entity. [Sales tax is not due on the sales of admissions to an amusement service when:

[(A) there are joint (more than one) providers of an amusement service; and

[(B) at least one of the providers is exempt from collecting tax on its sales of amusement services as set forth in paragraph (1) of this subsection; and

[(C) the exempt provider establishes that it has a substantial financial investment in the event. An exempt provider may establish its financial involvement by showing either of the following:

[(i) that the expenses incurred by the exempt provider equal or exceed 10% of the gross receipts of the event. These expenses must be direct out-of-pocket cost in providing the event. Such items as depreciation or loss of profit cannot be considered, and loss cannot be covered either directly or indirectly by the profit-making organization; or

[(ii) by written contract signed prior to the date of the event, the co-providers agree that the nonprofit organization will receive at least 20% of the net profit, if any, and will pay at least 20% of all losses, if any, incurred in producing the amusement event. Net profit means gross receipts less direct out-of-pocket cost.

[(4) Sales tax is due on the sale of an amusement service by nonprofit organizations, corporations, or associations when the provider of the amusement service, as defined in subsection (a)(4) of this section, is a profit-making organization.]

(4)[(5)] Amusement services provided through coin-operated machines that are operated by the consumer are exempt from sales tax. The coin used to operate the machine may be a token as well as a U.S. coin. Examples are coin-operated:

(A)-(G) (No change.)

(6)-(8) (No change.)

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

(j) Local tax. City, county, and metropolitan transit authority/city transit department (MTA/CTD) tax should be allocated to the city, county, and/or MTA/CTD [authority] where the amusement event occurred.

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★34 TAC §3.319

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.319, concerning prior contracts. The amendment allows a contract signed prior to July 21, 1987, to qualify for a prior contract exemption even if there are provisions which allow either party to the contract to cancel the contract with a set number of days written notice. The current section provides that such a contract cannot qualify for a prior contract exemption. Unless some other provision of the section disallows the prior contract exemption, a contract with a cancellation clause will qualify as a prior contract if signed prior to July 21, 1987. All other provisions of the section remain the same.

The amendment is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.319. *Prior Contracts.*

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

(c) Exception. **A cancellation clause in a contract will not cause the loss of a prior contract exemption. However, a contract may not qualify for a prior contract exemption in the following situations.**

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

[(4) Contracts which can be terminated by written notice from either party do not qualify as prior contracts.]

(4)[(5)] Any contract whose terms state the customer will be liable for any tax rate increases or for the applicable tax rate will not qualify for the prior contract exemption, even though the contract was in effect prior to the tax rate change. Such phrases are intended to transfer the burden of the tax increase from the seller to the customer and violate the statutory qualifications for exemption.

(5)[(6)] With the exception of service contracts which contain a fixed price which must be paid whether or not the service is performed, and specify the work to be performed by type and quantity, contracts which state that services or taxable items will be supplied as needed or upon request will not qualify as prior contracts.

(6)[(7)] A bid submitted prior to changes in the tax rate or base and a contract signed pursuant to that bid after the change, will qualify for the prior contract exemption if the terms of the contract are substantially similar to the original bid.

(d)-(g) (No change.)

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★34 TAC §3.333

The Comptroller of Public Accounts adopts on an emergency basis new §3.333, concerning security services. The 70th Legislature, 1987, added security services to the Tax Code, Chapter 151. The new section sets out that sales tax must be collected on security services. Since the change in the Tax Code becomes effective October 1, 1987, emergency action is needed so that persons engaged in this activity will be aware of their sales tax responsibilities.

The new section is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.333. *Security Services.*

(a) Security services means any service for which a license is required under Private Investigators and Private Security Agencies Act, §13, Texas Civil Statutes, Article 4413 (29bb), and includes any services provided within the scope of the required license as an investigations company, guard company, alarm systems company, armored car company, courier company, guard dog company, security services contractor, private security officer, detective service, or private investigator

(b) All providers of security services must obtain a Texas sales and use tax permit and collect tax on the total amount charged for security services, or accept a properly completed resale or exemption certificate in lieu of collecting tax. See §3.285 of this title (relating to Resale Certificate; Sales for Resale) and §3.287 of this title (relating to Exemption Certificates)

(c) Security services performed by an employee for his employer in the regular course of business, within the scope of the employee's duties, and for which the employee is paid his regular wages or salary are not taxable.

(d) Charges for guarding or providing surveillance or security to property or persons located in Texas are subject to Texas tax. Detective and investigation services of persons located in Texas are subject to Texas tax, provided, however, that investigation of corporate locations or premises located outside Texas are not taxable. Armored car and courier services are subject to tax if the property is delivered in Texas.

(e) If courier services originate in another state and sales tax is legally paid on that service in the other state, credit against the Texas tax will be allowed.

(f) Providers of security services may issue a resale certificate in lieu of tax to suppliers of tangible personal property only if care, custody, and control of the tangible personal property is transferred to the customer. A resale certificate may be issued for a service if the buyer intends to transfer the

service as an integral part of taxable services. A service will be considered an integral part of a taxable service if the service purchased is essential to the performance of the taxable service and without which the taxable service could not be rendered. A resale certificate may be issued for a taxable service if the buyer intends to incorporate the service into tangible personal property which will be resold. If the entire service is not incorporated into the tangible personal property, it will be presumed the service is subject to tax and the service will only be exempt to the extent the buyer can establish the portion of the service actually incorporated into the tangible personal property. If the buyer does not intend to incorporate the entire service into the tangible personal property, no resale certificate may be issued, but credit may be claimed at the time of sale of the tangible personal property to the extent the service was actually incorporated into the tangible personal property.

(g) Where nontaxable unrelated services and taxable services are sold or purchased for a single charge, the total charge is presumed to be taxable. The presumption may be overcome by the seller at the time the transaction occurs by separately stating to the customer a reasonable charge for the taxable services. The service provider's books must support the apportionment between exempt and nonexempt activities based on the cost of providing the service or on a comparison to the normal charge for each service if provided alone. If the charge for exempt services is unreasonable when the overall transaction is reviewed considering the cost of providing the service or a comparable charge made in the industry for each service, the comptroller will adjust the charges and assess additional tax, penalty, and interest on the taxable services. Charges for services or expenses connected to the provision of a taxable service are taxable and may not be separated for the purpose of excluding these charges from the tax base.

(h) Persons excepted from the licensing requirements of the Private Investigators and Private Security Agencies Act, Texas Civil Statutes, Article 4413(29bb), under that Act, §3, are not providing security services subject to the sales tax since they are not required to hold a license to provide their services. Examples include, but are not limited to:

(1) persons employed exclusively and regularly by one employer in connection with the affairs of the employer;

(2) officers or employees of the United States, this state, or a political subdivision of either, while engaged in the performance of official duties;

(3) persons who have full time employment as a peace officer as defined by the Code of Criminal Procedure, Article 2.12, and who receive compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, or watchman;

(4) locksmiths who do not install or service detection devices, do not conduct investigations, and are not security service contractors;

(5) persons who sell burglar alarm or other protective devices exclusively over-the-counter or by mail order; and

(6) persons who sell or install automobile burglar alarm devices.

(i) Persons whose activities are not defined as security services may nonetheless be performing a service which is taxable under other provisions. Examples include, but are not limited to:

(1) persons engaged in the business of obtaining and furnishing credit information. See §3.343 of this title (relating to Credit Reporting Services);

(2) insurance adjusters, agents, and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them. Although not taxable as security services, some insurance services are taxable under the Sales Tax Act. See §3.355 of this title (relating to Insurance Services).

(j) The fact that a security service provider may be performing his services by furnishing an undercover agent will not affect the applicability of sales tax to the service transaction between the employer and the consumer. The employer of the undercover agent is considered to be providing security services to a client, and that transaction is subject to the sales tax.

(k) For purposes of city, MTA, or county taxes, if the service provider's place of business (the location where clients request service) is within the boundaries of a local taxing entity, the taxable service shall be deemed to be performed at the service provider's place of business. In the case of multiple locations, the place of business where the customer contacted the service provider for service will determine to which local taxing entity (city, MTA, or county) the tax is allocated. If the service provider's place of business is outside the boundaries of a local taxing entity, the service provider will be required to collect local use tax if the client is within the local taxing entity and the service provider has representation in the local taxing entity as outlined in §3.286 of this title (relating to Buyer's and Seller's Responsibilities). Even if the service provider is not required to collect local use tax, the client is still liable for the tax if the service is performed or a benefit is derived from the service within the boundaries of a local taxing entity.

(l) If a seller of a service or tangible personal property is not doing business in Texas and is not required to collect Texas tax, it is the Texas customer's responsibility to report the tax directly to this office.

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(512) 463-4004

★34 TAC §3.342

The Comptroller of Public Accounts adopts on an emergency basis new §3.342, concerning information services. The 70th Legislature, 1987, added information services to the Tax Code, Chapter 151. The new section sets out that sales tax must be collected on information services. Since the change in the Tax Code becomes effective on October 1, 1987, emergency action is needed so that persons engaged in selling information will be aware of their sales tax responsibilities.

The new section is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.342. Information Services.

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

(1) Information services—Furnishing general or specialized news or other current information, including financial information, by printed, mimeographed, electronic, or electrical transmission, or by utilizing wires, cable, radio waves, microwaves, satellites, fiber optics, or any other method now in existence or which may be devised, and electronic data retrieval or research.

(2) Process services—processing, reformatting, or manipulation of data provided by the customer is data processing and is not included in the definition of information services.

(b) Taxable service. The total charge for information services whether by subscription or on an as-needed basis is subject to the sales tax.

(c) Resale Certificates. Sellers of service may issue a resale certificate in lieu of tax to suppliers of tangible personal property only if care, custody, and control of the property is transferred to the client. A resale certificate may be issued for a service if the buyer intends to transfer the service as an integral part of taxable services. A service will be considered an integral part of a taxable service if the service purchased is essential to the performance of the taxable service and without which the taxable service could not be rendered. A resale certificate may be issued for a taxable service if the buyer intends to incorporate the service into tangible personal property which will be resold. If the entire service is not incorporated into the tangible personal property, it will be pre-

sumed the service is subject to tax and the service will only be exempt to the extent the buyer can establish the portion of the service actually incorporated into the tangible personal property. If the buyer does not intend to incorporate the entire service into the tangible personal property, no resale certificate may be issued, but credit may be claimed at the time of sale of the tangible personal property to the extent the service was actually incorporated into the tangible personal property.

(d) Unrelated services. Where nontaxable unrelated services and taxable services are sold or purchased for a single charge, the total charge is presumed to be taxable. The presumption may be overcome by the seller at the time the transaction occurs by separately stating to the customer a reasonable charge for the taxable services. The service provider's books must support the apportionment between exempt and nonexempt activities based on the cost of providing the service or on a comparison to the normal charge for each service if provided alone. If the charge for exempt services is unreasonable when the overall transaction is reviewed considering the cost of providing the service or a comparable charge made in the industry for each service, the comptroller will adjust the charges and assess additional tax, penalty, and interest on the taxable services. Charges for services or expenses connected to the provision of a taxable service are taxable and may not be separated for the purpose of excluding these charges from the tax base.

(e) Taxable information services. Information which is gathered, maintained, or compiled and made available by the provider of the information service to the public or to a specific segment of industry for a consideration is subject to sales tax. Examples of such information include, but are not limited to, the following:

- (1) newsletters;
- (2) scouting reports and surveys, including those used in sports and the oil and gas and related industries;
- (3) mailing lists and bad check lists;
- (4) medical records and reports not provided as part of health care services;
- (5) financial, investment, stock market, or bond rating reports;
- (6) news clipping services and wire services; and
- (7) abstracts of title and other information provided by title plants.

(f) Exempt information services. Sales tax is not due on information services sold to a newspaper or to a radio or television station licensed by the Federal Communications Commission, if an exemption certificate is obtained. The exemption certificate must state that the purchaser is a newspaper with a general circulation published at least as frequently as weekly, or is a station licensed by the Federal Communications Commission.

(g) Nontaxable information. The sale of information which is gathered or compiled

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Seller's Responsibilities. Even if the service provider is not required to collect local use tax, the client is still liable for the tax if the service is performed or a benefit is derived from the service within the boundaries of a local taxing entity.

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★ 34 TAC §3.354

The Comptroller of Public Accounts adopts on an emergency basis new §3.354, concerning debt collection services. The 70th Legislature, 1987, added debt collection services to the Tax Code, Chapter 151. The new section sets out that sales tax must be collected on debt collection services. Since the change in the Tax Code becomes effective on October 1, 1987, emergency action is needed so that persons engaged in this activity will be aware of their sales tax responsibilities.

The new section is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.354. Debt Collection Services

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

(1) Claim—Without limitation, any alleged right, entitlement, or demand, whether for money or property, arising out of or concerning any actual or alleged obligation, promise, or indebtedness, howsoever arising, whether in law or in equity, in contract or in tort, whether secured or unsecured, actual or contingent, and whether liquidated or unliquidated.

(2) Contingent fee—An arrangement whereby a debt collector agrees, by contract or otherwise, to accept as consideration for debt collection services a percentage of the amount actually collected, whether inclusive or exclusive of actual expenses incurred in performing such services.

(3) Debt—Any obligation to pay a sum certain in money or other consideration.

(4) Debt collection service—Any activity performed for consideration, to collect or adjust a debt or claim, or to repossess property subject to a claim, including any activity performed in furtherance of the satisfaction or compromise of a debt or claim.

The term "debt collection service" does not include activities performed by an attorney, partnership, or professional corporation of attorneys collecting a judgment if the attorney, partnership, or professional corporation represented the person in the suit from which the judgment arose.

(5) Debt collector—Any person performing debt collection services.

(b) Responsibilities of debt collectors.

(1) Tax is due and must be collected on the total charge for debt collection activities when:

(A) the address of the debtor at the time the account is placed for collection is in Texas; and

(B) the seller of the service of tangible personal property or the transaction from which the debt arose is located in Texas or is doing business in Texas as provided in the Tax Code, §151.107. Credit card companies are considered to be doing business in Texas if the financial institution issuing the card is located in Texas.

(2) Collection of current credit and real estate accounts, including mortgage payments and rental payments, is not subject to tax under this section. A current credit or real estate transaction is one which has not exceeded the later of the due date of the payment or the date on which a penalty or other contractual sanction attaches.

(3) If a seller of a service or tangible personal property is not doing business in Texas and is not required to collect Texas tax, it is the Texas customer's responsibility to report the tax directly to this office.

(4) Debt collectors must obtain a tax permit and collect tax on the entire sales price of their service, or accept a properly completed exemption certificate in lieu of collecting tax. See §3.287 of this title (relating to Exemption Certificates) and §3.322 of this title (relating to Exempt Entities).

(5) If a debt collector charges a contingent fee, the sales price is the amount actually withheld by or remitted to the debt collector for the performance of such services, including any amounts withheld or remitted for the purchase of taxable items used or consumed in performing the service.

(6) Debt collectors may issue a resale certificate in lieu of tax to suppliers of tangible personal property only if care, custody, and control of the tangible personal property is transferred to the customer. A resale certificate may be issued for a service if the buyer intends to transfer the service as an integral part of taxable services. A service will be considered an integral part of a taxable service if the service purchased is essential to the performance of the taxable service and without which the taxable service could not be rendered. A resale certificate may be issued for a taxable service if the buyer intends to incorporate the service into tangible personal property which will be resold. If the entire service is not incorporated into the tangible personal property, it will be presumed the service is subject to tax and the

service will only be exempt to the extent the buyer can establish the portion of the service actually incorporated into the tangible personal property. If the buyer does not intend to incorporate the entire service into the tangible personal property, no resale certificate may be issued, but credit may be claimed at the time of sale of the tangible personal property to the extent the service was actually incorporated into the tangible personal property.

(c) Taxable services. Activities undertaken by a debt collector to determine whether a client has a claim, are not taxable if the debt collector determines not to attempt to collect or adjust the claim.

(d) Unrelated services. Where nontaxable unrelated services and taxable services are sold or purchased for a single charge, the total charge is presumed to be taxable. The presumption may be overcome by the seller at the time the transaction occurs by separately stating to the customer a reasonable charge for the taxable services. The service provider's books must support the apportionment between exempt and nonexempt activities based on the cost of providing the service or on a comparison to the normal charge for each service if provided alone. If the charge for exempt services is unreasonable when the overall transaction is reviewed considering the cost of providing the service or a comparable charge made in the industry for each service, the comptroller will adjust the charges and assess additional tax, penalty, and interest on the taxable services. Charges for services or expenses connected to the provision of a taxable service are taxable and may not be separated for the purpose of excluding these charges from the tax base.

(e) Local taxes. For purposes of city, MTA, or county taxes, if the service provider's place of business (the location where clients request service) is within the boundaries of a local taxing entity, the taxable service shall be deemed to be performed at the service provider's place of business. In the case of multiple locations, the place of business where the customer contacted the service provider for service will determine to which local taxing entity (city, MTA, or county) the tax is allocated. If the service provider's place of business is outside the boundaries of a local taxing entity, the service provider will be required to collect local use tax if the client is within the local taxing entity and the service provider has representation in the local taxing entity as outlined in §3.286 of this title (relating to Buyer's and Seller's Responsibilities). Even if the service provider is not required to collect local use tax, the client is still liable for the tax if the service is performed or a benefit is derived from the service within the boundaries of a local taxing entity.

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★ 34 TAC §3.355

The Comptroller of Public Accounts adopts on an emergency basis new §3.355, concerning insurance services. The 70th Legislature, 1987, added certain insurance services to the Tax Code, Chapter 151. The new section sets out that sales tax must be collected on certain insurance services. Since the change in the Tax Code becomes effective October 1, 1987, emergency action is needed so that persons engaged in these activities will be aware of their sales tax responsibilities.

The new section is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.355. Insurance Services.

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

(1) Insurance carrier—Every type of insurer engaged in the business of insurance that is licensed or operates under or is required to be licensed or to operate under the provisions of the Insurance Code.

(2) Insurance claims adjustment or claims processing—Any activities to supervise, handle, investigate, pay, settle, or adjust claims or losses.

(3) Insurance inspection—Any activity performed to evaluate risks to property, to survey or value property in connection with the furnishing of insurance coverage, to establish premium rates or reserves, or any other similar activity.

(4) Insurance investigation—Any activity performed to evaluate an individual's eligibility or qualifications for insurance coverage, to establish rates or reserves or any other similar activity. For example, the assembly or evaluation of information for the purpose of determining whether to issue a life insurance policy to a specific individual would be considered an insurance investigation.

(5) Insurance loss or damage appraisal—Any activity performed for purposes of valuing damage to or loss of property. Appraisal activities performed prior to damage or loss, such as the appraisal of jewelry for scheduling on a homeowners insurance policy, are not considered loss or damage appraisal.

(6) Insurance loss prevention service—Any activities performed in an effort to identify, analyze, evaluate, control, an-

ticipate and eliminate the occurrence of, accident, loss, or damage. Examples include survey, construction, fire prevention programs, construction safety, occupational causes, and industrial hygiene and health services.

(7) Insurance or annuity actuarial analysis or research—Any activity performed in connection with the calculation of insurance or annuity premiums, reserves, rates, refunds, dividends, or other benefits, or other similar activities.

(8) Insurance services—Any activities performed on behalf of an insurance carrier, its insured, its policyholders, or others for monetary fees, dues, or other consideration.

(b) Nontaxable services. The following services are not taxable as insurance services:

(1) Insurance contracts for which a premium is paid or sales commissions are paid to insurance agents. Inconsent, initial insurance services provided by an insurance agent paid on a commission basis are not taxable unless separately billed.

(2) Medical services provided by any medical provider, including physicians, hospitals, clinics, chiropractors, and other practitioners of the healing arts.

(c) Doing business in Texas. Insurance services will be subject to taxation in Texas if the company for which the services are performed is doing business in Texas and the individual, entity, or property which is the object of the service is also in Texas.

(d) Premiums and other forms of compensation. Insurance premiums and any other form of compensation are not gross administrative or service fees under the Insurance Code and are subject to tax, provided if paid in connection with the performance of an insurance service. For franchise programs subject to gross premium laws under the Texas Insurance Code are not subject to sales tax.

(e) Insurance related to non-taxable services. Where an insurance service is performed as a part of a non-taxable service and the primary purpose for purchasing the non-taxable service is not insurance related, no part of the fee or charge is taxable. For example, the charge for an appraisal required by a lender as a condition of extending credit is not taxable as an insurance service because the primary purpose for obtaining the service is financing the loan. The fact that the appraisal may also be used as the basis for establishing minimum property insurance required by the lender as a condition of financing does not render the service taxable as an insurance service.

(f) Responsibilities of persons providing insurance service.

(1) Persons providing insurance services must obtain a tax permit and collect tax on the entire sales price of their services.

(2) Seller of taxable services may issue a resale certificate in lieu of tax to suppliers of tangible personal property only if

the seller retains title, care, custody, and control of the property transferred to the client. A resale certificate may be issued for a service if the buyer intends to transfer the service as an integral part of taxable services. A service will be considered an integral part of a taxable service if the service purchased is essential to the performance of the taxable service and without which the taxable service could not be rendered. A resale certificate may be issued for a taxable service if the buyer intends to incorporate the service into tangible personal property which will be resold. If the entire service is not incorporated into the tangible personal property, it will be presumed the service is subject to tax and the service will only be exempt to the extent the buyer can establish the portion of the service actually incorporated into the tangible personal property. If the buyer does not intend to incorporate the entire service into the tangible personal property, no resale certificate may be issued, but credit may be claimed at the time of sale of the tangible personal property to the extent the service was actually incorporated into the tangible personal property.

(3) Persons providing insurance services may accept an exemption certificate in lieu of tax when performing a taxable service for an exempt entity. See §3.322 of this title (relating to Exempt Organizations).

(4) Where nontaxable unrelated services and taxable services are sold or purchased for a single charge, the total charge is presumed to be taxable. The presumption may be overcome by the seller at the time the transaction occurs by separately stating to the customer a reasonable charge for the taxable services. The service provider's books must support the apportionment between exempt and nonexempt activities based on the cost of providing the service or on a comparison to the normal charge for each service if provided alone. If the charge for exempt services is unreasonable when the overall transaction is reviewed considering the cost of providing the service or a comparable charge made in the industry for each service, the comptroller will adjust the charges and assess additional tax, penalty, and interest on the taxable services. Charges for services or expenses connected to the provision of a taxable service are taxable and may not be separated for the purpose of excluding these charges from the tax base.

(5) For purposes of city, MTA, or county taxes, if the service provider's place of business (the location where clients request service) is within the boundaries of a local taxing entity, the taxable service shall be deemed to be performed at the service provider's place of business. In the case of multiple locations, the place of business where the customer contacted the service provider for service will determine to which local taxing entity (city, MTA, or county) the tax is allocated. If the service provider's place of business is outside the boundaries of a local taxing entity, the service provider will

be required to collect local use tax if the client is within the local taxing entity and the service provider has representation in the local taxing entity as outlined in §3.286 of this title (relating to Buyer's and Seller's Responsibilities). Even if the service provider is not required to collect local use tax, the client is still liable for the tax if the service is performed or a benefit is derived from the service within the boundaries of a local taxing entity.

(6) If a seller of a service or tangible personal property is not doing business in Texas and is not required to collect Texas tax, it is the Texas customer's responsibility to report the tax directly to this office.

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★34 TAC §3.356

The Comptroller of Public Accounts adopts on an emergency basis new §3.356, concerning real property service. The 70th Legislature, 1987, added certain services performed on real property to the Tax Code, Chapter 151. The new section sets out that sales tax must be collected on certain services performed on real property. Since the change in the Tax Code becomes effective on October 1, 1987, emergency action is needed so that persons engaged in these activities will be aware of their sales tax responsibilities.

The new section is adopted on an emergency basis under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.356. *Real Property Service.*

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

(1) Building or grounds cleaning, janitorial, or custodial services—The activities of keeping the premises of a building clean, orderly, and functional, including performing minor adjustments, maintenance, or repairs to heating, air conditioning, or other support systems of the premises. Examples include, but are not limited to, window washing; floor, wall, and ceiling cleaning; collection of waste on the premises, whether from inside a building or on the grounds; chimney or duct cleaning; lighting maintenance such as bulb and fuse replacement; the cleaning, disinfecting, and restocking of restrooms or lounge areas; and pool clean-

ing and maintenance. The term does not include activities such as painting, wallpapering, or performing significant repairs, nor domestic services such as babysitting, or the services of a maid and cook employed to provide those services for the benefit of a private household.

(2) Employee—A person providing services for another for consideration where the employer has the right to control and direct the employee in the material details of how the work is to be performed, both under the contract of employment and in fact.

(3) Employer—In determining who is the employer of an employee, factors which will be considered include:

(A) who exercises direct control over the details of how the work is performed by the employee;

(B) who pays the employee's salary;

(C) who withholds applicable federal taxes from the employee's salary;

(D) who provides employment-related benefits such as health insurance, eligibility to participate in a retirement plan, sick leave, vacation, etc., to the employee; and

(E) who has the right to terminate the employment of the individual employee.

(4) Garbage—Waste, refuse, sludge from waste treatment plant, water supply treatment plant or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from residential, industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities. The term includes hazardous waste, if the substance is solid waste which has been identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency or by other appropriate federal or state agency. The term does not include any of the following:

(A) solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to the Water Code, Chapter 26;

(B) waste materials which result from activities associated with the exploration, development, or production of oil, gas, or geothermal resources, and any other substance or material regulated by the Railroad Commission of Texas pursuant to the Natural Resources Code, §91.101; or

(C) any waste which requires specific licensing under Texas Civil Statutes, Article 4590f, and the rules adopted by the Texas Board of Health under that law, which for the purposes of this section shall be referred to as radioactive waste.

(5) Landscaping—The activity of arranging and modifying areas of land and natural scenery for aesthetic effect, considering the use to which the land is to be put.

The term includes adding, removing or arranging natural forms, features, and plantings, including vegetation, and other features to fulfill aesthetic or functional requirements. It includes the application of soil, soil additives, and amendments to prepare or maintain the planting area. Some examples are garden planting or maintenance, cemetery upkeep, lawn care, arborist services, ornamental bush or shrub planting, tree planting, tree surgery, pruning or spraying, and lawn sodding. The term does not include the addition of sprinkler systems, retaining walls, ponds, pools, fences, or other construction activities nor services provided by landscape designers or landscape architects such as consultation, research, preparation of general or specific design or detail plans, studies, specifications or supervision, or any other professional services or functions within the definition of the practice of engineering or architecture. Landscaping services performed by landscape designers or landscape architects are taxable.

(6) Lawn maintenance—Mowing, trimming, fertilizing, watering, and any other treatment or service which may be performed on private or commercial yards or lawns. It also includes maintenance of trees and plants whether inside or outside a building. The term does not include clearing land for buildings or power line right-of-ways.

(7) Structural pest control services—Activities performed for the purpose of identifying, preventing, controlling, or eliminating, by use of chemical or mechanical means, infestation of any of the following:

(A) insects, spiders, mites, ticks, ants, bees, and other related pests, wood infesting organisms, rodents, weeds, nuisance birds, and any other obnoxious or undesirable animals which may infest households, railroad cars, ships, docks, trucks, airplanes, or other structures or their contents;

(B) pests or diseases of trees, shrubs, or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or street. The term includes related activities, such as inspection, and evaluation concerning the nature and extent of an infestation, reports or performance of services to control pest and insect infestation.

(8) Surveying of real property—Activities performed to determine or confirm the boundaries of real property, or to determine or confirm the location of structures or other improvements in relation to the boundaries of the property by the use of relevant elements of law, research, measurement, analysis, computation, mapping, and land description. Examples include, but are not limited to, boundary recovery, residential surveying, lot surveying, title surveying, as-built title surveying, and right-of-way surveying.

(b) Responsibilities of person providing real property services.

(1) Persons performing real property services must obtain a tax permit and collect and remit sales tax on all charges for real property services.

(2) Persons providing real property services may issue a resale certificate in lieu of tax to suppliers of tangible personal property only if care, custody, and control of the property is transferred to the client. A resale certificate may be issued for a service if the buyer intends to transfer the service as an integral part of taxable services. A service will be considered an integral part of a taxable service if the service purchased is essential to the performance of the taxable service and without which the taxable service could not be rendered. A resale certificate may be issued for a taxable service if the buyer intends to incorporate the service into tangible personal property which will be resold. If the entire service is not incorporated into the tangible personal property, it will be presumed the service is subject to tax and the service will only be exempt to the extent the buyer can establish the portion of the service actually incorporated into the tangible personal property. If the buyer does not intend to incorporate the entire service into the tangible personal property, no resale certificate may be issued, but credit may be claimed at the time of sale of the tangible personal property to the extent the service was actually incorporated into the tangible personal property.

(3) Persons providing real property services may accept an exemption certificate in lieu of tax when performing a service for an exempt entity. See §3.322 of this title (relating to Exempt Organizations).

(c) Landscaping and lawn maintenance provided by persons under 18 years old. Charges for performance of landscaping or yard maintenance (subsection (a)(1) and (a)(2) of this section) are exempt if performed by a self-employed person under 18 years of age whose total receipts from providing landscaping or yard maintenance is \$1,000 or less during the preceding calendar quarter or the same calendar quarter of the preceding year.

(d) Landfill charges connected with garbage collection services. Persons providing garbage collection services may not separate in the bill to their customers the charge for garbage collection from the charge for use of the land fill for the purpose of reducing the amount upon which tax must be collected. The charge paid by the service provider for access to the land fill is a necessary expense in providing the garbage collection service and is not excludable from the fee for garbage collection.

(e) Garbage removal facilities. When a city, county, or any other entity provides a facility where garbage may be left which will, at another time, be moved to a landfill by the entity providing the location, the fee charged to persons depositing garbage into such a facility is considered to be a charge for garbage collection and is taxable.

(f) Unrelated services. Except as provided in subsection (g) of this section, where nontaxable unrelated services and taxable services are sold or purchased for a single charge, the total charge is presumed to be taxable. The presumption may be overcome by the seller at the time the transaction occurs by separately stating to the customer a reasonable charge for the taxable services. The service provider's books must support the apportionment between exempt and non-exempt activities based on the cost of providing the service or on a comparison to the normal charge for each service if provided alone. If the charge for exempt services is unreasonable when the overall transaction is reviewed considering the cost of providing the service or a comparable charge made in the industry for each service, the comptroller will adjust the charges and assess additional tax, penalty and interest on the taxable services. Charges for services or expenses connected to the provision of a taxable service are taxable and may not be separated for the purpose of excluding these charges from the tax base.

(g) Governmental entities. When garbage collection services are provided by a governmental entity without a specific charge being assessed, such as when this service is provided as a basic part of services funded by the tax or fee structure of the governmental entity, sales tax is not due.

(h) Local taxes. For purposes of city, MTA, or county taxes, if the service provider's place of business (the location where clients request service) is within the boundaries of a local taxing entity, the taxable service shall be deemed to be performed at the service provider's place of business. In the case of multiple locations, the place of business where the customer contacted the service provider for service will determine to which local taxing entity (city, MTA, or county) the tax is allocated. If the service provider's place of business is outside the boundaries of a local taxing entity, the service provider will be required to collect local use tax if the client is within the local taxing entity and the service provider has representation in the local taxing entity as outlined in §3.286 of this title (relating to Buyer's and Seller's Responsibilities). Even if the service provider is not required to collect local use tax, the client is still liable for the tax if the service is performed or a benefit is derived from the service within the boundaries of a local taxing entity.

(i) Use tax. If a seller of a service or tangible personal property is not doing business in Texas and is not required to collect Texas tax, it is the Texas customer's responsibility to report the tax directly to this office.

Effective date: September 30, 1987
Expiration date: January 28, 1988
For further information, please call
(512) 463-4004

Subchapter V. Bingo Regulation and Tax

★34 TAC §3.562

The Comptroller of Public Accounts adopts on an emergency basis new §3.562 concerning unauthorized prizes. The rule prohibits the offering or awarding of any prize by any person during a bingo occasion except for prizes for winning individual bingo games.

This new section is adopted on an emergency basis so that organizations conducting bingo may know exactly how to comply with prohibition of additional prizes in House Bill 1043, which is effective September 1, 1987.

This new section is adopted on an emergency basis under Texas Civil Statutes, Article 179d, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.562. *Unauthorized Prizes.*

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

(1) Person—An individual, partnership, corporation, or other group, however organized, whether or not licensed or required to be licensed under the Bingo Enabling Act.

(2) Present at a bingo occasion and participating in a bingo occasion—Being present at or participating in any activity at the bingo location during licensed times of a bingo occasion.

(b) Extra prizes prohibited. No authorized organization, lessor, or other person, may offer or award any prize to any person or persons present at a bingo occasion or participating in a bingo occasion other than, or in addition to, the prizes awarded for winning the individual bingo games. This prohibition extends to the offering or awarding of a prize or prizes, other than prizes for winning bingo games authorized under the Bingo Enabling Act during an organization's licensed times, and includes any activity during licensed times in connection with the offering or awarding of such prizes, such as the handing out of tickets, the written or oral promotion of the additional prize, the drawing of a name or names, or the awarding of a prize.

Issued in Austin, Texas, on September 30, 1987.

TRD-8708526

Bob Bullock
Comptroller of Public
Accounts

Issued in Austin, Texas, on October 5, 1987.

TRD-8708605

Bob Bullock
Comptroller of Public
Accounts

Effective date October 5, 1987
Expiration date February 2, 1988
For further information, please call
(512) 463-4004



Chapter 5. Funds Management (Fiscal Affairs)

Deferred Compensation—Vendor Participation

★34 TAC §5.113

The Office of the Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of amended §5.113, for a 60-day period effective October 3, 1987. The text of the amended §5.113 was originally published in the June 12, 1987, issue of the *Texas Register* (12 TexReg 1889).

Issued in Austin, Texas, on October 1, 1987

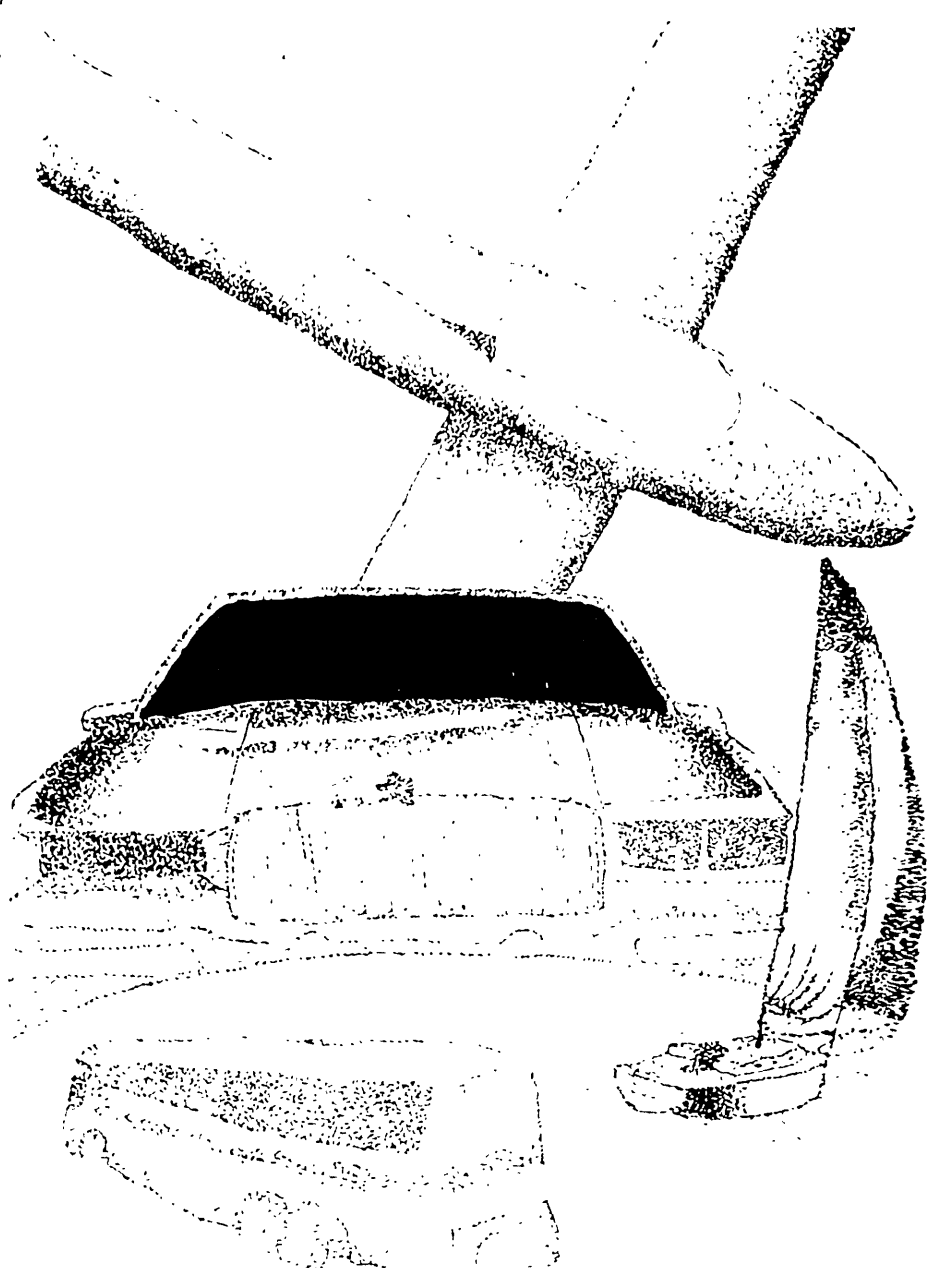
TRD-8708536

Wade Anderson
Rules Coordinator
Office of the
Comptroller of Public
Accounts

Effective date October 3, 1987
Expiration date December 2, 1987
For further information, please call
(512) 463-4004



Name: Jimmy Cox
Grade: 11
School: Northbrook High, Spring Branch



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 1.

ADMINISTRATION

Part X. Automated Information and Telecommunications Council

Chapter 201. Acquisition of Automated Information and Telecommunications Systems

★ 1 TAC §201.1

(Editor's note: The Automated Information and Telecommunications Council proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section of this issue.)

The Automated Information and Telecommunications Council (AITC) proposes an amendment to §201.1, concerning acquisition of automated information and telecommunications systems. The amendment covers procedures for developing and submitting long-range automated information and telecommunications plans, inventories, and procurements. The council proposes this amendment to comply with the provisions of House Bill 2224, 70th Legislature, 1987. The amendment is simultaneously adopted on an emergency basis and published elsewhere in this issue of the *Texas Register*.

Robert B. Jordan, AITC executive director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Jordan 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 an agency-wide increase in productivity and cost-effectiveness of state employees due to automation. 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 Robert B. Jordan, Executive Director, AITC, 510 South Congress Ave-

nue, Suite 216, P.O. Box 13564, Austin, Texas 78711-3564

The amendment is proposed under Texas Civil Statutes, Article 4413 (32h), which provide the Automated Information and Telecommunications Council with the authority to adopt rules regarding the development and submission of long-range automated information and telecommunications systems plans and inventories by states governmental bodies.

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

Issued in Austin, Texas, on October 2, 1987.

TRD-8708582

Tina J. Turner
Administrative Assistant
Automated Information
and
Telecommunications
Council

Earliest possible date of adoption:

November 9, 1987

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



TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 41. State Commissioner of Education Subchapter D. Adoptions by Reference

★ 19 TAC §41.61

The Texas Education Agency proposes an amendment to §41.61, concerning the adoption by reference of *School District Data Submission to the Texas Education Agency*, Bulletin 742. The amendment reflects necessary updating and minor revisions for the 1987-1988 school year. No major changes in the bulletin's data requirements were made, since fundamental and long-term improvements in the data collection process for public education will come as a result of the Public Education Information Management System project.

Lynn M. Moak, deputy commissioner for research and information, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Moak and Dr. Beverly Bardsley, director for policy development, also have 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 school districts will have one current document that reflects data submission requirements. 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 Dr. Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §11.52(d), which authorizes the commissioner of education to prescribe uniform systems of forms, reports, and records necessary to secure information from county school officers and local school districts.

§41.61. *School District Data Submission to the Texas Education Agency.*

(a) The rules for data submission to the Texas Education Agency are described in the official Texas Education Agency bulletin, *School District Data Submission to the Texas Education Agency*, Bulletin 742, as amended **October 1987** [August 1986], which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Central Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

(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

Issued in Austin, Texas, on September 30, 1987

TRD-8708502 W N Kirby
Commissioner of
Education

Earliest possible date of adoption.
November 9, 1987

For further information, please call
(512) 463-9212



TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 229. Food and Drug Food Service Sanitation

★ 25 TAC §229.172

The Texas Department of Health proposes new §229.172, concerning accrediting education and training programs for food service workers. The new section implements the provisions of House Bill 2092, 70th Legislature, 1987. The section establishes standards and procedures for auditing and accrediting food service worker training courses. The sections cover intent and scope, definitions, application for accreditation, accreditation of programs, publication of a course registry, accreditation certificate, fees for accreditation, revocation of accreditation, revocation procedures, and training certificates.

Stephen Seale, chief accountant III, has determined that for the first five-year period the proposed section will be in effect, there will be fiscal implications as a result of enforcing or administering the new section. The effect on state government will be an estimated additional cost of \$80,000 and an estimated increase in revenue of \$80,000 for fiscal year 1987; and an estimated additional cost of \$76,000 and an estimated increase in revenue of \$76,000 each year for fiscal years 1988—1991. The effect on local government and small businesses will be an estimated additional cost of \$5.00 plus an estimated increase in revenue of \$5.00 per food service student trained each year for fiscal years 1988—1991. The \$5.00 fee will provide the student with reciprocity status for a period of three years.

Mr. Seale also has determined that for each year of the first five years the section will be in effect the public benefit anticipated as a result of enforcing the section will be better qualified food service personnel, thereby preventing incidents of foodborne illness in food service establishments. The anticipated economic cost to individuals who are required to comply with the section will be the \$5.00 fee per food service student to

be trained provided this fee is not paid by small businesses.

Comments may be submitted to Dennis E. Baker, Director, Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7248. Comments will be accepted for a period of 30 days following publication of the section in the *Texas Register*. In addition, a public hearing on the proposed section will be held at 9 a.m., October 22, 1987, in the auditorium of the Texas Department of Health, 1100 West 49th Street, Austin, Texas.

The new section is proposed under Texas Civil Statutes, Article 4476-10b, §2, which require the Texas Board of Health to adopt standards and procedures for the accreditation of education and training programs for persons employed in the food service industry.

§229.172. *Accrediting Education and Training Programs for Food Service Workers.*

(a) Intent and Scope. This section is intended to provide uniformity of training criteria within the food service industry. Education of the food service worker provides better qualified personnel, therefore, reducing the risk of causing foodborne illness. The mutual acceptance of uniform sanitation training standards by regulatory agencies is necessary to eliminate duplication and added expense for food service establishment workers who move from one regulatory jurisdiction to another.

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

(1) Authorized agent—An employee of the department who is designated by the commissioner to enforce state statutes and related sections.

(2) Board—The Texas Board of Health.

(3) Commissioner—The commissioner of health of the State of Texas.

(4) Department—The Texas Department of Health.

(5) Food—Any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

(6) Food service establishment—Any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.

(7) Food service worker—An employee, owner, manager, supervisor, or any other person working in a food service establishment.

(8) Independent testing organization—A privately funded legal entity capable of administering a food service worker final examination determined by the commissioner of health, or his agent, to be content valid, securely monitored, and legally reliable.

(9) Instructor—A person skilled in presenting established public health principles and having demonstrated knowledge and understanding of §§229.161—229.171 of this title (relating to Food Service Sanitation) and §§229.231—229.239 of this title (relating to Retail Food Store Sanitation).

(10) Law—Includes federal, state, and local statutes, ordinances, and regulations.

(11) Person—Includes individual, partnership, corporation, association, or other legal entity.

(12) Regulatory authority—The state and/or local enforcement authority, or authorities, having jurisdiction over the food service establishment, or those determined by the commissioner of health as having jurisdiction.

(13) Retail food store—Any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, nonpotentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; farmers markets; or food and beverage vending machines as defined in the publication entitled *Vending of Food and Beverages*, 1978, Department of Health, Education and Welfare Publication Number (FDA) 78-2091.

(c) Application for accreditation. Any person sponsoring a food service training program shall file an application with the department outlining the course syllabus. All persons must meet the program requirements of Texas Civil Statutes, Article 4476-10b. This application shall include the time frame of each subject area, the total time in course hours, a copy of the instructor's final examination, plus any additional sanitation quizzes used during the course of instruction.

(d) Accreditation of programs.

(1) The department shall issue provisional accreditation to a program applicant pending an on-site test audit by either an authorized agent of the department or an independent testing organization. The independent testing organization shall be selected through a competitive bidding process. On-site test auditing of trainee candidates shall be randomly and uniformly conducted throughout the training year based on the following sample sizes:

Total Number of Candidates Trained During the Year	Total Number of Candidates to be Test Audited During the Year
50	30
75	38
100	43
150	50
175	53
200	55
250	58
300	60
400	63
500	65
750	68
1000	70
1200	71
1500	71

(2) The department shall maintain pass/fail ratios of each training program tested. To preclude duplication of testing, a course sponsor may elect to substitute the on-site test auditing procedure for the regular final examination.

(e) Publication of a course registry. The department shall maintain and publish a current course registry. The registry shall be circulated statewide on a quarterly basis to community colleges, local health departments, public health regions, and industry training groups. Courses listed in the registry shall reflect either a percentage (%) pass/fail ratio, or provisional status. Courses with a test audit pass/fail ratio of less than 75% shall not be listed in the registry.

(f) Accreditation certificate. The department shall issue a certificate of accreditation to each course sponsor who has demonstrated compliance with this section. A certificate issued under this section expires one year from the date of issuance.

(g) Fees for accreditation. Each training program applicant shall file a written report quarterly with the department and shall pay a fee of \$5.00 per candidate trained for the preceding three month period. All fees are nonrefundable and due on the first day of January, April, July, and October of each calendar year.

(h) Revocation of accreditation. A sponsor that is delinquent in payment by more than 10 days is subject to forfeiture of their accreditation certificate or may be removed from the course registry, or both. A sponsor that knowingly files a false accounting report, or fails to pay the appropriate fee, as determined through an audit by an agent of the department, shall not be listed in the course registry and shall forfeit their certificate of accreditation.

(i) Revocation procedures. Revocation procedures under this section shall be conducted in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and §§1.21-1.33 of this title (relating to Formal Hearing Procedures).

(j) Training certificates. A candidate training certificate issued by an accredited course sponsor shall be valid for a period of three years from date of issuance.

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

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

issued in Austin, Texas, on September 30, 1987

TRD-8708501 Robert A. Maclean, M.D.
Deputy Commissioner
for Professional
Services
Texas Department
of Health

Proposed date of adoption
December 5, 1987

For further information, please call
(512) 458-7248



Part VII. Texas Medical Disclosure Panel Chapter 601. Informed Consent

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

★ 25 TAC §601.1, §601.2

The Texas Medical Disclosure Panel proposes amendments to §601.1 and §601.2, concerning procedures requiring full disclosure (List A) and procedures requiring no disclosure (List B). Section 601.1 adopts by reference lists of medical treatments and surgical procedures which physicians and health care providers are required to disclose to patients or persons authorized to consent for the patients. Section 601.2 adopts by reference lists of medical treatments and surgical procedures which physicians and health care providers are not required to disclose to patients or their authorized representatives.

The amendments add a brief summary to §601.1 of the effective dates of the changes to the lists since they were first adopted. The amendments also add language to §601.1 and §601.2 adopting by reference amendments to the lists of medical treatments and surgical procedures requiring full disclosure and requiring no disclosure, which become effective in January, 1988. The amendments concern the transferral of a number of procedures from List B to List A, as follows: conization of cervix; dilation and curettage of the uterus (diagnostic and therapeutic); removal of fallopian tube and/or ovary without hysterectomy; delivery (cesarean section); and delivery (vaginal). The amendments also concern the addition of a number of new procedures to List A, as follows: removing fibroids; uterine suspension; removal of the nerves to the uterus; removal of the cervix; repairs of the vaginal hernia; abdominal suspension of the bladder; and transfusion of blood and blood components. The amendments add a new system to List A concerning psychotherapeutic procedures (601.1.17). Within this new system will be a provision

concerning electroconvulsive therapy with modification by intravenous muscle relaxants and sedatives (601.1.17.1). Finally the amendments add a system to List B concerning psychotherapeutic procedures (601.2.17).

The Medical Liability and Insurance Improvement Act, Texas Civil Statutes, Article 459i, §6.04, requires that List A and List B be published in the *Texas Register*. Since it has been several years since the last changes to the lists were published in the *Texas Register* and since the amendments are numerous and substantial in nature, the entire lists, including the proposed changes, are being published in the In Addition section of this issue of the *Texas Register*.

Stephen Seale, chief accountant III, Budget Division, Texas Department of Health, 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. Seale also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the clarification and update of the information in the lists of medical treatments and surgical procedures established by the Texas Medical Disclosure Panel. The lists enable physicians and health care providers to be aware of procedures which require disclosure and those which do not require disclosure. 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 Carroll Gregory, Bureau of Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 4590i, §6.04, which provide the Texas Medical Disclosure Panel with the authority to prepare lists of medical treatments and surgical procedures which do and do not require disclosure, and to revise existing lists.

§601.1. Procedures Requiring Full Disclosure (List A).

(a) The procedures in this section, the procedures in §601.2 of this title (relating to Procedures Requiring No Disclosure), and the form described in §601.3 of this title (relating to the Disclosure and Consent Form), were first published in the December 15, 1981, issue of the *Texas Register* and initially became effective on June 1, 1982. The first amendments to §601.1 and §601.2 were published in the December 3, 1982, issue of the *Texas Register* and became effective on

January 1, 1983. Additional amendments to §601.1 and §601.2 were published in the November 23, 1984, issue of the *Texas Register* and became effective on January 1, 1985.

(b) The Texas Medical Disclosure Panel adopts by reference the list of medical treatments and surgical procedures requiring full disclosure, as amended January 1988 [1985]. The list is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

§601.2. *Procedures Requiring No Disclosure (List B).* The Texas Medical Disclosure Panel adopts by reference the list of medical treatments and surgical procedures requiring no disclosure, as amended January 1988 [1985]. The list is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

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

Issued in Austin, Texas, on October 2, 1987.

TRD-8708593 James H. Duke, Jr.
Chairman
Texas Medical
Disclosure Panel

Earliest possible date of adoption:
November 9, 1987
For further information, please call
(512) 458-7538.



TITLE 28. INSURANCE

Part II. Industrial Accident Board

Chapter 41. Communications and General Medical Provisions

Communications

★ 28 TAC §41.27

The Industrial Accident Board proposes new §41.27, concerning employer's identification. This new section allows the agency to obtain an employer's federal tax identification number on certain forms enumerated in the proposed new section. The need for this number is for the internal coding of data which will save hundreds of hours of coding clerks time.

Ann Baker, fiscal director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a re-

sult of enforcing or administering the section

Ms. Baker also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to reduce coding time. 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 Scott McAnally, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

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

§41.27. *Employer's Identification.* Each carrier and employer shall provide the employer's federal tax identification number on:

- (1) the employer's first report of injury;
- (2) the employer's supplemental report of injury;
- (3) the wage statement;
- (4) a form A-1, A-2, and A-4;
- (5) a statement of controversy;
- (7) a Cancellation or Non-Renewal Notice for Workers' Compensation Insurance, Form IAB-9; and
- (8) other forms as the board shall direct (effective 1987).

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

Issued in Austin, Texas, on October 1, 1987

TRD-8708547 Scott McAnally
Executive Director
Industrial Accident
Board

Earliest possible date of adoption:
November 9, 1987
For further information, please call
(512) 448-7962.



General Medical Provisions

★ 28 TAC §41.135

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Industrial Accident Board, 200 East Riverside Drive, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Industrial Accident Board proposes the repeal of §41.135, concerning the proper form and requirements for the insurance carrier to follow when filing a request with the board to order an injured worker to a doctor of the carrier's choice. The repeal allows for the submission of a new section which complies with the provisions of Senate Bill 1043, enacted by the 70th Legislature, 1987, effective September 1, 1987.

Ann Baker, fiscal director, has determined that for the first five-year period the proposed repeal 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 repeal.

Ms. Baker, fiscal director, also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be that the agency's rules will be in compliance with recent legislation. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Scott McAnally, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*. The board held an open meeting on September 28, 1987, to solicit comments on medical examination orders.

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

§41.135. *Request for Medical Examination.*

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

Issued in Austin, Texas, on October 1, 1987.

TRD-8708548 Scott McAnally
Executive Director
Industrial Accident
Board

Earliest possible date of adoption:
November 9, 1987
For further information, please call
(512) 448-7962



Chapter 43. Insurance Coverage

★ 28 TAC §43.5

The Industrial Accident Board proposes an amendment to §43.5, concerning not-

ice that an employer has become a subscriber. This amendment allows the agency to obtain an employer's federal tax identification number on the notice that employer has become a subscriber. The need for this number is for the internal coding of data which will save hundreds of hours of coding clerks time.

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

Ms. Baker 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 the reduction of coding time. 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 Scott McAnally, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 8307, §4, which provide authorization to the Industrial Accident Board to adopt amendments necessary to administer the Worker's Compensation Act.

§43.5. Notice That Employer Has Become Subscriber. The notice that employer has become subscriber shall be filed with the board's Austin office by certified mail or in person within 30 days of the effective date of the policy and the notice must be completed in detail and shall include:

- (1)-(6) (No change.)
- (7) Form 154, which shall be filed for divided risk coverage; and
- (8) **the employer's federal tax identification number (effective 1987).**

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) 448-7962



★ 28 TAC §43.10

The Industrial Accident Board proposes an amendment to §43.10, concerning termination of coverage. This amendment clarifies the requirements for terminating coverage and requires a cancellation or non-renewal notice to an employer to be on a board approved form. This form will provide the proper legal notice of cancellation or non-renewal.

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

Ms. Baker 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 the clarification of existing requirements. 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 Scott McAnally, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

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

§43.10. Termination of Coverage.

(a) Once a carrier files **Form IAB20**, Notice that Employer has Become Subscriber, that insurance carrier shall be deemed to have compensation coverage for the named employer until notice of cancellation or nonrenewal of compensation insurance is properly filed with the board **by certified mail or in person and sent to the subscriber by certified mail** or until another carrier files **Form IAB20**, Notice that Employer has Become Subscriber. In the latter instance, coverage by the prior carrier will terminate, effective on the inception date of the policy written by the subsequent carrier, and not on the date such subsequent notice by such carrier is filed with the board.

(b) **Notice of cancellation or nonrenewal of compensation insurance shall be provided to the employer on a form prescribed by the board. (1987)**

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) 448-7962



**Chapter 56. Structured
Compromise Settlement
Agreements**

**★ 28 TAC §§56.5, 56.10, 56.15,
56.20, 56.25, 56.30, 56.35, 56.40,
56.45, 56.50, 56.55, 56.60, 56.65,
56.70**

The Industrial Accident Board proposes new §§56.5, 56.10, 56.15, 56.20, 56.25, 56.30, 56.35, 56.40, 56.45, 56.50, 56.55, 56.60, 56.65, and 56.70 (comprising a new Chapter 56), concerning structured compromise settlement agreements between a workers' compensation carrier and a claimant. The proposed sections define and set requirements for submission and approval of structured compromise settlement agreements.

Ann Baker, fiscal director, 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.

Ms. Baker 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 that the public will be aware of the requirements for submitting a structured compromise settlement agreement. 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 Scott McAnally, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*. In addition, the board held an open meeting on August 17, 1987, and a proposed section and form regarding structured compromise settlement agreements were discussed and public comments were accepted.

The new sections are proposed under Texas Civil Statutes, Article 8307, §4, which provide authorization to the Industrial Accident Board to adopt rules necessary to administer the Workers' Compensation Act.

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

Annuity company—The company from which the carrier is purchasing an

nunity for the claimant. The annuity company may be the carrier if the carrier meets the tests provided below for annuity companies (effective 1987).

Structured settlement—Structured Compromise Settlement Agreement.

§56.10. *Form.* A structured settlement must:

- (1) be submitted on a form approved by the board;
- (2) be accompanied by a physician's signed report of the findings of a recent examination of the employee;
- (3) be accompanied, in the event of serious injury to claimant's eye, by a medical report indicating that healing has occurred and whether the other eye is or may be affected;

(4) be accompanied, in the event of severe and disfiguring burns or lacerations, by a descriptive medical report of the scars. In all cases involving injury to the face, arms, or hands, a color photograph taken after maximum healing must be submitted to the board;

(5) be submitted in five parts. The original must be white, the second part pink, the third yellow, the fourth white, and the fifth goldenrod. The forms must be submitted with carbon left intact. The board will furnish the following parties with approved copies of the forms.

(A) The claimant will receive the pink copy.

(B) The attorney, if any, will receive the yellow copy.

(C) The Austin board representative will receive the final two copies (effective 1987).

§56.15. *Execution.* A structured settlement must be signed by the claimant personally, unless the board finds good cause to excuse strict compliance to this section. Only in extraordinary circumstances will the board approve a structured settlement in which the attorney signs the claimant's name under a power of attorney (effective 1987).

§56.20. *Personal Appearance by Claimant.* A personal appearance of the claimant may be required by the board prior to approval. The personal meeting is to be set up by the board, not by the carrier. A carrier representative is required to be present (effective 1987).

§56.25. *Medical Benefits.* Where a carrier agrees to pay accrued medical and hospital expenses in a structured settlement, any exceptions or special stipulations must be clearly stated on the face of the structured settlement or on an attached affidavit (effective 1987).

§56.30. *Consent of Parties—Withdrawal.* The board's approval of a structured settlement shall be final at the time the approval is signed by the board unless the board has received a request in writing prior to entry of the approval order that one or more parties to the agreement wishes to

withdraw their consent to the settlement, and the board permits the withdrawal of such consent. Any such written request to the board for permission to withdraw consent to a settlement must fully set out the reason or reasons for such request (effective 1987).

§56.35. *Attorney's Signature.* A structured settlement entered into by a claimant who is represented by an attorney must be signed by the attorney. The attorney's name and address must be on the face of the settlement (effective 1987).

§56.40. *Attorney's Fees and Expenses.* Sections 51.5, 51.10, 51.35, 51.40, 51.45, 51.50, 51.55, and 51.60 of this title (relating to Power of Attorney, Joint Payment of Award; Unauthorized Attorney's Fees; Attorneys Not Licensed in Texas; Attorney's Fees and Expenses in Fatal Cases; Payments of Attorney's Fees; Attorney's Expenses, and Deductible Expenses) shall be applied by the board to claims disposed of by structured settlement (effective 1987).

§56.45. *Tender Payment Time Period.* The carrier shall have 20 days after the date of approval of a structured settlement to pay or tender any approved lump sum payment to the injured employee or approved fees and expenses to any attorney(s), and shall have 20 days from the receipt of bills in which to tender all reasonable accrued medical expenses necessarily resulting from the injury (effective 1987).

§56.50. *Final When Approved.* A structured settlement is not final until the settlement is approved by the board (effective 1987).

§56.55. *Annuity Company.* An annuity company providing an annuity under the terms of a structured settlement must be licensed to do business in Texas and must have a Best's rating of A + according to the most recent information available (effective 1987).

§56.60. *Payments Guaranteed.* The workers' compensation carrier shall guarantee the payments provided by the annuity company in the event of default (effective 1987).

§56.65. *Cost of the Annuity.*

(a) The carrier shall submit to the board with the structured settlement, in camera, the cost of the annuity.

(b) The cost of the annuity to a carrier that does not purchase an annuity from a third party is the discounted value of the periodic payments to be provided (effective 1987).

§56.70. *Structured Settlement Agreement to Set Aside Award.* A structured settlement, properly executed between or among all parties to the claim, when filed in the board's office in the period after an award has been entered but before it becomes final, or suit is filed, will serve to set aside the award as of the date the structured settle-

ment is filed. If the board subsequently fails to approve the settlement, then the original award will be re-entered immediately (effective 1987).

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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Chapter 69. Medical Examination Order

Subchapter A. Carrier's Choice of Health Care Provider

★ 28 TAC §§69.5, 69.10, 69.15, 69.20, 69.25, 69.30, 69.35, 69.40, 69.45, 69.50, 69.55, 69.60, 69.65, 69.70, 69.75, 69.80, 69.85, 69.90

The Industrial Accident Board proposes new §§69.5, 69.10, 69.15, 69.20, 69.25, 69.30, 69.35, 69.40, 69.45, 69.50, 69.55, 69.60, 69.65, 69.70, 69.75, 69.80, 69.85, and 69.90 (comprising subchapter A of new Chapter 69), concerning medical examinations by the carrier's choice of health care provider. The proposed sections define terms and procedures by which a carrier may obtain a medical examination by a health care provider of its choice. These sections are proposed in response to Senate Bill 1043 adopted during the 70th Legislature, 1987.

Ann Baker, fiscal director, 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.

Ms. Baker 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 that the procedure for obtaining medical examination orders will be clearly defined. 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 Scott McAnally, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

The new sections are proposed under Texas Civil Statutes, Article 8307, §4, which authorizes the Industrial Accident Board to adopt rules necessary to administer the workers' compensation act.

§69.5. Application of Subchapter.

(a) This subchapter shall apply only when compensation is being paid.

(b) Nothing in this subchapter shall be construed to limit the rights of the parties to agree on treatment or an examination by a mutually agreed health care provider. The agreement must be in writing if either party intends to take advantage of the protections offered by this subchapter.

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

Carrier's prior choice of health care provider—A health care provider who has examined the claimant in regards to the injury in question because:

(A) the board ordered the claimant to be examined by a health care provider of the carrier's choice; or

(B) the claimant granted permission with an examination by a carrier's tendered choice of a health care provider.

Health care provider—A physician, chiropractor, or podiatrist.

180-day period—The elapse of 180 days after an examination conducted by the carrier's choice of health care provider.

§69.15. Tender of Choice Required.

(a) A carrier that wishes to have a claimant examined by its choice of health care provider shall tender to the claimant the name of the health care provider.

(b) A carrier that has had a claimant examined by the carrier's prior choice of health care provider shall only tender the name of the prior health care provider.

(c) The tender must be in writing on a form approved by the board. The tender must be sent to the claimant or claimant's representative by certified mail, return receipt requested.

§69.20. Permission

(a) A claimant may deny permission with a tendered examination.

(b) The denial must be in writing, specify the grounds for the denial, and be mailed or delivered to the carrier no later than 14 days after the tender is mailed or delivered to the claimant.

(c) A claimant who fails to make a denial as provided in this section shall be considered to have given permission on the last date to deny.

§69.25. Setting Appointment After Claimant's Permission.

(a) If the claimant permits the examination, the carrier shall set an appointment with the health care provider for no later than 45 days after the date the carrier receives the permission.

(b) The carrier shall notify the claim-

ant or the claimant's representative of the exact time and place of the examination in writing no less than 10 days before the examination.

§69.30. Carrier May Apply For Order From Board. A carrier may apply to the board for a medical examination order if the claimant timely denies permission with the carrier's request.

§69.35. Application.

(a) The application shall be made on a form approved by the board and shall contain all information required by the board.

(b) The application shall request the board to order the claimant to be examined by the health care provider tendered to the claimant.

(c) The carrier shall submit attached to the application:

(1) a copy of the carrier's tender to the claimant;

(2) a copy of the claimant's written denial of permission, and

(3) a completed proposed medical examination order prepared on a form approved by the board.

(d) The application shall set out all information required by the board, including the health care provider's name, specialty, address and telephone number, and the date and time of the appointment. The appointment must be set for a date no less than 21 days after the date the application is received by the board.

§69.40. Filing an Application

(a) The application must be mailed or delivered to the board office where the reviewer of the claim file is located no later than 30 days after the carrier receives the denial of permission.

(b) A copy of the application shall be sent by certified mail, return receipt requested, or delivered to the claimant no later than the time the original application is mailed or delivered to the appropriate board office.

(c) The copy of an application mailed or delivered to an unrepresented claimant shall contain an instruction sheet approved by the board.

(d) The application shall contain a certification signed by a duly licensed adjuster stating that all applicable rules have been complied with, a copy of the application has been sent to the claimant by certified mail, return receipt requested, and the carrier admits coverage of the employer for the date of injury. The application shall include the adjuster's license number.

§69.45. Time Limit for Board Action on Application. The board shall either approve or deny the application in writing no later than 10 days after the application has been received by the board.

§69.50. Bases for Denial.

(a) Time limit after injury. No examination shall be ordered if the application is signed or submitted 60 or fewer days after

the date of an injury.

(b) Effect of prehearing. No examination shall be denied because a prehearing has been scheduled or requested; however, a prehearing examiner may hold an award recommendation pending the results of an examination.

(c) Health care providers limited. No examination shall be ordered if the license of the health care provider is under suspension by the appropriate licensing agency on the date of application.

(d) Reasonable place. No examination shall be ordered if the examination site is more than 75 miles from the claimant's residence on the date of application.

(e) Ability to travel. No examination shall be ordered if the claimant is not physically able to travel to the examination.

(f) 180-day period. No examination shall be ordered if the claimant has been examined by the carrier's prior choice of health care provider in a 180-day period.

(g) Same health care provider. No examination shall be ordered if the claimant has been examined for the injury by the carrier's prior choice of health care provider and the prior health care provider is not the same as the requested health care provider.

(h) Good cause. The board may waive any of the above bases for denial or deny an application for a medical examination order if the board determines that good cause exists.

§69.55. Setting Appointment After Board Order. The carrier shall set an appointment with the examining health care provider for no later than 45 days after the board has authorized the examination.

§69.60. Appeal. The carrier or the claimant may appeal a decision by the board staff in writing to the staff member's immediate supervisor. The appeal must be received no later than seven days after the order or denial is mailed or delivered to the parties.

§69.65. Claimant's Expenses. After the date the claimant attends an examination ordered by the board or permitted by the claimant, the carrier shall tender to the claimant travel expenses in accordance with §41.155 of this title (relating to Documentary Evidence).

§69.70. Attendance of Claimant's Health Care Provider.

(a) The claimant shall have the right to have a health care provider of his or her choice present at the examination at the carrier's expense.

(b) The claimant's health care provider shall be entitled to a fee for attending the examination requested by the carrier. The fee shall be double the health care provider's usual initial consultation fee plus mileage charged at the mileage expense allowed for travel by state employees. Any disputes over the fee will be resolved by the board. In order to secure payment, the claimant's choice of health care provider should sub-

mit a statement to the carrier after the examination has taken place. Unless the carrier objects to the amount in writing, payment shall be made no later than 30 days after submission.

§69.75. Unreasonable Delay.

(a) The claimant shall be allowed to request a rescheduling within 14 days after any examination that fails to commence within one hour after the claimant timely reports for the examination.

(b) If the second examination fails to commence within one hour after the claimant timely reports for the examination, the claimant shall be relieved of attending the examination, and the carrier shall be considered to have waived its right to an examination of the claimant under this subchapter for 180 days.

§69.80. Reports of Examinations. The carrier's choice of health care provider shall immediately submit a written report of the results of the examination to all parties. The report shall be prepared and submitted on a form approved by the board. The carrier shall not pay the bill of a health care provider performing an examination under this subchapter until the required report has been submitted to all parties.

§69.85. Failure to Attend Examination.

(a) A claimant who agrees to submit to an examination as requested by the carrier under this subchapter is required to attend the examination.

(b) When a claimant fails to attend an examination permitted or ordered under this subchapter without good cause, the board shall, after notice and hearing, order compensation suspended during the continuance of the refusal.

§69.90. Carrier's Failure to Comply. A carrier who violates this subchapter may, after notice to the carrier and hearing by the board, lose its right to medical examinations under this subchapter for a specified period of time to be decided by the board.

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) 448-7962.



Subchapter B. Board's Choice of Health Care Provider

★28 TAC §§69.205, 69.210, 69.215, 69.220, 69.225, 69.230, 69.235, 69.240

The Industrial Accident Board proposes new §§69.205, 69.210, 69.215, 69.220, 69.225, 69.230, 69.235, and 69.240 (comprising subchapter B of a new Chapter 69), concerning medical examinations by the board's choice of health care provider. The new sections define terms and procedures by which a carrier may obtain a medical examination by a health care provider of the board's choice. These sections are proposed in response to Senate Bill 1043, adopted during the 70th Legislature, 1987.

Ann Baker, fiscal director 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.

Ms. Baker 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 that the procedure for obtaining medical examination orders will be defined. 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 Scott McAnally, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704-1287. Comments will be accepted in writing for 20 days after publication of this proposal in the *Texas Register*.

The new sections are proposed under Texas Civil Statutes, Article 8307, §4, which authorize the Industrial Accident Board to adopt rules necessary to administer the Workers' Compensation Act.

§69.205. Application of Subchapter.

(a) This subchapter shall apply only when the carrier admits coverage of the employer for the date of injury.

(b) Nothing in this subchapter shall be construed to limit the right of the board to order a claimant to be examined by a health care provider of its choice on the board's own motion and at the board's expense.

§69.210. Carrier May Request Independent Medical Examination. A carrier may request the board to order a claimant to be examined by a health care provider of the board's choice. The carrier may suggest a health care provider to conduct the examination but the board shall not be bound or limited by the suggestion.

§69.215. Request.

(a) The request shall be made on a form approved by the board and shall con-

tain all information required by the board.

(b) The request shall ask the board to order the claimant to be examined by a health care provider of the board's choice.

(c) The carrier shall submit attached to the request:

(1) a copy of the most recent available medical report; and

(2) a completed proposed independent medical examination order prepared on a form approved by the board.

(d) The request shall set out all information required by the board and may include one or more suggested health care providers, identifying their name, specialty, address, and telephone number.

§69.220. Filing a Request.

(a) The request must be mailed or delivered to the board office where the reviewer of the claim file is located.

(b) A copy of the request shall be sent by certified mail, return receipt requested, or delivered to the claimant no later than the time the original request is mailed or delivered to the appropriate board office.

(c) The copy of a request mailed or delivered to an unrepresented claimant shall contain an instruction sheet approved by the board.

(d) The request shall contain a certification signed by a duly licensed adjuster stating that all applicable rules have been complied with and that a copy of the request has been sent by certified mail, return receipt requested, or delivered to the claimant. The request shall include the adjuster's license number, an admission of coverage of the employer for the date of injury, a statement as to whether compensation is being paid, and a statement as to whether the carrier will agree to pay for the examination, for reasonable travel expenses, and, if compensation is not being paid, one week of benefits.

§69.225. Time Limit for Board Action on Request. The board shall either approve or deny the request no later than 30 days after the request has been received by the board.

§69.230. Appeal. If the board staff recommends a denial, the carrier may appeal the denial to the board by filing an appeal with the formal hearings division.

§69.235. Attendance of Claimant or Carrier's Health Care Provider. The claimant and the carrier shall have the right to have a health care provider of his, her, or its choice present at the examination.

§69.240. Reports of Examinations. The examining health care provider shall immediately submit a written report of the results of the examination to all parties. The report shall be prepared and submitted on a form approved by the board. The carrier shall not pay the bill of a health care provider performing an examination under this subchapter until the required report has been submitted to all parties.

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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Executive Director
Industrial Accident
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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 307. Supplemental Surface Water Quality Standards

The Texas Water Commission proposes the repeal of existing §§307.1-307.3, and new §§307.1-307.10, concerning supplemental surface water quality standards and surface water quality standards. The existing surface water quality standards are cited in §§333.11-333.21 and §§307.1-307.3. The standards that appear in §§333.11-333.21 will no longer exist under the terms of Senate Bill 249, 69th Legislature, 1985, when the Texas Water Commission adopts rules to replace those Texas Water Development Board rules.

The Texas Water Commission has the sole and exclusive authority to establish and revise water quality standards for the State of Texas. These standards are established and reviewed on a periodic basis pursuant to the Texas Water Code, §26.023, as amended, and the Federal Water Pollution Control Act, §303(c), as amended. Existing statewide surface water quality standards were adopted by the Texas Water Development Board for the Texas Department of Water Resources, predecessor agency to the Texas Water Commission, on December 20, 1984, and subsequently approved by the United States Environmental Protection Agency on February 28, 1985. The Texas Water Commission adopted amendments to the water quality standards on December 17, 1986 (§§307.1-307.3), which were approved by the United States Environmental Protection Agency on April 11, 1987.

The proposed revisions to the standards include editorial revisions, substantive changes, and changes deemed warranted in response to directives from the United States Environmental Protection Agency.

The new sections will also comply with the provisions of the Federal Water Pollution Control Act, as amended through 1987 (33 United States Code 1251 et seq.).

Editorial changes include grammatical corrections, reformatting intended to promote consistency, and deletions of non-operational and duplicative language. One important editorial change involved changing the aquatic life term shellfish waters to oyster waters to more clearly identify this designation for waters producing edible species of clams, oysters, or mussels. Other important editorial changes include a reordering of sections, the expansion of the description of standards section to also function as a table of contents for the standards, the movement of maximum temperature differentials from the numerical criteria section to the general criteria section, division of the antidegradation section into subsections on policy and implementation, the combination of the water uses and numerical criteria sections into one section entitled site-specific uses and criteria, and the removal of application provisions in the application of standards section and placement of those provisions within the respective sections to which they pertain. The new application of standards section now addresses only two exceptions to the standards (critical low-flows and mixing zones). Segment descriptions have also been virtually all reworded to include counties and many descriptions have also been changed to provide more definitive boundary landmarks.

Several substantive changes have been proposed, based on recommendations and analysis of additional data, to conform with previous Texas Water Commission actions and to address United States Environmental Protection Agency directives and the provisions of the federal Water Quality Act of 1987. These proposals include the incorporation of implementation procedures for the antidegradation policy, intermittent stream policy, and portions of the toxic materials policy to reflect previous commission action with regard to the commission's continuing planning process document that is submitted to the United States Environmental Protection Agency in accordance with the federal Clean Water Act and 40 Code of Federal Regulations Part 131. Numerous added definitions, e.g. acute toxicity, chronic toxicity, intermittent streams, total toxicity, have been included so that commission policy with regard to the terms is expressly stated. The applicability of mixing zones is explained and a commitment is made to specify mixing zones in all discharge permits except for domestic discharges less than one million gallons per day and storm water discharges. The general criteria section (§307.4) has been revised to more adequately protect currently unclassified water bodies. General criteria changes include: proposing provisions for reviewing use determinations for all per-

mit actions and proposing a fecal coliform criterion of 200 colonies per 100 milliliters. A new section on toxic materials (§307.6) is proposed including the implementation of specific acute and chronic numerical criteria for 30 toxics for both fresh and marine waters. A new policy is proposed for designating virtually all classified waters for contact recreation with a warning that this designation does not preclude all human health risk. Aquatic life subcategories are now defined in biological terms, and the associated dissolved oxygen criteria are established as 24-hour means and also absolute minima.

Segment revisions include 17 additional segments which have been designated or subdivided resulting from reservoir construction, subdivision or existing segments, and new segment selection. The majority of these new segments will be classified as effluent-limited water bodies. Segment description revisions are proposed for the upper boundary of Segment 1244—Brushy Creek, the lower boundary of Segment 1245—Upper Oyster Creek, the boundary between Segment 1601—Lavaca River tidal, and Segment 1602—Lavaca River above tidal. Segment 1603—Navidad River below Lake Texana has been changed to Navidad River tidal. Segment 1226—North Bosque River has been designated as a public water supply and Segments 1427—Onion Creek and 1430—Barton Creek have been designated for aquifer protection. Aquatic life use subcategory designations have been elevated from high aquatic life habitat to exceptional aquatic life habitat for Segment 1806—Guadalupe River above Canyon Lake, Segment 1813—Upper Blanco River, Segment 1905—Medina River above Medina Lake, and Segment 2113—Upper Frio River. Analysis of additional data has resulted in criteria modifications to chloride, sulfate, total dissolved solids, or temperature for 62 segments.

William Monroe, chief fiscal officer, has determined that for the first five-year period after the repeal of the existing water quality standards rules and the adoption of the proposed water quality standards rules there will be fiscal implications for local government and small businesses as a result of enforcing or administering the rules. There will be no direct fiscal implications for state government as a result of repealing the existing rules and enforcing or administering the new sections. No direct additional costs will be incurred by local government in the first year the new section pertaining to toxic materials is in effect. The implementation of statewide biomonitoring in the next four-year period will be approximately \$450,000 each year for 50 major domestic dischargers per year. These costs will be borne by major domestic dischargers regardless of the adoption of these sections because of United States Environmental Protection Agency implementation of biomonitoring through

the national pollutant discharge elimination system (NPDES). The new provisions for toxic regulation, antidegradation, and general criteria may also require additional costs by local governments in order to upgrade existing wastewater treatment facilities. Preliminary cost estimates indicate that capital costs to upgrade existing facilities to meet the general criteria could range from \$1.8 billion to \$3.5 billion, depending upon the aquatic life subcategory determined to exist on the waters where the discharge occurs. Annual operating costs for existing facilities could increase \$13.7 million to \$74.3 million in order to comply with the general criteria. Capital costs for new facilities required to comply with the general criteria and antidegradation requirements are dependent upon the number of new facilities constructed and the effluent set required to maintain the aquatic life use determined to exist. Capital costs for any new facilities required to meet effluent limitations more restrictive than secondary treatment could increase from 15% to 90% over the cost for secondary treatment. The extent of upgrade costs required to comply with proposed regulations for toxic materials cannot be accurately estimated until monitoring procedures have been implemented and the resultant data is analyzed. The additional costs to small businesses served by the affected major domestic discharges would be commensurate with rates charged to individuals based on the rate policies of the individual major domestic discharges. The usual method of calculating the cost of compliance to small businesses based on the cost per employee, cost per hour of labor and cost per \$100 of sales, is inapplicable.

Mr. Monroe also has determined that the public benefits anticipated as a result of the repealed and new sections as proposed will be an improvement in the water quality of the state and a reduction in toxic pollutants in the waters of the state. The possible economic costs to individuals who are required to comply with the new sections as proposed would be dependent upon the rate policies of individual major domestic dischargers which may be affected by the enforcement of the new rules.

Comments on the proposal may be submitted to Kevin McCalla, Assistant Director, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069. To facilitate public comment on the proposed regulations, the agency has scheduled a public hearing to receive oral and written comments at 9 a.m. on Tuesday, November 24, 1987, in Room 1-111 of the William B. Travis Building, 1701 North Congress Avenue, Austin. All comments should be received by 5 p.m. on November 24, 1987.

★ 31 TAC §§307.1-307.3

(Editor's note: The text of the following sec-

tions proposed for repeal will not be published. The sections may be examined in the offices of the Texas Water Commission, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The repeals are proposed under the Texas Water Code, §26.023, which provides the Texas Water Commission with the authority to make rules setting water quality standards for all water in the state. The repeals are also proposed under the Texas Water Code, §5.103, which authorizes the commission to adopt any rules necessary to carry out its powers and duties under the Water Code and other laws of this state.

§307.1. *Intent.*

§307.2. *Exceptions to Application of Standards.*

§307.3. *Standards for the Neches River Above Lake Palestine.*

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

Issued in Austin, Texas, on October 5, 1987.

TRD-8708594

J. D. Head
Director
Legal Division
Texas Water Commission

Earliest possible date of adoption:

November 9, 1987

For further information, please call
(512) 463-8452.



★ 31 TAC §§307.1-307.10

The new sections are proposed under the Texas Water Code, §26.023, which provides the Texas Water Commission with the authority to make rules setting water quality standards for all water in the state. The new sections are also proposed under the Texas Water Code, §5.103, which authorizes the commission to adopt any rules necessary to carry out its powers and duties under the Water Code and other laws of this state.

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

§307.2. *Description of Standards.*

(a) Contents of the Texas surface water quality standards.

(1) Section 307.1 of this title (relating to General Policy Statement) contains the general standards policy of the commission.

(2) This section lists the major sections of the standards, defines basin classification categories, and describes justifications for standards modifications.

(3) Section 307.3 of this title (relating to Definitions and Abbreviations) defines terms and abbreviations used in the standards.

(4) Section 307.4 of this title (relating to General Criteria) lists the general criteria which are applicable to all surface waters of the state unless specifically excepted in §307.8 of this title (relating to Application of Standards) or §307.9 of this title (relating to Determination of Standards Attainment).

(5) Section 307.5 of this title (relating to Antidegradation) describes the antidegradation policy and implementation procedures.

(6) Section 307.6 of this title (relating to Toxic Materials) establishes criteria and control procedures for specific toxic substances and total toxicity.

(7) Section 307.7 of this title (relating to Site-Specific Uses and Criteria) defines appropriate water uses and supporting criteria for site-specific standards.

(8) Section 307.8 of this title (relating to Application of Standards) sets forth conditions under which portions of the standards do not apply—such as in mixing zones or below critical low-flows.

(9) Section 307.9 of this title (relating to Determination of Standards Attainment) describes sampling and analytical procedures to determine standards attainment.

(10) Section 307.10 of this title (relating to Appendices A-C) lists site-specific standards and supporting information for each classified segment. Specific appendices are as follows:

(A) Appendix A—water uses and numerical criteria;

(B) Appendix B—low flow criteria;

(C) Appendix C—segment descriptions.

(b) Classification of surface waters. The major surface waters of the state are classified as segments for purposes of water quality management and designation of site-specific standards. Classified segments are aggregated by basin, and basins are categorized as follows:

(1) river basin waters—surface inland waters comprising the major rivers, their tributaries, including listed impounded waters, and the tidal portion of rivers to the extent that they are confined in channels;

(2) coastal basin waters—surface inland waters, including listed impounded waters but exclusive of paragraph (1) of this

subsection, discharging, flowing, or otherwise communicating with bays or the gulf, including the tidal portion of streams to the extent that they are confined in channels;

(3) bay waters—all tidal waters, exclusive of those included in river basin waters, coastal basin waters, and gulf waters;

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

(c) Modification of standards.

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

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

§307.3. *Definitions and Abbreviations.*

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

(1) Acute toxicity—Toxicity which exerts short-term lethal impacts on representative, sensitive organisms. (Direct thermal impacts are excluded from definitions of toxicity).

(2) Ambient—The natural conditions that would be expected to occur in waters unaffected or not influenced by the activities of man.

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

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

(5) Chronic toxicity—Toxicity which exerts sub lethal negative effects, or which exerts lethality after long-term exposure, on representative, sensitive organisms.

(6) Commission—The Texas Water Commission.

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

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

(9) Criteria—Conditions which are to be met in order to support and protect desired uses.

(10) Critical low-flow—Low-flow condition (e.g., 7Q2 flow) below which some standards do not apply.

(11) Discharge permit—A permit issued by the state to discharge treated effluent into waters of the state.

(12) EC₅₀—The concentration of a toxicant that produces sub-lethal impacts on 50% of the organisms tested in a specified time period.

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

(14) Epilimnion—The upper mixed layer of a lake (including impoundments, ponds, and reservoirs).

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

(16) Freshwaters—Inland waters which exhibit no measurable elevation changes due to normal tides.

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

(18) Intermittent streams—Streams in which flow occurs as a response to local precipitation and with negligible flow occurring during most of the year.

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

(20) Marine waters—Waters which have measurable elevation changes due to normal tides. Marine waters are considered to be saltwater for purposes of standards application.

(21) Mixing zone—The area contiguous to a discharge where mixing with receiving waters takes place and which may not meet certain criteria applicable to the receiving water.

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

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

(24) Oyster waters—Waters producing edible species of clams, oysters, or mussels.

(25) Persistent toxic—A toxic substance that is not readily degraded and exhibits a half-life of 96 hours or more in an aquatic environment.

(26) Practical quantitation level—The lowest concentration at which a particular substance can be measured by approved laboratory methods.

(27) Salinity—The total dissolved solids in water after all carbonates have been converted to oxides, all bromide and iodide have been replaced by chloride, and all organic matter has been oxidized. For most purposes, salinity is considered equivalent to

total dissolved salt content.

(28) Settleable solids—The volume or weight of material which will settle out of a water sample in a specified period of time.

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

(30) Shellfish—Clams, oysters, mussels, crabs, crayfish, lobsters, and shrimp.

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

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

(33) Total suspended solids—Total suspended matter in water, which is equivalent to nonfiltrable residue.

(34) Total toxicity—Toxicity as determined by exposing aquatic organisms to samples or dilutions of instream water or treated effluent. Also referred to as whole-effluent toxicity.

(35) Toxicity biomonitoring—The determination of total toxicity.

(36) Water quality management program—The commission's overall program for attaining and maintaining water quality consistent with state standards, as authorized under the Texas Water Code, the Texas Administrative Code, and the Clean Water Act, §§106, 205(j), 208, 303(3), and 314 (33 United States Code 1251, et seq).

(37) Zone of initial dilution—The small area at the immediate point of discharge where initial dilution with receiving waters occurs, and which may not meet certain criteria applicable to the receiving water. A zone of initial dilution is substantially smaller than a mixing zone.

(b) Abbreviations. The following abbreviations apply to this chapter:

(1) AP—aquifer protection;

(2) BMP—best management practices;

(3) AS—agricultural water supply;

(4) CFR—Code of Federal Regulations;

(5) CR—contact recreation;

(6) CPP—continuing planning process;

(7) DO—dissolved oxygen;

(8) E—exceptional quality aquatic habitat;

(9) EPA—United States Environmental Protection Agency;

(10) °F—degree(s) Fahrenheit;

(11) ft³/s—cubic feet per second;

- (12) H—high quality aquatic habitat;
- (13) I—intermediate quality aquatic habitat;
- (14) IS—industrial water supply;
- (15) L—limited quality aquatic habitat;
- (16) mg/l—milligrams per liter;
- (17) ml—milliliter;
- (18) N—navigation;
- (19) NCR—noncontact recreation;
- (20) NPDES—national pollutant discharge elimination system, as set out in the Clean Water Act, §402 (33 United States Code 1342);
- (21) O—oyster waters;
- (22) PQL—practical quantitation level;
- (23) PS—public water supply;
- (24) 7Q2—seven-day, two-year low flow;
- (25) TDS—total dissolved solids;
- (26) USGS—United States Geological Survey;
- (27) WQM—water quality management.

§307.4. *General Criteria.*

(a) Application. The general criteria set forth in this section apply to surface water in the state at all times and specifically apply to substances attributed to waste discharges or the activities of man. General criteria do not apply to those instances in which surface water, as a result of natural phenomena, occasionally exhibit characteristics beyond the limits established by this section. General criteria are superseded by specific exemptions stated in this section or in §307.8 of this title (relating to the Application of Standards), or by site-specific water quality standards for classified segments.

(b) Aesthetic parameters.

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

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

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

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

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

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

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

(c) Radiological parameters. Radioactive materials shall not be discharged in excess of the amount regulated by 25 TAC §§289.111-289.126 (relating to Texas Regulations for Control of Radiation).

(d) Toxic parameters. Surface waters will not be toxic to man or to terrestrial or aquatic life. Additional standards requirements for toxic materials are specified in §307.6 of this title (relating to Toxic Materials).

(e) Nutrient parameters. Generally applicable criteria for nitrogen, phosphorus, carbon, and trace elements cannot be established because sufficient information on nutrient cycling in Texas waters and cause-effect relationships between nutrient concentrations and water quality is not presently available. Site-specific nutrient criteria and/or permit limitations, where appropriate, will be established as information becomes available and after public participation and proper hearing. Nutrients from permitted discharges or other controllable sources shall not cause excessive growth of aquatic vegetation which impairs an existing or designated use.

(f) Temperature. Consistent with §307.1 of this title (relating to General Policy Statement) and in accordance with state water rights permits, temperature in industrial cooling lake impoundments and all other surface water in the state shall be maintained so as to not interfere with the reasonable use of such waters. Numerical temperature criteria have not been specifically established for industrial cooling lake impoundments, which in most areas of the state contribute to water conservation and water quality objectives. With the exception of industrial cooling impoundments, temperature elevations due to discharges of treated domestic (sanitary) effluent, and designated mixing zones, the following temperature criteria, expressed as a maximum temperature differential (rise over ambient) are established: freshwater streams—5°F; freshwater lakes and impoundments—3°F; tidal river reaches, bay, and gulf waters—4°F in fall, winter, and spring, and 1.5°F in summer (June, July, and August). Additional temperature criteria (expressed as maximum temperatures) for classified segments are specified in Appendix A of §307.10 of this title (relating to Appendices A-C).

(g) Salinity.

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

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

(h) Dissolved oxygen for unclassified waters. Unclassified waters which are perennial or support perennial aquatic life uses will be preliminarily assumed to have a limited aquatic life use and associated criteria, as defined in §307.7 of this title (relating to Site-Specific Uses and Criteria). Upon administrative or regulatory action by the commission which affects a particular unclassified water body, the characteristics of the affected water body will be reviewed to determine if other aquatic life uses are appropriate. Additional uses so determined shall be indicated in public notices for discharge applications. Uses which are not applicable throughout the year in a particular unclassified water body will be assigned and protected for the seasons in which such uses occur. Initial determinations of use shall be considered preliminary, and in no way preclude redeterminations of use in permit hearings conducted by the commission under the provisions of the Texas Water Code.

(i) Antidegradation. Nothing in this section shall be construed or otherwise utilized to supersede the requirements of §307.5 of this title (relating to Antidegradation).

(j) Intermittent streams and dead-end barge and ship canals. Intermittent, unclassified streams and unclassified dead-end barge and ship canals will maintain a 24-hour mean dissolved oxygen concentration of three mg/l, unless this level of protection is not technologically achievable with advanced treatment, as defined in the current continuing planning process document, or unless no uses for the waters are expected which would require this concentration. A 24-hour mean of 2.0 mg/l dissolved oxygen will be required except in extraordinary circumstances. Absolute minimum dissolved oxygen concentrations at any time shall be 1.5 mg/l. Existing uses will be maintained in conformance with the provisions of §307.5 of this title (relating to Antidegradation). Seasonal uses or protection of downstream uses may require a higher dissolved oxygen concentration. In these cases, the higher dissolved oxygen level will be maintained in the seasons in which the use occurs, if the higher level can be achieved with advanced treatment, no discharge, or other approved control measure. Uses for intermittent streams may include such seasonal uses as contact and noncontact recreation, navigation, agricultural and industrial raw water supply, and limited aquatic life habitat. Uses for unclassified dead-end barge and ship canals can normally be characterized as navigation, both contact (where not prohibited) and noncontact recreation, and industrial water supply.

(k) Bacteria. A fecal coliform criterion of not more than 200 bacteria per 100 ml

shall apply to all water bodies not specifically listed in Appendix A of §307.10 of this title (relating to Appendices A-C).

§307.5. *Antidegradation.*

(a) Application. The antidegradation policy and implementation procedures set forth in this section shall apply to actions before the commission when such actions would increase pollutant loads to the water in the state. Such actions include permit actions, waste load evaluations, and any other miscellaneous actions, such as those related to man-induced nonpoint sources of pollution, which may impact the water in the state.

(b) Antidegradation policy. In accordance with the Texas Water Code, §26.003, it is the policy of the commission that:

(1) existing uses will be maintained and protected. Categories of existing uses are the same as for designated uses, as defined in §307.7 of this title (relating to Site-Specific Uses and Criteria);

(2) no permit action which will cause significant degradation of waters exceeding fishable/swimmable quality will be issued unless it can be shown to the commission's satisfaction that the lowering of water quality is necessary for important economic or social development. Significant degradation is defined as a lowering of water quality to more than a de minimis extent, but not to the extent that an existing use is impaired. Fishable/ swimmable waters are defined as waters which have quality sufficient to support propagation of fish, shellfish, and wildlife and recreation in and on the water;

(3) outstanding national resource waters are defined as high quality waters within or adjacent to national parks and wildlife refuges, state parks, wild and scenic rivers designated by law, and other designated areas of exceptional recreational or ecological significance. The quality of outstanding national resource waters will be maintained and protected, and the commission will allow no significant degradation of these waters;

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

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

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

(c) Antidegradation implementation procedures.

(1) The commission staff will review any wastewater discharge permit application or amendment in accordance with permitting procedures described in the continuing planning process. This review will include a preliminary determination of the existing uses of the receiving water. These existing uses will be maintained and protected.

(2) For proposed permit applications or amendments to discharge into waters exceeding fishable/swimmable quality, the commission staff will preliminarily determine if the discharge is expected to cause a significant degradation of water quality.

(3) All pollutants which could cause significant degradation of waters exceeding fishable/swimmable quality will be considered in the evaluation of waste discharge permits. For dissolved oxygen, analyses of significant degradation will utilize the same critical conditions as now being used for permit reviews and waste load evaluations (7Q2 flows, maximum summer temperatures). For other parameters, appropriate conditions may vary. Conditions for determining significant degradation will be commensurate with conditions for determining existing uses. Baseline conditions will be established upon the first permit review of a particular receiving water body after the effective date of this section, and this baseline will define existing conditions for future determinations of significant degradation.

(4) When significant degradation of waters exceeding fishable/swimmable quality is anticipated, a statement that the antidegradation policy will be pertinent to the permit action will be included in the public notice for the said permit application or amendment. If no significant degradation is anticipated, the public notice will so state. The determination of existing use and the probability of significant degradation are issues upon which evidence can be introduced in permit hearings.

(5) Interested parties will be given the opportunity to provide comments and additional information concerning the determination of existing uses, anticipated impacts of the discharge, and necessity of the discharge for important economic or social development if significant degradation of water quality is expected. The commissioners will decide after full satisfaction of the intergovernmental coordination and public participation provisions of the continuing planning process if the economic or social development is important enough to allow the degradation.

(6) Waste load evaluations conducted by the commission will adhere to the provisions of the antidegradation policy. If

the waste load evaluation indicates that a significant degradation of waters exceeding fishable/swimmable quality is expected, the public hearing notice will so state. The commission will not approve any waste load evaluation that would allow a significant degradation of waters exceeding fishable/swimmable quality unless and until it has been demonstrated to the commission that the recommended lower water quality is necessary for important economic or social development. Permits which are consistent with an approved waste load evaluation under this antidegradation policy will not be separately subjected to the antidegradation provisions of this section unless the discharge may cause impacts on the receiving water which were not addressed by the waste load evaluation.

(7) Additional implementation procedures for the antidegradation policy are described in the continuing planning process document.

§307.6. *Toxic Materials.*

(a) Application. Standards and procedures set forth in this section apply to all water in the state, except as indicated in §307.8 of this title (relating to Application of Standards) and §307.9 of this title (relating to Determination of Standards Attainment).

(b) General provisions.

(1) Water in the state shall not be acutely toxic to aquatic life.

(2) Water in the state shall not be chronically toxic to aquatic life, except in mixing zones and below critical low-flow conditions, in accordance with §307.8 of this title (relating to Application of Standards).

(3) Water in the state shall be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, or consumption of drinking water after reasonable treatment. Permitted discharges or other controllable sources shall not cause maximum concentration limits for public drinking water supplies, as established in the federal Safe Drinking Water Act (42 United States Code 300f, et seq.), to be exceeded after reasonable treatment by a water supply treatment plant. The commission will utilize available investigative and regulatory means to identify and control sources of toxic pollutants which cause or could potentially cause the following guidelines to be exceeded:

(A) maximum concentration limits for drinking water supplies; and

(B) United States Food and Drug Administration action levels for toxic concentrations in fish and shellfish tissue.

(4) The commission may consider exceptions to the permitting procedures for toxic materials as established in this section, when permit limits developed according to these procedures would be technologically or economically infeasible.

(c) Specific numerical criteria.

Criteria for Specific Toxic Materials
(All values are listed or calculated in micrograms per liter)

Parameter	Fresh Acute Criteria	Fresh Chronic Criteria	Marine Acute Criteria	Marine Chronic Criteria
Aldrin	3.0	-	1.3	-
Arsenic	360	190	149	78
Cadmium	$e^{(1.128[\ln(\text{hardness})]-1.6774)}$	$e^{(0.7852[\ln(\text{hardness})]-3.490)}$	45.62	10.02
Chlordane	2.4	0.0043	0.09	0.004
Chlorpyrifos	0.083	0.041	0.011	0.0056
Chromium (Tri)	$e^{(0.8190[\ln(\text{hardness})]+3.688)}$	$e^{(0.8190[\ln(\text{hardness})]+1.561)}$	-	-
Chromium (Hex)	16	11	1,100	50
Copper	$e^{(0.9422[\ln(\text{hardness})]-1.3844)}$	$e^{(0.8545[\ln(\text{hardness})]-1.386)}$	4.37	4.37
Cyanide	45.78	10.69	5.6	5.6
DDT	1.1	0.0010	0.13	0.0010
Demeton	-	0.1	-	0.1
Dieldrin	2.5	0.0019	0.71	0.0019
Endosulfan	0.22	0.056	0.034	0.0087
Endrin	0.18	0.0023	0.037	0.0023
Guthion	-	0.01	-	0.01
Heptachlor	0.52	0.0038	0.053	0.0036

Criteria for Specific Toxic Materials (Continued)

Parameter	Fresh Acute Criteria	Fresh Chronic Criteria	Marine Acute Criteria	Marine Chronic Criteria
hexachlorocyclohexane (Lindane)	2.0	0.08	0.16	-
Lead	$e^{(1.273[\ln(\text{hardness})]-1.460)}$	$e^{(1.273[\ln(\text{hardness})]-4.705)}$	140	5.6
Malathion	-	0.01	-	0.01
Mercury	2.4	0.012	2.1	0.025
Methoxychlor	-	0.03	-	0.03
Monuron	-	0.001	-	0.001
Nickel	$e^{(0.8460[\ln(\text{hardness})]+3.3612)}$	$e^{(0.8460[\ln(\text{hardness})]+1.1645)}$	119	13.2
Total PCB's	2.0	0.014	10	0.03
Thiathion	0.065	0.013	-	-
Trinitrochlorophenol	$e^{[1.005(\text{pH})-4.830]}$	$e^{[1.005(\text{pH})-5.290]}$	15.14	9.56
Selenium	260	35	410	54
Silver	$e^{(1.72[\ln(\text{hardness})]-6.52)}$	0.12	2.3	-
Styrene	0.78	0.0002	0.21	0.0002
Zinc	$e^{(0.8473[\ln(\text{hardness})]+0.8604)}$	$e^{(0.8473[\ln(\text{hardness})]+0.7614)}$	98	89

(2) Numerical criteria are based on ambient water quality criteria documents published by EPA. EPA guidance criteria have been appropriately recalculated to eliminate the effects of toxicity data for aquatic organisms which are not known to occur in Texas, in accordance with procedures in the EPA guidance document entitled *Guidelines for Deriving Site-Specific Water Quality Criteria*.

(3) Discharge permit limits based on specific numerical water quality criteria for toxic materials may be modified in consideration of additional factors, but such modifications shall not result in impairment of an existing or designated use. Discharge permit limits which are expected to cause instream concentrations of specific numerical water criteria to be exceeded will require a demonstration that existing or designated uses will not be impaired, either as a condition for permit issuance or as additional monitoring requirements in the permit. A demonstration that uses are protected may consist of total (whole-effluent) toxicity testing, instream monitoring requirements, and/or other necessary information as determined by the commission. Factors to be considered for modification of discharge permit limits include the following:

- (A) practical quantitation levels;
- (B) ambient concentrations of specific toxics of concern in receiving waters, sediment, and/or indigenous biota;
- (C) bioavailability of specific toxics of concern in the effluent;
- (D) persistence and degradation rate of specific toxic materials;
- (E) synergistic or antagonistic interactions of toxic substances with other toxic or nontoxic materials;

(F) measurements of total effluent toxicity;

(G) local water chemistry, assimilative capacity, and other site-specific variables which may alter the toxicity or impact of specific toxic substances;

(H) indigenous aquatic organisms, which may have different responses to particular concentrations of specific toxic materials;

(I) designated or existing uses of the receiving waters; and

(J) technological or economic limits of treatability for specific toxics of concern.

(4) Ammonia toxicity will be addressed by total toxicity biomonitoring requirements in subsection (d) of this section. Chlorine toxicity will be controlled by the development of generic permit limits for final residual chlorine concentration.

(5) Numerical criteria for additional toxic materials will be adopted by the commission as appropriate.

(6) Specific numerical criteria for metals and metalloids are expressed in terms of acid-soluble concentrations rather than total recoverable measurements.

(7) Specific numerical acute criteria for toxic substances are applicable to all water in the state except for small zones of initial dilution at discharge points. Specific numerical chronic criteria do not apply inside mixing zones and below critical low-flow conditions, in accordance with §307.8 of this title (relating to Application of Standards).

(8) Specific numerical acute criteria are applied as 24-hour averages, and specific numerical chronic criteria are applied as four-day averages.

(9) For toxic materials for which specific numerical criteria are not listed in the table in §307.6(c)(1) of this title (relating to Toxic Materials), the following provisions shall apply, except in mixing zones and below critical low-flow conditions, in accordance with §307.8 of this title (relating to Application of Standards):

(A) concentrations of nonpersistent toxic materials shall not exceed concentrations which are chronically toxic (as determined from appropriate chronic toxicity data or calculated as 0.1 of LC₅₀ values) to representative, sensitive aquatic organisms;

(B) concentrations of persistent toxic materials that do not bioaccumulate shall not exceed concentrations which are chronically toxic (as determined from appropriate chronic toxicity data or calculated as 0.05 of LC₅₀ values) to representative, sensitive aquatic organisms; and

(C) concentrations of toxic materials that bioaccumulate shall not exceed concentrations that are chronically toxic (as determined from appropriate chronic toxicity data or calculated as 0.01 of LC₅₀ values) to representative, sensitive aquatic organisms.

(10) For toxic substances where the relationship of toxicity is defined as a function of pH or hardness, numerical criteria are presented as an equation based on this relationship. Appropriate pH or hardness values for such criteria are listed for each basin in the following table. The indicated pH and hardness values for each basin will be assumed unless appropriate site-specific hardness and pH values are determined from available data.

**Basin pH and Total Hardness Values
to be Used for Evaluation of
Selected Toxic Parameters**

pH and hardness are 15th percentile values of
long-term statewide monitoring network data

Basin Name	Number	pH	Hardness mg/L as CaCO ₃
Canadian River Basin	01	7.6	170
Red River Basin	02	7.4	170
Sulphur River Basin	03	6.9	98
Cypress Creek Basin	04	6.2	45
Sabine River Basin	05	6.6	40
Neches River Basin	06	6.4	32
Neches-Trinity Coastal Basin	07	6.7	64*
Trinity River Basin	08	7.3	96
Trinity-San Jacinto Coastal Basin	09	7.0	96*

San Jacinto River Basin	10	6.8	152*
San Jacinto-Brazos Coastal Basin	11	7.1	152
Brazos River Basin	12	7.4	150
Brazos-Colorado Coastal Basin	13	7.0	69
Colorado River Basin	14	7.5	192
Colorado-Lavaca Coastal Basin	15	7.5	110*
Lavaca River Basin	16	7.5	110*
Lavaca-Guadalupe Coastal Basin	17	7.5*	110*
Guadalupe River Basin	18	7.6	150
San Antonio River Basin	19	7.3	158
San Antonio-Nueces Coastal Basin	20	7.3	97
Nueces River Basin	21	7.6	156
Nueces-Rio Grande Coastal Basin	22	7.3	127*
Rio Grande Basin	23	7.6	250

* insufficient data--values of adjacent basin, or average values of adjacent basins are assumed.

(d) Total toxicity.

(1) Total (whole-effluent) toxicity of permitted discharges, as determined from biomonitoring of effluent samples at appropriate dilutions, will be sufficiently controlled to achieve the following:

(A) preclusion of acute total toxicity in all water in the state, with the exception of small zones of initial dilution at discharge points; and

(B) preclusion of chronic total toxicity in all water in the state except in mixing zones and at flows less than critical low-flows, in accordance with §307.8 of this title (relating to Application of Standards).

(2) Procedures for testing and regulating total toxicity are described in the toxic pollutant control strategy of the commission's continuing planning process document. General provisions for controlling total toxicity are established as follows.

(A) Total toxicity control requirements will initially be implemented on nine high priority classified segments—Neches River tidal (0601), Sabine River tidal (0501), Sabine Lake (2412), Arroyo Colorado tidal (2201), Arroyo Colorado above tidal (2202), Sabine River (0505), Corpus Christi Inner Harbor (2484), Corpus Christi Bay (2481), and San Antonio River (1911).

(B) In addition to the nine priority segments, initial regulatory efforts will address any additional significant problem areas and individual permits as necessary. By September 1988, the established total toxicity control procedures will be expanded to include statewide consideration of discharge permits issued and administered by the commission.

(C) Dischargers which have significant potential for exerting toxicity in receiving waters will be required to conduct

effluent toxicity biomonitoring. Toxicity biomonitoring requirements for permitted discharges will be imposed upon permit renewal, application, or amendment; and requirements for proposed discharges will be imposed during the permit application process.

(D) The following EPA publications provide guidelines for appropriate biomonitoring procedures: *Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms*, *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, and *Technical Support Document for Water Quality-Based Toxics Control*. The use of other procedures approved by the commission is also acceptable. Toxicity tests must be conducted using appropriate, sensitive aquatic organisms, and any such testing must adequately determine if toxicity standards are being attained.

(E) Discharge permit limits based on total toxicity may be modified in consideration of other factors, but such modifications shall not result in impairment of an existing or designated use. Discharge permit limits which are expected to cause instream toxicity criteria to be exceeded will require a demonstration that existing or designated uses will not be impaired (either as a condition for permit issuance or as additional monitoring requirements in the permit). A demonstration that uses are protected may consist of additional effluent toxicity testing, instream monitoring requirements, and/or other necessary information as determined by the commission.

Factors to be considered for modification of discharge permit include the following:

(i) ambient toxicity of receiving waters;

(ii) persistence and degradation rate of principal toxic materials which are contributing to the total toxicity of the discharge;

(iii) site-specific variables which may alter the impact of toxicity in the discharge;

(iv) indigenous aquatic organisms, which may have different levels of tolerance than the species used for total toxicity testing; and

(v) designated or existing uses of the receiving waters.

§307.7. *Site-Specific Uses and Criteria*. Uses and numerical criteria are established on a site-specific basis for classified segments in Appendix A of 307.10 of this title (relating to Appendices A-C). Site-specific uses and numerical criteria may also be applied to unclassified waters in accordance with §307.4(h) of this title (relating to General Criteria) and §307.5(c) of this title (relating to Antidegradation). Site-specific criteria apply specifically to substances attributed to waste discharges or the activities of man. Site-specific criteria do not apply to those instances in which surface waters exceed criteria limits due to natural phenomena. The application of site-specific uses and criteria is described in §307.8 of this title (relating to the Application of Standards) and §307.9 of this title (relating to the Determination of Standards Attainment). Appropriate uses and criteria for site-specific standards are defined as follows.

(1) Recreation. Recreational use

consists of two subcategories—contact recreation waters and noncontact recreation waters. Classified segments will be designated for contact recreation unless elevated fecal coliform bacteria concentrations frequently occur due to sources of pollution which cannot be reasonably controlled by the existing regulations or contact recreation is considered unsafe for other reasons such as ship or barge traffic. A designation of contact recreation is not a guarantee that the water so designated is completely free of disease-causing organisms.

(A) Contact recreation waters.

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

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

(B) Noncontact recreation waters.

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

(ii) Fecal coliform content shall not equal or exceed 4,000 colonies per

100 ml in more than 10% of all samples, but based on at least five samples, taken during any 30-day period. If 10 or fewer samples are analyzed, no more than one sample shall exceed 4,000 colonies per 100 ml.

(2) Domestic water supply.

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

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

(ii) Aquifer protection. Segments designated for aquifer protection are capable of recharging the Edwards Aquifer. The principal purpose of this use designation is to protect the quality of water infiltrating into and recharging the aquifer.

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

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

conditions are of natural origin.

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

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

(3) Aquatic life. The establishment of numerical criteria for aquatic life is highly dependent on desired use, sensitivities of usual aquatic communities, and local physical and chemical characteristics. Five subcategories of aquatic life use are established. They include limited quality, intermediate quality, high quality, and exceptional quality aquatic habitat and oyster waters. Aquatic life subcategories designated for segments listed in Appendix A of §307.10 of this title (relating to Appendices A-C) recognize the natural variability of aquatic community requirements and local environmental conditions.

(A) The definitions and associated dissolved oxygen criteria for limited, intermediate, high, and exceptional quality aquatic life use subcategories are indicated in the following table.

Aquatic Life Subcategories

Aquatic Life Use Subcategory	Dissolved Oxygen Criteria, mg/L		Characteristics
	Freshwater mean/minimum*	Saltwater mean/minimum*	
Exceptional	6.0/4.0	5.0/3.0	Comparable to the best situations unaltered by man; all regionally expected species for the habitat and stream size classes present; species richness high, including the most intolerant forms; all age and sex classes are present with array of age and sex classes; balanced trophic structure.
High	5.0/3.0	4.0/2.0	Fish and macroinvertebrate species richness somewhat less than the best expected situation, especially due to loss of some intolerant forms; some species with less than optimal abundances or size distribution (fish); trophic structure slightly imbalanced.
Intermediate	4.0/2.0	3.0/1.5	Few intolerant forms of fish and macroinvertebrates are present. Species richness moderate. Trophic structure of the fish community is more skewed toward an increasing frequency of omnivores; older age classes of top carnivores may be rare. Tolerant macrobenthic species often exhibiting a degree of numerical dominance. Benthic macroinvertebrate trophic structure moderately imbalanced.
Limited	3.0/1.5		Fish community is dominated by omnivores; pollution-tolerant forms and habitat generalists; few top carnivores; growth rates and condition factors commonly depressed; hybrids and diseased fish may be present. Species richness low. Tolerant macroinvertebrates are often abundant; intolerant forms generally absent. Macroinvertebrate trophic structure severely imbalanced.

*Means are 1 day means over a 24-hour period, minima are lowest instantaneous concentrations

(B) Oyster waters.

(i) A 1,000 foot buffer zone, measured from the shoreline at ordinary high tide, is established for all bay and gulf waters, except those contained in river or coastal basins as defined in §307.2 of this title (relating to Description of Standards). Fecal coliform content in buffer zones shall not exceed 200 colonies per 100 ml as a geometric mean of not less than five samples collected over not more than 30 days or equal or exceed 400 colonies per 100 ml in more than 10% of all samples taken during a 30-day period.

(ii) Median fecal coliform concentration in bay and gulf waters, exclusive of buffer zones, shall not exceed 14 colonies per 100 ml, with not more than 10% of all samples exceeding 43 colonies per 100 ml.

(iii) Oyster waters should be maintained so that concentrations of toxic materials do not cause edible species of clams, oysters, and mussels to exceed accepted guidelines for the protection of public health. Guidelines are provided by United States Food and Drug Administration action levels for molluscan shellfish.

(4) Additional criteria.

(A) Chemical parameters. Site-specific criteria for chloride, sulfate, and total dissolved solids are established as average annual values for either a single sampling point or multiple sampling points.

(B) pH. Site-specific numerical criteria for pH are established as absolute minima and maxima.

(C) Temperature. Site-specific temperature criteria are established as absolute maxima.

(D) Toxic materials. Criteria for toxic materials are established in §307.6 of this title (relating to Toxic Materials).

(5) Additional uses. Other basic uses, such as navigation, agricultural water supply, and industrial water will be maintained and protected for all water in the state in which these uses can be achieved.

§307.8. *Application of Standards.*

(a) Low-flow conditions.

(1) The following standards do not apply below seven-day, two-year low flows in unclassified waters, or below low-flow conditions specified in Appendix B of §307.10 of this title (relating to Appendices A-C) for designated segments:

(A) site-specific criteria, as defined in §307.7 of this title (relating to Site-Specific Criteria and Uses) and listed for each classified segment in Appendix A of §307.10 of this title (relating to Appendices A-C);

(B) numerical chronic criteria for toxic materials as established in §307.6 of this title (relating to Toxic Materials);

(C) total chronic toxicity restrictions as established in §307.6 of this title (relating to Toxic Materials); and

(D) maximum temperature differentials as established in §307.4(f) of this

title (relating to General Criteria).

(2) Numerical acute criteria for toxic materials and preclusion of total acute toxicity as established in §307.6 of this title (relating to Toxic Materials) are applicable at all flow conditions.

(3) Low-flow criteria in Appendix B of §307.10 of this title (relating to Appendices A-C) are solely for the purpose of defining the flow conditions under which water quality standards apply to a given water body. Low-flow criteria listed in Appendix B of §307.10 of this title (relating to Appendices A-C) are not for the purpose of regulating flows in water bodies in any manner or requiring that minimum flows be maintained in classified segments.

(4) Low-flow criteria defined in this section and listed in Appendix B of §307.10 of this title (relating to Appendices A-C) apply only to river basin and coastal basin waters. They do not apply to bay or gulf waters or reservoirs or estuaries.

(5) Seven-day, two-year low flows (7Q2) in Appendix B of §307.10 of this title (relating to Appendices A-C) were calculated from historical United States Geological Survey (USGS) daily streamflow records where available. Where a USGS flow station was not located at a commission monitoring station, the low-flow condition was interpolated/extrapolated from the nearest comparable USGS stations. The low-flow criterion was set at 0.1 of one cubic foot per second (ft³/s) when the calculated 7Q2 was equal to or less than 0.1 of one ft³/s.

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

(7) The general criteria are applicable at all flow conditions except as specified in this section or in §307.4 of this title (relating to General Criteria).

(b) Mixing zones. A reasonable mixing zone will be allowed at the discharge point of permitted discharges into surface water in the state, in accordance with the following provisions.

(1) The following portions of the standards do not apply within mixing zones:

(A) site-specific criteria, as defined in §307.7 of this title (relating to Site-Specific Criteria and Uses) and listed for each classified segment in Appendix A of §307.10 of this title (relating to Appendices A-C);

(B) numerical chronic criteria for toxic materials as established in §307.6 of this title (relating to Toxic Materials);

(C) total chronic toxicity restrictions as established in §307.6 of this title (relating to Toxic Materials); and

(D) maximum temperature differentials as established in §307.4(f) of this title (relating to General Criteria).

(2) Numerical acute criteria for toxic materials and preclusion of total acute

toxicity as established in §307.6 of this title (relating to Toxic Materials) are applicable even in mixing zones. Numerical acute criteria may be exceeded in small zones of initial dilution at discharge sites. Zones of initial dilution are restricted to the immediate point of discharge and must be substantially smaller than designated mixing zones.

(3) Provisions of the general criteria in §307.4 of this title (relating to General Criteria) remain in effect in mixing zones unless specifically exempted in this section.

(4) Water quality standards do not apply to treated effluents at the immediate point of discharge—prior to any contact with either ambient waters or a dry streambed.

(5) Where a mixing zone is defined in a valid commission or national pollutant discharge elimination system (NPDES) permit, the mixing zone defined in the permit will apply.

(6) Mixing zones shall not preclude passage of free-swimming or drifting aquatic organisms to the extent that aquatic life use is significantly affected.

(7) Mixing zones will not overlap unless it can be demonstrated that no applicable standards will be violated in the area of overlap.

(8) Mixing zones will not encompass an intake for a public drinking water supply. Thermal mixing zones are excepted from this provision unless elevated temperatures adversely affect drinking water treatment.

(9) Mixing zones will be individually specified for all permitted domestic discharges with a permitted monthly average flow equal to or exceeding one million gallons per day and for all permitted industrial discharges to water in the state (excepting discharges which consist entirely of stormwater runoff). For domestic discharges with permitted monthly average flows less than one million gallons per day, a small mixing zone will be assumed; and the commission may require specified mixing zones as appropriate. For existing permits and pending permit applications as of the date of adoption of this chapter, mixing zones will be defined upon permit renewal or amendment.

§307.9. *Determination of Standards Attainment.*

(a) Sampling locations

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

(2) Field investigation samples may be collected at points not established or approved as standards attainment sampling

locations at the discretion of the commission.

(b) Sample collection and preservation.

(1) To ensure that representative samples are collected and to minimize alterations prior to analysis, collection and preservation of attainment determination samples will be in accordance with procedures set forth in the most recently published edition of the book entitled *Standard Methods for the Examination of Water and Wastewater*, the most recent version of the quality assurance program plan for the commission, or other reliable procedures acceptable to the commission.

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

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

(B) Impoundments. Representative samples shall be collected from the

entire water column in the absence of thermal stratification. Collection of representative samples shall be confined to the epilimnion when an impoundment is thermally stratified.

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

(D) Tidal streams. A surface to bottom profile of DO, pH, conductivity, and temperature shall be obtained in all cases. Under conditions of density stratification, a composite sample collected from the mixed surface layer shall be used to determine standards attainment.

(c) Sample analysis.

(1) Numerical values. Numerical values in the water quality standards shall be determined by analytical procedures recommended in the most recently published edition of the book entitled *Standard Methods for the Examination of Water and Wastewater*, the quality assurance program plan for the commission, or other reliable methods acceptable to the commission.

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

(3) Toxicity. Bioassay techniques will be selected as testing situations dictate

but will generally be conducted using representative sensitive organisms in accordance with §307.6 of this title (relating to Toxic Materials).

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

(d) Interpretation of results.

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

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

§307.10. *Appendices A-C.* The following appendices are integral components of this chapter: Texas surface water quality standards: Appendix A—segment standards, Appendix B—low-flow criteria, Appendix C—segment descriptions.

APPENDIX A. WATER USES AND NUMERICAL CRITERIA.

The following table identifies the water uses and supporting numerical criteria for each of the state's classified segments. The table is ordered by basin with the segment number and segment name given for each classified segment.

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0101	Canadian River Below Lake Meredith	CR	H			1,975	760	5,000	5.0	6.5-9.0	200	95
0102	Lake Meredith	CR	E	PS		400	350	1,300	6.0	6.5-9.0	200	85
0103	Canadian River Above Lake Meredith	CR	H			1,050	540	4,500	5.0	6.5-9.0	200	95
0104	Wolf Creek	CR	H			420	125	1,125	5.0	6.5-9.0	200	93
0105	Rita Blanca Lake	CR	H	PS		100	90	325	5.0	6.5-9.0	200	85

RED RIVER BASIN	USES				CRITERIA							
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	PH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed	
SEGMENT NAME												
Lower Red River	CR	H	PS		375	250	1,100	5.0	6.5-9.0	200	93	
Red River Below Lake Texoma	CR	H	PS		375	250	1,100	5.0	6.5-9.0	200	93	
Lake Texoma	CF	H	PS		600	300	1,500	5.0	6.5-9.0	200	92	
Red River Above Lake Texoma	CR	H			2,000	1,200	6,000	5.0	6.5-9.0	200	93	
Red River Below Pease River	CR	H			5,000	2,000	10,000	5.0	6.5-9.0	200	93	
Red River Above Pease River	CF	H			12,000	4,000	25,000	5.0	6.5-9.0	200	93	
Prairie Dog Town Fork Red River	CF	H			30,000	4,500	65,000	5.0	6.5-9.0	200	93	
Lake Crook	CR	H	PS		75	150	350	5.0	6.5-9.0	200	90	
Pat Mayse Lake	CR	H	PS		100	175	350	5.0	6.5-9.0	200	90	
Farmers Creek Reservoir	CR	H	PS		200	60	550	5.0	6.5-9.0	200	93	
Little Wichita River	CR	F	PS		250	50	500	5.0	6.5-9.0	200	91	
Lake Arrowhead	CR	H	PS		250	50	500	5.0	6.5-9.0	200	93	
Lake Kickapoo	CR	H	PS		100	50	400	5.0	6.5-9.0	200	90	
Wichita River Below Diversion Lake	CR	H			1,800	800	5,000	5.0	6.5-9.0	200	90	
Diversion Lake	CR	H			1,800	1,100	5,000	5.0	6.5-9.0	200	90	
Wichita River Below Lake Kemp	CR	H			1,925	960	5,000	5.0	6.5-9.0	200	90	
Lake Kemp*	CR	H			7,000	2,500	15,000	5.0	6.5-9.0	200	93	
Wichita/North Fork Wichita River	CR	H			7,500	2,800	16,250	5.0	6.5-9.0	200	93	
Lake Wichita	CR	H			1,000	400	1,800	5.0	6.5-9.0	200	90	
Pease/North Fork Pease River	CR	H			12,000	3,500	30,000	5.0	6.5-9.0	200	91	

anticipated that inorganic chemical quality in Segment 0217 should improve following completion and as a result of the operation of salinity control projects.

RED RIVER BASIN	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F)
SEGMENT NAME											
Middle Fork Pease River	CR	H			870	1,400	2,800	5.0	6.5-9.0	200	93
Salt Fork Red River	CR	H			400	1,400	3,000	5.0	6.5-9.0	200	93
Greenbelt Lake	CR	H	PS		250	200	750	5.0	6.5-9.0	200	93
North Fork Red River	CR	H			800	1,200	2,500	5.0	6.5-9.0	200	93
McKinney Bayou	CR	L	PS		60	90	400	3.0	6.0-8.5	200	93
South Fork Wichita River *	CR	H			12,000	3,650	31,000	5.0	6.5-9.0	200	93
South Fork Pease River	CR	H			270	200	1,000	5.0	6.5-9.0	200	93
Mackenzie Reservoir	CR	H	PS		20	160	350	5.0	6.5-9.0	200	90

Anticipated that inorganic chemical quality in Segment 0226 should improve following completion and as a result of the operation of said projects.

SULPHUR RIVER BASIN	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F)
SEGMENT NAME											
Sulphur River Below Wright Patman Lake	CR	H			120	100	500	5.0	6.0-8.5	200	9
Wright Patman Lake	CR	H	PS		75	75	400	5.0	6.0-8.5	200	9
Sulphur/South Sulphur River	CR	H			80	180	600	5.0	6.0-8.5	200	9
Days Creek	CR	I			525	75	850	4.0	6.0-8.5	200	9
North Sulphur River	CR	H			190	475	1,320	5.0	6.0-8.5	200	9
Upper South Sulphur River	CR	I			80	180	600	4.0	6.5-8.0	200	9

CYPRESS CREEK BASIN	USES				CRITERIA							
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed	
SEGMENT NAME												
Madado Lake	CR	H	PS		100	50	300	5.0	6.0-8.5	200	90	
Big Cypress Creek Below Lake O' the Pines	CR	H	PS		100	50	300	5.0	6.0-8.5	200	93	
Lake O' the Pines	CR	H	PS		80	50	300	5.0	6.0-8.5	200	93	
Big Cypress Creek Below Lake Bob Sandlin	CR	I			100	100	500	4.0	6.0-8.5	200	90	
Lake Cypress Springs	CR	H	PS		100	100	500	5.0	6.0-8.5	200	93	
Black Bayou	CR	I	PS		80	50	300	4.0	6.0-8.5	200	90	
James' Bayou	CR	I	PS		100	50	300	4.0	6.0-8.5	200	90	
Lake Bob Sandlin	CR	H	PS		35	65	150	5.0	6.5-9.0	200	90	
Little Cypress Bayou (Creek)	CR	H	PS		100	35	300	5.0	5.5-8.5	200	90	

SABINE RIVER BASIN

SEGMENT NAME	USES				CRITERIA					
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed
Sabine River Tidal	CR	H						4.0	6.0-8.5	200
Sabine River Below Toledo Bend Reservoir	CR	H	PS		30	25	120	5.0	6.0-8.5	200
Toledo Bend Reservoir	CR	H	PS		70	30	240	5.0	6.0-8.5	200
Sabine River Above Toledo Bend Reservoir	CR	H	PS		175	75	400	5.0	6.0-8.5	200
Sabine River Below Lake Tawakoni	CR	H	PS		200	100	500	5.0	6.0-8.5	200
Lake Tawakoni	CR	H	PS		20	35	200	5.0	6.0-8.5	200
Adams Bayou Tidal	CR	H						4.0	6.0-8.5	200
Murvaul Lake	CR	H	PS		150	75	500	5.0	6.5-9.0	200
Lake Cherokee	CR	H	PS		75	50	250	5.0	6.0-8.5	200
Cow Bayou Tidal	CR	H						4.0	6.0-8.5	200
Lake Fork Reservoir	CR	H	PS		30	30	200	5.0	6.5-9.0	200
Big Cow Creek	CR	H	PS		75	50	300	5.0	5.5-8.5	200
Big Sandy Creek	CR	H	PS		75	50	300	5.0	6.0-8.5	200
Lake Fork Creek	CR	H	PS		100	75	400	5.0	6.0-8.5	200

NECHES RIVER BASIN		USES				CRITERIA					
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed
I	SEGMENT NAME										
	Neches River Tidal	CR	I						3.0*	6.0-8.5	200
	Neches River Below B. A. Steinhagen Lake	CR	H	PS		50	30	150	5.0	6.0-8.5	200
	B. A. Steinhagen Lake	CR	H	PS		50	30	150	5.0	6.0-8.5	200
	Neches River Below Lake Palestine	CR	H	PS		50	30	150	5.0	6.0-8.5	200
	Lake Palestine	CR	H	PS		50	30	150	5.0	6.0-8.5	200
	Neches River Above Lake Palestine	CR	I	PS		50	30	150	4.0*	6.0-8.5	200
	Pine Island Bayou	CR	H	PS		150	50	300	5.0	6.0-8.5	200
	Village Creek	CR	H	PS		150	75	300	5.0	6.0-8.5	200
	Angelina River Below Sam Rayburn Reservoir	CR	H	PS		70	40	250	5.0	6.0-8.5	200
	Sam Rayburn Reservoir	CR	H	PS		70	40	250	5.0	6.0-8.5	200
	Angelina River Above Sam Rayburn Reservoir	CR	H	PS		125	40	250	5.0	6.0-8.5	200
	Attoyac Bayou	CR	H	PS		75	50	150	5.0	6.0-8.5	200
	Lake Tyler/Lake Tyler East	CR	H	PS		30	30	150	5.0	6.5-9.0	200
	Lake Jacksonville	CR	H	PS		50	75	750	5.0	6.5-9.0	200

Dissolved oxygen criterion in Segment 0601 does not apply to flows of less than 1,000 ft³/s.

Dissolved oxygen criterion in Segment 0606 does not apply to flows of less than 22.0 ft³/s.

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NECHES-TRINITY COASTAL BASIN		USES				CRITERIA						
SEGMENT NUMBER	SEGMENT NAME	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
0701	Taylor Bayou Above Tidal	CR	I			100	75	600	4.0	6.5-9.0	200	95
0702	Intracoastal Waterway	CR	H						4.0	6.5-9.0	200	95
0703	Sabine-Neches Canal	CR	H						4.0	6.5-9.0	200	95

SEGMENT NAME	USE	PROTECTION	SPECIAL USE	CRITERIA	CRITERIA						
					CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE		FECAL COLIFORM (per 100 mL) Thirty-day geometric mean not to exceed
Trinity River Tidal	CR	H						4.0	6.5-9.0	200	95
Trinity River Below Lake Livingston	CR	H	PS		125	100	600	5.0	6.5-9.0	200	93
Lake Livingston	CR	H	PS		150	50	500	5.0	6.5-9.0	200	93
Trinity River Above Lake Livingston	CR	H			150	150	600	5.0	6.5-9.0	200	93
Upper Trinity River/Lower West Fork Trinity River	CR	L			175	175	850	3.0*	6.5-9.0	200	95
West Fork Trinity River Below Lake Worth	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
Lake Worth	CR	H	PS		100	100	500	5.0	6.5-9.0	200	91
West Fork Trinity River Below Eagle Mountain Reservoir	CR	H	PS		100	100	500	5.0	6.5-9.0	200	91
Eagle Mountain Reservoir	CR	H	PS		75	75	300	5.0	6.5-9.0	200	94
West Fork Trinity River Below Bridgeport Reservoir	CR	H	PS		100	100	500	5.0	6.5-9.0	200	90
Bridgeport Reservoir	CR	H	PS		75	75	300	5.0	6.5-9.0	200	90
West Fork Trinity River Above Bridgeport Reservoir	CR	H	PS		100	100	500	5.0	6.5-9.0	200	88
Houston County Lake	CR	H	PS		75	75	300	5.0	6.5-9.0	200	93
Chambers Creek Above Richland-Chambers Reservoir	CR	H	PS		90	160	500	5.0	6.5-9.0	200	90
Bardwell Reservoir	CR	H	PS		50	50	300	5.0	6.5-9.0	200	91
Lake Waxahachie	CR	H	PS		50	50	300	5.0	6.5-9.0	200	91
Navarro Mills Lake	CR	H	PS		50	75	300	5.0	6.5-9.0	200	90
Cedar Creek Reservoir	CR	H	PS		50	50	200	5.0	6.0-8.5	200	93
East Fork Trinity River	CR	I			75	50	400	4.0	6.5-9.0	200	91
Lake Ray Hubbard	CR	H	PS		40	50	400	5.0	6.5-9.0	200	93

Dissolved oxygen criterion in Segment 0805 shall be 1.0 mg/L when headwater flow at USGS Gaging Station 0804800 (located on the West Fork River in Fort Worth, Texas) is less than 80.0 ft³/s.

TRINITY RIVER BASIN	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
SEGMENT NAME											
Laven Lake	CR	H	PS		40	40	300	5.0	6.5-9.0	200	93
Elm Fork Trinity River Below Lewisville Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
Lewisville Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
Elm Fork Trinity River Above Ray Roberts Lake	CR	H	PS		110	90	700	5.0	6.5-9.0	200	90
Denton Creek	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
Grapevine Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	93
White Rock Lake	CR	H			100	100	400	5.0	6.5-9.0	200	93
Lake Arlington	CR	H	PS		100	100	300	5.0	6.5-9.0	200	95
Clear Fork Trinity River Below Benbrook Lake	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
Benbrook Lake	CR	H	PS		75	75	300	5.0	6.5-9.0	200	93
Clear Fork Trinity River Below Lake Weatherford	CR	H	PS		100	100	500	5.0	6.5-9.0	200	90
Lake Weatherford	CR	H	PS		100	100	500	5.0	6.5-9.0	200	93
Clear Fork Trinity River Above Lake Weatherford	CR	H	PS		125	125	750	5.0	6.5-9.0	200	95
Lake Amon G. Carter	CR	H	PS		150	150	400	5.0	6.5-9.0	200	93
Richland Creek Below Richland-Chambers Reservoir	CR	H	PS		145	170	500	5.0	6.5-9.0	200	90
Richland-Chambers Reservoir	CR	H	PS		75	110	400	5.0	6.5-9.0	200	91
Richland Creek Above Richland-Chambers Reservoir	CR	H	PS		145	170	500	5.0	6.5-9.0	200	90
Joe Pool Lake	CR	H	PS		100	100	300	5.0	6.5-9.0	200	90
Elm Fork Trinity River Below Ray Roberts Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90
Ray Roberts Lake	CR	H	PS		80	60	500	5.0	6.5-9.0	200	90

SEGMENT NUMBER		SEGMENT NAME	USES				CRITERIA			
TRINITY-SAN JACINTO COASTAL BASIN			RECREATION	CR						
			AQUATIC LIFE	H						
			DOMESTIC WATER SUPPLY	PS						
			OTHER							
0901	Cedar Bayou Tidal			CR						
0902	Cedar Bayou Above Tidal			CR						
			CHLORIDE (mg/L) Annual average not to exceed		200					
			SULFATE (mg/L) Annual average not to exceed		100					
			TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed		400					
			DISSOLVED OXYGEN (mg/L)		4.0	5.0				
			pH RANGE		6.5-9.0	9.0				
			FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed		200	200				
			TEMPERATURE (°F) Not to exceed		90	95				

SAN JACINTO RIVER BASIN	USES				CRITERIA					
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	PH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed
SEGMENT NAME										
San Jacinto River Tidal	CR	H						4.0	6.5-9.0	200
Lake Houston	CR	H	PS		100	50	200	5.0	6.5-9.0	200
East Fork San Jacinto River	CR	H	PS		80	40	400	5.0	6.0-8.5	200
West Fork San Jacinto River	CR	H	PS		80	40	300	5.0	6.5-9.0	200
Houston Ship Channel/San Jacinto River	NCR	H						4.0	6.5-9.0	2,000
Houston Ship Channel				N/IS				2.0	6.5-9.0	2,000
Houston Ship Channel/Buffalo Bayou				N/IS				1.0	6.5-9.0	2,000
Spring Creek	CR	H	PS		80	40	300	5.0	6.5-9.0	200
Cypress Creek	CR	H	PS		80	40	300	5.0	6.5-9.0	200
Canev Creek	CR	H	PS		50	40	300	5.0	6.0-8.5	200
Peach Creek	CR	H	PS		50	40	200	5.0	6.0-8.5	200
Lake Conroe	CR	H	PS		50	40	200	5.0	6.5-9.0	200
Buffalo Bayou Tidal	CR							2.0	6.5-9.0	200
Buffalo Bayou Above Tidal	CR	L			110	65	600	3.0	6.5-9.0	200
Lake Creek	CR	H	PS		80	20	300	5.0	6.0-8.5	200

SAN JACINTO-BRAZOS COASTAL BASIN	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F)
SEGMENT NAME											
Clear Creek Tidal	CR	H						4.0	6.5-9.0	200	9
Clear Creek Above Tidal	CR	H			200	100	600	5.0	6.5-9.0	200	9
Dickinson Bayou Tidal	CR	H						4.0	6.5-9.0	200	9
Dickinson Bayou Above Tidal	CR	H			200	100	600	5.0	6.5-9.0	200	9
Bastrop Bayou Tidal	CR	H						4.0	6.5-9.0	200	9
Chocolate Bayou Tidal	CR	H						4.0	6.5-9.0	200	9
Chocolate Bayou Above Tidal	CR	H			150	50	600	5.0	6.5-9.0	200	9
Oyster Creek Tidal	CR	H						4.0	6.5-9.0	200	9
Oyster Creek Above Tidal	CR	H	PS		300	150	750	5.0	6.5-9.0	200	9
Old Brazos River Channel	CR	H						4.0	6.5-9.0	200	9
Armand Bayou Tidal	CR	H						4.0	6.5-9.0	200	9

BRAZOS RIVER BASIN	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
SEGMENT NAME											
Brazos River Tidal	CR	H	PS					4.0	6.5-9.0	200	95
Brazos River Below Navasota River	CR	H	PS		300	200	750	5.0	6.5-9.0	200	95
Whitney Lake	CR	H	PS		670	320	1,500	5.0	6.5-9.0	200	93
Brazos River Below Lake Granbury	CR	H			750	380	1,600	5.0	6.5-9.0	200	91
Lake Granbury	CR	H	PS		1,000	600	2,500	5.0	6.5-9.0	200	93
Brazos River Below Possum Kingdom Lake	CR	E			1,020	500	2,300	6.0*	6.5-9.0	200	90
Possum Kingdom Lake	CF	H	PS		1,200	500	3,500	5.0	6.5-9.0	200	93
Brazos River Above Possum Kingdom Lake	CR	H			5,000	2,000	12,000	5.0	6.5-9.0	200	95
Navasota River Below Lake Limestone	CR	H	PS		140	100	600	5.0	6.5-9.0	200	93
Lake Mexia	CR	H	PS		100	50	400	5.0	6.5-9.0	200	90
Yegua Creek	CR	H	PS		140	130	640	5.0	6.5-9.0	200	91
Somerville Lake	CR	H	PS		75	100	300	5.0	6.5-9.0	200	93
Little River	CR	H	PS		75	75	400	5.0	6.5-9.0	200	90
San Gabriel River	CR	H	PS		50	45	500	5.0	6.5-9.0	200	91
Lampasas River Below Stillhouse Hollow Lake	CR	H	PS		100	75	500	5.0	6.5-9.0	200	91
Stillhouse Hollow Lake	CR	E	PS		100	75	500	6.0	6.5-9.0	200	93
Lampasas River Above Stillhouse Hollow Lake	CR	H			480	80	840	5.0	6.5-9.0	200	91
Nolan Creek	CR	H	PS		100	75	500	5.0	6.5-9.0	200	93
Leon River Below Belton Lake	CR	H	PS		150	75	500	5.0	6.5-9.0	200	91
Belton Lake	CR	H	PS		100	75	500	5.0	6.5-9.0	200	93

oxygen criterion for Segment 1206 does not apply above FM 4 to hypolimnetic releases when Possum Kingdom Lake is thermally stratified.

BRAZOS RIVER BASIN	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
SEGMENT NAME											
Leon River Below Proctor Lake	CR	H	PS		150	75	500	5.0	6.5-9.0	200	90
Proctor Lake	CR	H	PS		200	75	500	5.0	6.5-9.0	200	93
Leon River Below Leon Reservoir	CR	H	PS		480	130	1,240	5.0	6.5-9.0	200	93
Leon Reservoir	CR	H	PS		150	75	500	5.0	6.5-9.0	200	93
Waco Lake	CR	H	PS		60	60	400	5.0	6.5-9.0	200	93
North Bosque River	CR	H	PS		75	60	540	5.0	6.5-9.0	200	91
Nolan River	CR	H			75	75	500	5.0	6.5-9.0	200	95
Lake Pat Cleburne	CR	H	PS		100	100	300	5.0	6.5-9.0	200	93
Paluxy River	CR	H	PS		35	65	400	5.0	6.5-9.0	200	91
Lake Palo Pinto	CR	H	PS		100	100	450	5.0	6.5-9.0	200	93
Lake Graham	CR	H	PS		200	75	500	5.0	6.5-9.0	200	95
Clear Fork Brazos River	CR	H			1,250	2,200	4,900	5.0	6.5-9.0	200	93
Hubbard Creek Reservoir	CR	H	PS		350	75	750	5.0	6.5-9.0	200	93
Lake Cisco	CR	H	PS		75	75	350	5.0	6.5-9.0	200	93
Lake Stamford	CR	H	PS		580	400	2,100	5.0	6.5-9.0	200	93
Fort Phantom Hill Reservoir	CR	H	PS		130	150	550	5.0	6.5-9.0	200	93
Lake Sweetwater	CR	H	PS		250	225	730	5.0	6.5-9.0	200	93
Salt Fork Brazos River	CR	H			23,000	4,000	40,000	5.0	6.5-9.0	200	93
White River	CR	H	PS		100	100	500	5.0	6.5-9.0	200	92
White River Lake	CR	H	PS		150	100	450	5.0	6.5-9.0	200	89

BRAZOS RIVER BASIN	USES				CRITERIA					
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed
SEGMENT NAME										
Double Mountain Fork Brazos River	CR	H			2,500	2,400	5,500	5.0	6.5-9.0	200
Brazos River Below Whitney Lake	CR	H	PS		450	250	1,400	5.0	6.5-9.0	200
Salado Creek	CR	H	PS		50	50	300	5.0	6.5-9.0	200
Brushy Creek	CR	H	PS		125	150	600	5.0	6.5-9.0	200
Upper Oyster Creek	CR	H	PS		140	75	1,070	5.0	6.5-9.0	200
Middle Bosque/South Bosque River	CR	H			45	260	700	5.0	6.5-9.0	200
Granger Lake	CR	H	PS		25	30	290	5.0	6.5-9.0	200
San Gabriel/North Fork San Gabriel River	CR	H	PS		35	30	350	5.0	6.5-9.0	200
Lake Georgetown	CR	H	PS		20	20	280	5.0	6.5-9.0	200
South Fork San Gabriel River	CR	H	PS		30	35	330	5.0	6.5-9.0	200
North Fork San Gabriel River	CR	H	PS		35	30	330	5.0	6.5-9.0	200
Lake Limestone	CR	H	PS		35	20	200	5.0	6.5-9.0	200
Navasota River Below Lake Mexia	CR	H	PS		440	150	1,350	5.0	6.5-9.0	200
Aquilla Reservoir	CR	H	PS		110	310	600	5.0	6.5-9.0	200

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
1301	San Bernard River Tidal	CR	H						4.0	6.5-9.0	200	95
1302	San Bernard River Above Tidal	CR	H	PS		100	50	500	5.0	6.5-9.0	200	90
1304	Caney Creek Tidal	CR	H						4.0	6.5-9.0	200	95
1305	Caney Creek Above Tidal	CR	H			200	75	1,000	5.0	6.5-9.0	200	90

T	COLORADO RIVER BASIN	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
	SEGMENT NAME											
	Colorado River tidal	CR	H						4.0	6.5-9.0	200	95
	Colorado River Below Smithville	CR	H	PS		120	60	540	5.0	6.5-9.0	200	95
	Lake Austin	CR	H	PS		100	75	400	5.0	6.5-9.0	200	90
	Lake Travis	CR	E	PS		100	75	400	6.0	6.5-9.0	200	90
	Marble Falls Lake	CR	H	PS		100	75	400	5.0	6.5-9.0	200	94
	Lake Lyndon B. Johnson	CR	H	PS		125	80	475	5.0	6.5-9.0	200	94
	Inks Lake	CR	H	PS		140	100	500	5.0	6.5-9.0	200	90
	Lake Buchanan	CR	H	PS		160	100	550	5.0	6.5-9.0	200	90
	Colorado River Above Lake Buchanan	CR	H	PS		200	200	500	5.0	6.5-9.0	200	91
	Colorado River Below Concho River	CR	H	PS		450	450	1,500	5.0	6.5-9.0	200	91
	F. V. Spence Reservoir	CR	H	PS		950	450	1,500	5.0	6.5-9.0	200	93
	Colorado River Below Lake J. B. Thomas	CR	H			11,000	2,500	20,000	5.0	6.5-9.0	200	93
	Lake J. B. Thomas	CR	H	PS		80	110	500	5.0	6.5-9.0	200	90
	Pedernales River	CR	H	PS		110	50	600	5.0	6.5-9.0	200	91
	Llano River	CR	H	PS		50	50	300	5.0	6.5-9.0	200	91
	San Saba River	CR	H	PS		80	50	500	5.0	6.5-9.0	200	90
	Lower Pecan Bayou	CR	H			340	140	1,100	5.0	6.5-9.0	200	90
	Lake Brownwood	CR	H	PS		150	100	500	5.0	6.5-9.0	200	90
	Lake Coleman	CR	H	PS		150	100	500	5.0	6.5-9.0	200	93
	Pecan Bayou Above Lake Brownwood	CR	H	PS		500	500	1,500	5.0	6.5-9.0	200	90

COLORADO RIVER BASIN	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	PH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F)
SEGMENT NAME											
Concho River	CR	H	PS		775	425	1,600	5.0	6.5-9.0	200	90
Lake Nasworthy	CR	H	PS		450	400	1,500	5.0	6.5-9.0	200	93
Swain Buttes Reservoir	CR	H	PS		200	100	700	5.0	6.5-9.0	200	90
Middle Concho/South Concho River	CR	H	PS		150	150	700	5.0	6.5-9.0	200	90
J. C. Fisher Lake	CR	H	PS		150	150	700	5.0	6.5-9.0	200	90
Colorado River Below E. V. Spence Reservoir	CR	H	PS		650	1,075	2,000	5.0	6.5-9.0	200	91
Union Creek	CR	H	PS/AP		50	50	300	5.0	6.5-9.0	200	90
Colorado River Below Town Lake	CR	H	PS		105	65	425	5.0	6.5-9.0	200	95
Town Lake*	CR	H	PS		70	50	410	5.0	6.5-9.0	200	90
Marston Creek	CR	H	AP		40	40	500	5.0	6.5-9.0	200	90
Mid Pecan Bayou	CR				410	120	1100	2.0	6.5-9.0	200	90
Upper Pecan Bayou	CR	H	PS		190	140	760	5.0	6.5-9.0	200	90

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

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
LAVACA RIVER BASIN												
1601	Lavaca River Tidal	CR	H						4.0	6.5-9.0	200	95
1602	Lavaca River Above Tidal	CR	H	PS		150	75	500	5.0	6.5-9.0	200	91
1603	Navidad River Tidal	CR	H	PS					4.0	6.5-9.0	200	91
1604	Lake Texana	CR	H	PS		80	25	450	5.0	6.5-9.0	200	93
1605	Navidad River Above Lake Texana	CR	H	PS		100	30	550	5.0	6.5-9.0	200	91

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
COLORADO-LAVACA COASTAL BASIN												
1501	Tres Palacios Creek Tidal	CR	E						5.0	6.5-9.0	200	95
1502	Tres Palacios Creek Above Tidal	CR	H			250	100	600	5.0	6.5-9.0	200	90

SEGMENT NUMBER	SEGMENT NAME	LAVACA-CIADALUPE COASTAL BASIN	
USES	RECREATION	NCR	
	AQUATIC LIFE	H	
	DOMESTIC WATER SUPPLY		
	OTHER		
CRITERIA	CHLORIDE (mg/L) Annual average not to exceed		
	SULFATE (mg/L) Annual average not to exceed		
	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed		
	DISSOLVED OXYGEN (mg/L)	4.0	
	pH RANGE	6.5-9.0	
	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	2,000	
	TEMPERATURE (°F) Not to exceed	95	

GUADALUPE RIVER BASIN	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F)
SEGMENT NAME											
Guadalupe River Tidal	CR	E						5.0	6.5-9.0	200	95
Guadalupe River Below San Marcos River	CR	H	PS		100	50	400	5.0	6.5-9.0	200	93
Guadalupe River Below Comal River	CR	H	PS		80	50	400	5.0	6.5-9.0	200	90
Canyon Lake	CR	E	PS/AP		40	40	400	6.0	6.5-9.0	200	90
Guadalupe River Above Canyon Lake	CR	E	PS		40	40	400	6.0	6.5-9.0	200	90
Coloza Creek	CR	H	PS		250	100	500	5.0	6.5-9.0	200	93
Lower San Marcos River	CR	H	PS		60	50	400	5.0	6.5-9.0	200	90
Lower Blanco River	CR	H	PS		40	50	400	5.0	6.5-9.0	200	92
Plum Creek	CR	H			350	150	1,120	5.0	6.5-9.0	200	90
Comal River	CR	H	PS		25	30	400	5.0	6.5-9.0	200	90
Guadalupe River Below Canyon Dam	CR	E	PS/AP		40	40	400	6.0	6.5-9.0	200	90
Upper Blanco River	CR	E	PS/AP		30	35	400	6.0	6.5-9.0	200	92
Upper San Marcos River	CR	E			25	25	380	6.0	6.5-9.0	200	80
Cypress Creek	CR	E	PS		20	20	350	6.0	6.5-9.0	200	86
Johnson Creek	CR	E	PS		20	20	350	6.0	6.5-9.0	200	86
North Fork Guadalupe River	CR	E	PS		20	20	350	6.0	6.5-9.0	200	86
South Fork Guadalupe River	CR	E	PS		20	20	350	6.0	6.5-9.0	200	86

SAN ANTONIO RIVER BASIN	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F)
SEGMENT NAME											
Lower San Antonio River	CR	H			180	140	750	5.0	6.5-9.0	200	90
Lower Cibolo Creek	CR	H			170	275	900	5.0	6.5-9.0	200	90
Medina River Below Medina Diversion Lake	CR	H	PS		120	120	700	5.0	6.5-9.0	200	90
Medina Lake	CR	H	PS/AP		80	75	350	5.0	6.5-9.0	200	80
Medina River Above Medina Lake	CR	E	PS		50	100	400	6.0	6.5-9.0	200	80
Lower Leon Creek	CR	H	PS		120	120	700	5.0	6.5-9.0	200	90
Upper Leon Creek	CR	H	PS/AP		55	240	550	5.0	6.5-9.0	200	90
Upper Cibolo Creek	CR	H	PS/AP		50	50	400	5.0	6.5-9.0	200	90
Medina Diversion Lake	CP	H	PS/AP		50	75	400	5.0	6.5-9.0	200	90
Salado Creek	CR	H	PS/AP		140	200	600	5.0	6.5-9.0	200	90
Upper San Antonio River	CR	H			95	95	620	5.0	6.5-9.0	200	90
Medio Creek	CR	I			100	125	550	4.0	6.5-9.0	200	90
Mid Cibolo Creek	CR	L			80	90	650	3.0	6.5-9.0	200	90

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
2001	Mission River Tidal	CR	H						4.0	6.5-9.0	200	95
2002	Mission River Above Tidal	CR	H			850	100	2,000	5.0	6.5-9.0	200	95
2003	Aransas River Tidal	CR	H						4.0	6.5-9.0	200	95
2004	Aransas River Above Tidal	CR	H			300	50	600	5.0	6.5-9.0	200	95

NUECES RIVER BASIN		USES				CRITERIA						
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
WT	R	SEGMENT NAME										
		Nueces River Tidal	CR	E					5.0	6.5-9.0	200	95
		Nueces River Below Lake Corpus Christi	CR	H	PS	250	250	500	5.0	6.5-9.0	200	91
		Lake Corpus Christi	CR	H	PS	250	250	500	5.0	6.5-9.0	200	93
		Nueces River Above Frio River	CR	H		700	300	1,500	5.0	6.5-9.0	200	90
		Nueces River Above Holland Dam	CR	H	PS	200	200	900	5.0	6.5-9.0	200	90
		Nueces/Lower Frio River *	CR	H	PS	550	300	1,500	5.0	6.5-9.0	200	90
		Aransas River	CR	H		600	500	1,500	5.0	6.5-9.0	200	90
		San Miguel Creek	CR	H		700	700	2,000	5.0	6.5-9.0	200	95
		Leona River	CR	H	AP	650	500	2,000	5.0	6.5-9.0	200	90
		Lower Sabinal River	CR	H	PS	200	75	700	5.0	6.5-9.0	200	90
		Upper Sabinal River	CR	H	PS/AP	40	75	500	5.0	6.5-9.0	200	90
		Upper Nueces River	CR	H	PS/AP	40	40	300	5.0	6.5-9.0	200	90
		Upper Frio River	CR	E	PS/AP	25	30	300	6.0	6.5-9.0	200	90
		Hondo Creek	CR	H	PS/AP	30	60	300	5.0	6.5-9.0	200	90
		Seco Creek	CR	H	PS/AP	30	70	350	5.0	6.5-9.0	200	90
		Choke Canyon Reservoir	CR	H	PS	250	250	500	5.0	6.5-9.0	200	90
		Frio River Above Choke Canyon Reservoir	CR	H	PS/AP	620	380	1,700	5.0	6.5-9.0	200	90

Choke Canyon Reservoir becomes fully operational with a continuous sustained release of 33.0 ft³/s, Segment 2106 is anticipated to attain concentrations of 250 mg/L chloride, 250 mg/L sulfate, and 500 mg/L total dissolved solids.

NUECES-RIO GRANDE COASTAL BASIN		USES				CRITERIA						
SEGMENT NUMBER	SEGMENT NAME	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
2201	Arroyo Colorado Tidal	CR	H						4.0	6.5-9.0	200	95
2202	Arroyo Colorado Above Tidal	CR	I			1,200	1,000	4,000	4.0	6.5-9.0	200	95
2203	Petronilla Creek Tidal	CR	H						4.0	6.5-9.0	200	95
2204	Petronilla Creek Above Tidal *	CR	I			1,500	500	4,000	4.0	6.5-9.0	200	95

* High concentrations of chlorides, sulfates and total dissolved solids in Segment 2204 are due to past brine discharges which were halted effective 1/10/87 by order of the Texas Railroad Commission. Water quality is expected to improve as residual brines are flushed from the system. These estimated criteria are subject to modification as improvement in water quality is documented.

NUECES-RIO GRANDE COASTAL BASIN

SEGMENT NAME	USES				CRITERIA					
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed
Arroyo Colorado Tidal	CR	H						4.0	6.5-9.0	200
Arroyo Colorado Above Tidal	CR	I			1,200	1,000	4,000	4.0	6.5-9.0	200
Petronila Creek Tidal	CR	H						4.0	6.5-9.0	200
Petronila Creek Above Tidal *	CR	I			1,500	500	4,000	4.0	6.5-9.0	200

concentrations of chlorides, sulfates and total dissolved solids in Segment 2204 are due to past brine discharges which were halted in 1987 by order of the Texas Railroad Commission. Water quality is expected to improve as residual brines are flushed from the system. Stated criteria are subject to modification as improvement in water quality is documented.

SEGMENT NAME	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F)
Rio Grande Tidal	CR	E						5.0	6.5-9.0	200	9
Rio Grande Below Falcon Reservoir	CP	F	PS		270	350	880	5.0	6.5-9.0	200	90
International Falcon Reservoir	CR	H	PS		140	300	700	5.0	6.5-9.0	200	9
Rio Grande Below Amistad Reservoir	CF	F	PS		200	300	1,000	5.0	6.5-9.0	200	9
International Amistad Reservoir	CP	H	PS		150	270	800	5.0	6.5-9.0	200	8
Rio Grande Above Amistad Reservoir	CR	H	PS		300	570	1,550	5.0	6.5-9.0	200	9
Rio Grande Below Riverside Diversion Dam	CR	H	PS		1,100	950	3,400	5.0*	6.5-9.0	200	9
Rio Grande Below International Dam	NCR	L			420	520	1,400	3.0	6.5-9.0	2,000	9
Devils River	CR	F	PS		30	20	300	6.0	6.5-9.0	200	90
Lower Pecos River	CR	H	PS		1,000	500	3,000	5.0	6.5-9.0	200	9
Upper Pecos River	CR	H			7,000	3,500	15,000	5.0	6.5-9.0	200	9
Red Bluff Reservoir	CR	H			6,000	3,500	15,000	5.0	6.5-9.0	200	90
San Felipe Creek	CR	H	PS		25	30	500	5.0	6.5-9.0	200	90
Rio Grande Above International Dam	CR	H	PS		340	600	1,800	5.0	6.5-9.0	200	9

Dissolved oxygen criterion in the upper reach of Segment 2307 (Riverside Diversion Dam to the end of the rectified channel below Fort Quaker) shall be 3.0 mg/L when headwater flow over the Riverside Diversion Dam is less than 35 ft³/s.

EFFECTS AND ESTUARIES	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
ELEMENT NAME											
Aluminum	CF	H/O						5.0	6.5-9.0	14	95
Ammonia	CF	H/O						4.0	6.5-9.0	14	95
Barium	CF	H/O						4.0	6.5-9.0	14	95
Boron	CF	H/O						4.0	6.5-9.0	14	95
Bromine	CF	H/O						4.0	6.5-9.0	14	95
Calcium	CF	H						4.0	6.5-9.0	200	95
Chloride	CF	H						4.0	6.5-9.0	200	95
Copper	CF	H						4.0	6.5-9.0	200	95
Fluoride	CF	H						4.0	6.5-9.0	200	95
Iron	CF	H						4.0	6.5-9.0	200	95
Lead	CF	H						4.0	6.5-9.0	200	95
Magnesium	CF	H						4.0	6.5-9.0	200	95
Manganese	CF	H/O						4.0	6.5-9.0	14	95
Nickel	CF	H/O						4.0	6.5-9.0	14	95
Phosphorus	CF	H/O						4.0	6.5-9.0	14	95
Potassium	CF	H						4.0	6.5-9.0	200	95
Selenium	CF	H						4.0	6.5-9.0	2,000	95
Silver	CF	H						4.0	6.5-9.0	2,000	95

BAYS AND ESTUARIES	USES				CRITERIA						
	RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed	TEMPERATURE (°F) Not to exceed
SEGMENT NAME											
Lower Galveston Bay	CR	H/O						4.0	6.5-9.0	14	95
East Matagorda Bay	CR	E/O						5.0	6.5-9.0	14	95
Cedar Lakes	CR	H/O						4.0	6.5-9.0	14	95
Matagorda Bay/Powderhorn Lake	CR	E/O						5.0	6.5-9.0	14	95
Tres Palacios Bay/Turtle Bay	CR	E/O						5.0	6.5-9.0	14	95
Lavaca Bay/Chocolate Bay	CR	E/O						5.0	6.5-9.0	14	95
Cox Bay	CR	E/O						5.0	6.5-9.0	14	95
Keller Bay	CR	E/O						5.0	6.5-9.0	14	95
Carancahua Bay	CR	E/O						5.0	6.5-9.0	14	95
Espiritu Santo Bay	CR	E/O						5.0	6.5-9.0	14	95
San Antonio Bay/Hynes Bay/Guadalupe Bay	CR	E/O						5.0	6.5-9.0	14	95
Mesquite Bay/Carlos Bay/Ayres Bay	CR	E/O						5.0	6.5-9.0	14	95
Aransas Bay	CR	E/O						5.0	6.5-9.0	14	95
Copano Bay/Port Bay/Mission Bay	CR	E/O						5.0	6.5-9.0	14	95
St. Charles Bay	CR	E/O						5.0	6.5-9.0	14	95
Corpus Christi Bay	CR	E/O						5.0	6.5-9.0	14	95
Nueces Bay	CR	E/O						5.0	6.5-9.0	14	95
Redfish Bay	CR	E/O						5.0	6.5-9.0	14	95
Corpus Christi Inner Harbor	NCR	I						3.0	6.5-9.0	2,000	95
Oso Bay	CR	E/O						5.0	6.5-9.0	14	95

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA					
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed
BAYS AND ESTUARIES											
2491	Laguna Madre	CR	E/O					5.0	6.5-9.0	14	95
2492	Raffin Bay/Alazan Bay/Cayo del Grullo/Laguna Salada	CR	H/O					4.0	6.5-9.0	14	95
2493	South Bay	CR	E/O					5.0	6.5-9.0	14	95
2494	Brownsville Ship Channel	NCR	F					5.0	6.5-9.0	2,000	95

SEGMENT NUMBER	SEGMENT NAME	USES				CRITERIA					
		RECREATION	AQUATIC LIFE	DOMESTIC WATER SUPPLY	OTHER	CHLORIDE (mg/L) Annual average not to exceed	SULFATE (mg/L) Annual average not to exceed	TOTAL DISSOLVED SOLIDS (mg/L) Annual average not to exceed	DISSOLVED OXYGEN (mg/L)	pH RANGE	FECAL COLIFORM (#/100 mL) Thirty-day geometric mean not to exceed
GULF OF MEXICO											
2501	Gulf of Mexico	CR	E/O					5.0	6.5-9.0	14	95

APPENDIX B. LOW FLOW CRITERIA.

The flow value listed for each Texas Water Commission Stream Monitoring Network (SMN) Station represents the statistically calculated seven-day two-year low flow (7Q2). The 7Q2 is the lowest average flow for seven consecutive days with a recurrence interval of two years. The calculated values are based on USGS period of record streamflow data for established gaging stations. Where USGS stream gaging stations are not present, low flow values have been estimated by using data from nearby stations with similar hydrologic characteristics or from the best information available.

- * New Segments
- + Changes

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
0101	0101.0100	0.2
	0101.0200	0.1
	0101.0300	0.1
	0101.0400	0.1
0103	0103.0100	2.3
	0103.0200	0.1
0104	0104.0100	0.3
0201	0201.0100	1803.9
	0201.0200	1460.4
0202	0202.0100	1300.3
	0202.0200	1066.4
	0202.0400	200.0
0204	0204.0100	211.7
	0204.0200	148.2
0205	0205.0100	58.5
0206	0206.0100	0.8
0207	0207.0100	0.4
	0207.0130	0.4
	0207.0300	0.1
0211	0211.0100	0.1
0214	0214.0100	48.0
	0214.0200	17.7
0216	0216.0100	2.5
0218	0218.0100	0.1
	0218.0210	4.4
	0218.0250	5.2
	0218.0300	0.1
0220	0220.0050	0.1
	0220.0100	0.1
	0220.0200	0.1
	0220.0300	0.2
0221	0221.0100	2.7
0222	0222.0100	2.7
0224	0224.0100	0.1
	0224.0200	0.1

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
0225	0225.0100	0.1
0226	0226.0300	0.1
0227	0227.0200	0.1
0301	0301.0100	6.9
0303	0303.0100	1.1
	0303.0200	0.7
	0303.0500	0.1
0304	0304.0100	0.1
* 0306	0306.0580	1.0
0402	0402.0100	29.0
0404	0404.0100	3.8
0406	0406.0100	0.1
0407	0407.0100	0.1
* 0409	0409.0300	0.4
	0909.0310	0.1
0503	0503.0050	839.9
	0503.0100	839.9
	0503.0200	502.6
	0503.0300	206.1
	0503.0400	179.4
0505	0505.0100	96.5
	0505.0160	85.3
	0505.0200	74.0
	0505.0300	64.4
	0505.0400	56.0
	0505.0500	48.7
0506	0506.0100	37.6
	0506.0180	3.5
	0506.0200	2.4
	0506.0400	0.5
* 0513	0513.0605	25.3
* 0514	0514.1350	15.3

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
* 0515	0515.0100	0.4
+ 0602	0602.0100	995.4
	0602.0200	164.1
0604	0604.0100	85.3
	0604.0200	65.4
	0604.0300	50.7
	0604.0500	51.6
	0604.0520	47.6
	0604.0600	44.7
0606	0606.0200	16.0
0607	0607.0100	100.0
	0607.0300	2.3
0608	0608.0100	80.0
	0608.0200	61.9
0609	0609.0100	50.0
0611	0611.0100	45.3
	0611.0200	36.4
0612	0612.0100	24.0
0701	0701.0100	38.4
0802	0802.0100	781.4
	0802.0180	703.5
	0802.0200	480.0
0804	0804.0300	586.1
	0804.0400	448.6
	0804.0500	430.6
	0804.0600	408.7
0805	0805.0100	405.4
	0805.0200	395.2
	0805.0300	387.0
	0805.0400	171.6
	0805.0500	89.7
	0805.0600	31.4
	0805.0700	6.6
0806	0806.0120	4.2
0808	0808.0100	0.5
0810	0810.0100	4.3

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
0812	0812.0100	0.1
+ 0814	0814.0400	0.1
0819	0819.0100	26.6
0822	0822.0100	42.0
	0822.0200	25.0
+ 0824	0824.2700	0.1
0825	0825.0100	9.5
0829	0829.0100	0.6
0831	0831.0100	0.1
0833	0833.0100	0.1
+ 0835	0835.0150	0.1
* 0837	0837.3630	0.1
* 0839	0839.0100	9.6
0902	0902.0100	0.3
1003	1003.0100	11.6
1004	1004.0100	20.0
1008	1008.0025	9.8
	1008.0100	5.8
	1008.0750	7.2
1009	1009.0050	2.1
	1009.0100	1.6
	1009.0200	0.1
	1009.0300	0.1
	1009.0500	0.1
1010	1010.0100	12.6
1011	1011.0050	7.2
	1011.0100	6.9
1014	1014.2825	20.3
	1014.2850	37.3
	1014.2900	7.9
* 1015	1015.5150	7.5

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
1102	1102.0050	1.8
	1102.0100	1.2
	1102.0200	0.7
	1102.0300	0.4
1104	1104.0100	1.5
1108	1108.0100	1.4
1110	1110.0100	29.1
1202	1202.0100	744.3
	1202.0133	714.3
1204	1204.0100	15.7
1206	1206.0050	32.0
	1206.0100	26.2
	1206.0300	23.3
1208	1208.0100	5.2
	1208.0130	4.6
	1208.0150	0.1
	1208.0200	0.1
	1208.0300	0.1
1209	1209.0100	2.1
	1209.0200	1.7
	1209.0250	1.0
	1209.0300	0.1
1211	1211.0100	0.1
	1211.0200	0.1
1213	1213.0100	75.1
	1213.0200	57.0
1214	1214.0050	28.1
	1214.0100	12.9
	1214.0200	0.3
	1214.0300	0.1
1215	1215.0100	4.3
1217	1217.0100	30.3
	1217.0200	11.4
1218	1218.0050	14.1
	1218.0100	7.5
	1218.0200	2.1

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
1219	1219.0075	2.5
	1219.0100	1.5
	1219.0200	0.5
1221	1221.0100	2.0
	1221.0300	0.6
1223	1223.0100	0.1
1226	1226.0100	4.8
	1226.0150	2.0
	1226.0300	1.1
	1226.0400	0.1
	1226.0500	0.1
1227	1227.0050	1.2
	1227.0100	0.1
1229	1229.0100	0.8
1232	1232.0100	0.1
	1232.0150	0.1
	1232.0200	0.1
	1232.0300	0.1
	1232.0400	0.2
	1232.0450	0.1
	1232.0600	0.1
1238	1238.0200	0.1
	1238.0300	0.1
	1238.0400	0.1
1239	1239.0100	0.1
1241	1241.0100	0.1
1242	1242.0125	408.3
	1242.0150	528.4
	1242.0200	430.6
	1242.0300	182.3
	1242.0400	162.5
	1242.0500	157.2
	1242.0600	152.7
	1242.0700	112.0
	1242.0800	37.7
1243	1243.0100	25.0
1244	1244.0100	5.1
	1244.0200	3.4

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
1245	1245.0100	29.1
1246	1246.0380	0.1
	1246.0500	0.1
1248	1248.0100	12.9
1250	1250.0200	0.3
1251	1251.0300	0.1
1253	1253.0300	0.1
1302	1302.0100	12.4
1305	1305.0075	10.0
1402	1402.0100	391.4
	1402.0200	290.7
	1402.0300	265.9
	1402.0400	232.7
	1402.0500	184.3
	1402.0700	58.4
1409	1409.0100	38.4
1410	1410.0100	6.8
	1410.0120	5.6
	1410.0125	3.2
	1410.0150	0.2
	1410.0300	0.1
1412	1412.0100	0.1
	1412.0125	0.1
	1412.0150	0.1
	1412.0175	0.1
	1412.0200	0.1
	1412.0300	0.1
1414	1414.0100	3.9
	1414.0200	0.5
1415	1415.0100	30.7
	1415.0200	39.9
	1415.0300	64.9
1416	1416.0100	25.9
	1416.0200	1.6
	1416.0300	0.8
1417	1417.0050	0.4

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
1420	1420.0100	0.1
1421	1421.0100	0.1
	1421.0175	1.3
	1421.0400	0.1
	1421.0500	0.1
1424	1424.0100	9.1
	1424.0200	0.1
1426	1426.0100	0.3
	1426.0200	0.2
	1426.0400	0.1
1427	1427.0075	0.6
	1427.0100	0.3
1428	1428.0500	184.3
	1428.0600	139.3
	1428.0700	58.4
1430	1430.2020	0.1
	1430.2030	0.1
1431	1431.0100	0.4
1432	1432.0200	0.4
1502	1502.0100	50.0
	1502.0200	5.6
1602	1602.0100	21.6
	1602.0200	1.2
1603	1603.0100	19.0
1605	1605.0150	4.3
	1605.0200	4.3
1803	1803.0050	662.0
	1803.0100	651.4
	1803.0110	632.1
	1803.0150	586.9
	1803.0200	542.7
1804	1804.0100	385.1
1806	1806.0100	66.9
	1806.0200	48.3
	1806.0300	25.2

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
1807	1807.0100	4.2
	1807.0200	2.9
* 1808	1808.0100	144.3
1809	1809.0100	13.4
1810	1810.0060	2.0
	1810.0100	1.6
	1810.0200	0.1
1811	1811.0100	246.6
1812	1812.0100	97.3
	1812.0200	51.0
1813	1813.0200	32.0
* 1814	1814.0300	120.8
* 1815	1815.0100	5.0
* 1816	1816.0600	5.5
* 1817	1817.1525	15.2
* 1818	1818.1625	10.0
1901	1901.0100	180.3
1902	1902.0100	11.7
1903	1903.0100	54.6
	1903.0200	44.2
1905	1905.0100	24.7
	1905.0200	2.1
1906	1906.0100	10.0
	1906.0300	10.0
1907	1907.0100	0.1
	1907.0300	0.1
1908	1908.0100	0.7
1909	1909.0100	17.9
1910	1910.0100	8.9
	1910.0162	0.1
	1910.0170	0.1

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
1911	1911.0200	143.6
	1911.0300	152.7
	1911.0650	10.5
1912	1912.0600	10.5
1913	1913.0220	0.1
	1913.0250	0.1
	1913.0260	0.1
	1913.0270	0.1
	1913.0300	0.1
2002	2002.0100	4.9
2004	2004.0100	5.0
	2004.0200	1.0
2102	2102.0100	48.4
	2102.0400	73.4
2104	2104.0200	0.1
	2104.0300	0.1
2105	2105.0050	0.1
	2105.0100	0.1
2106	2106.0025	0.1
	2106.5050	2.4
	2106.5100	0.3
2107	2107.0100	1.0
	2107.0200	0.1
2108	2108.0100	0.1
2109	2109.0100	0.1
	2109.0200	0.1
2110	2110.0100	0.5
2111	2111.0100	6.8
2112	2112.0100	18.3
	2112.0200	6.3
	2112.0300	38.9
2113	2113.0100	38.7
2114	2114.0100	2.2

SEGMENT	SMN STATION	LOW FLOW (ft ³ /s)
2115	2115.0100	0.1
2117	2117.0100	3.6
	2117.0150	0.1
2202	2202.0400	0.1
* 2204	2204.0300	0.4
2301	2301.0200	60.7
2302	2302.0100	
	2302.0150	
	2302.0200	
	2302.0210	337.9
	2302.0250	
	2302.0300	
2304	2304.0050	---
	2304.0075	---
	2304.0097	804.6
	2304.0100	---
	2304.0150	---
	2304.0200	---
	2304.0250	---
	2304.0300	---
2306	2306.0100	368.1
	2306.0130	257.7
	2306.0160	141.7
	2306.0250	97.8
	2306.0300	52.8
2307	2307.0050	0.1
2308	2308.0050	34.6
2309	2309.0100	116.0
2310	2310.0100	58.0
2311	2311.0100	39.3
	2311.0200	5.7
	2311.0300	4.8
2313	2313.0350	0.1
+ 2314	2314.0100	34.6

APPENDIX C. SEGMENT DESCRIPTIONS.

The following descriptions define the geographic extent of the state's classified segments. Boundaries of bay and estuary segments have not been precisely defined; however, the approximate boundaries are illustrated in the commission publication, Segment Identification Maps for Texas River and Coastal Basins.

SEGMENT	DESCRIPTION
0101	<u>Canadian River Below Lake Meredith</u> - from the Oklahoma State Line in Hemphill County to Sanford Dam in Hutchinson County
0102	<u>Lake Meredith</u> - from Sanford Dam in Hutchinson County to a point immediately upstream of the confluence of Camp Creek in Potter County, up to the normal pool elevation of 2936.5 feet (impounds Canadian River)
0103	<u>Canadian River Above Lake Meredith</u> - from a point immediately upstream of the confluence of Camp Creek in Potter County to the New Mexico State Line in Oldham County
0104	<u>Wolf Creek</u> - from the Oklahoma State Line in Lipscomb County to a point 2.0 kilometers (1.2 miles) upstream of FM 3045 in Ochiltree County
0105	<u>Rita Blanca Lake</u> - from Rita Blanca Dam in Hartley County up to the normal pool elevation of 3860 feet (impounds Rita Blanca Creek)
0201	<u>Lower Red River</u> - from the Arkansas State Line in Bowie County to the Arkansas-Oklahoma State Line in Bowie County
0202	<u>Red River Below Lake Texoma</u> - from the Arkansas-Oklahoma State Line in Bowie County to Denison Dam in Grayson County
0203	<u>Lake Texoma</u> - from Denison Dam in Grayson County to a point immediately upstream of the confluence of Sycamore Creek in Cooke County, up to the normal pool elevation of 617 feet (impounds Red River)
0204	<u>Red River Above Lake Texoma</u> - from a point immediately upstream of the confluence of Sycamore Creek in Cooke County to the confluence of the Wichita River in Clay County
0205	<u>Red River Below Pease River</u> - from the confluence of the Wichita River in Clay County to the confluence of the Pease River in Wilbarger County
0206	<u>Red River Above Pease River</u> - from the confluence of the Pease River in Wilbarger County to a point immediately upstream of the confluence of Buck Creek in Hardeman County
0207	<u>Prairie Dog Town Fork Red River</u> - from a point immediately upstream of the confluence of Buck Creek in Hardeman County to the confluence of Palo Duro Creek and Tierra Blanca Creek in Randall County
0208	<u>Lake Crook</u> - from Lake Crook Dam in Lamar County up to the normal pool elevation of 476 feet (impounds Pine Creek)

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

SEGMENT	DESCRIPTION
0221	<u>Middle Fork Pease River</u> - from the confluence with the North Fork Pease River in Cottle County to the confluence of Boggy Creek and Mott Creek in Motley County
0222	<u>Salt Fork Red River</u> - from the Oklahoma State Line in Collingsworth County to Greenbelt Dam in Donley County
0223	<u>Greenbelt Lake</u> - from Greenbelt Dam in Donley County up to the normal pool elevation of 2664 feet (impounds Salt Fork Red River)
0224	<u>North Fork Red River</u> - from the Oklahoma State Line in Wheeler County to a point 4.0 kilometers (2.5 miles) upstream of FM 2300 in Gray County
0225	<u>McKinney Bayou</u> - from the Arkansas State Line in Bowie County to FM 1397 in Bowie County
0226	<u>South Fork Wichita River</u> - from the confluence with the North Fork Wichita River in Knox County to a point 15.0 kilometers (9.3 miles) upstream of US 82 in Dickens County
0227	<u>South Fork Pease River</u> - from the confluence with the Middle Fork Pease River in Cottle County to the confluence of Wolf Creek and Rustler Creek in Motley County
0228	<u>Mackenzie Reservoir</u> - from Mackenzie Dam in Briscoe County up to the normal pool elevation of 3100 feet (impounds Tule Creek)
0301	<u>Sulphur River Below Wright Patman Lake</u> - from the Arkansas State Line in Bowie/Cass County to Wright Patman Lake Dam in Bowie/Cass County
0302	<u>Wright Patman Lake</u> - from Wright Patman Lake Dam in Bowie/Cass County to a point 1.5 kilometers (0.9 mile) downstream of Bassett Creek in Bowie/Cass County, up to the normal pool elevation of 220.5 feet (impounds the Sulphur River)
0303	<u>Sulphur/South Sulphur River</u> - from a point 1.5 kilometers (0.9 miles) downstream of Bassett Creek in Bowie/Cass County to a point 4.0 kilometers (2.5 miles) upstream of the confluence of Big Creek in Delta County
0304	<u>Days Creek</u> - from the Arkansas State Line in Bowie County to the confluence of Swampoodle Creek and Nix Creek in Bowie County
0305	<u>North Sulphur River</u> - from the confluence with the South Sulphur River in Lamar County to a point 6.7 kilometers (4.2 miles) upstream of FM 68 in Fannin County

SEGMENT	DESCRIPTION
0306	<u>Upper South Sulphur River</u> - from a point 4.0 kilometers (2.5 miles) upstream of the confluence of Big Creek in Delta County to SH 78 in Fannin County
0401	<u>Caddo Lake</u> - from the Louisiana State Line in Harrison/Marion County to a point 12.3 kilometers (7.6 miles) downstream of SH 43 in Harrison/Marion County, up to the normal pool elevation of 168.5 feet (impounds Big Cypress Creek)
0402	<u>Big Cypress Creek Below Lake O' the Pines</u> - from a point 12.3 kilometers (7.6 miles) downstream of SH 43 in Harrison/Marion County to Ferrell's Bridge Dam in Marion County
0403	<u>Lake O' the Pines</u> - from Ferrell's Bridge Dam in Marion County to a point 1.0 kilometer (0.6 mile) downstream of US 259 in Morris/Upshur County, up to the normal pool elevation of 228.5 feet (impounds Big Cypress Creek)
0404	<u>Big Cypress Creek Below Lake Bob Sandlin</u> - from a point 1.0 kilometer (0.6 mile) downstream of US 259 in Morris/Upshur County to Fort Sherman Dam in Camp/Titus County
0405	<u>Lake Cypress Springs</u> - from Franklin County Dam in Franklin County up to the normal pool elevation of 378 feet (impounds Big Cypress Creek)
0406	<u>Black Bayou</u> - from the Louisiana State Line in Cass County to FM 96 in Cass County
0407	<u>James' Bayou</u> - from the Louisiana State Line in Marion County to Club Lake Road northwest of Linden in Cass County
0408	<u>Lake Bob Sandlin</u> - from Fort Sherman Dam in Camp/Titus County to Franklin County Dam in Franklin County, up to the normal pool elevation of 337.5 feet (impounds Big Cypress Creek)
0409	<u>Little Cypress Bayou (Creek)</u> - from the confluence with Big Cypress Creek in Harrison County to a point 1.0 kilometer (0.6 mile) upstream of FM 2088 in Wood County
0501	<u>Sabine River Tidal</u> - from the confluence with Sabine Lake in Orange County to Morgan Bluff in Orange County
0503	<u>Sabine River Below Toledo Bend Reservoir</u> - from Morgan Bluff in Orange County to Toledo Bend Dam in Newton County
0504	<u>Toledo Bend Reservoir</u> - from Toledo Bend Dam in Newton County to a point immediately upstream of the confluence of Murvaul Creek in Panola County, up to the normal pool elevation of 172 feet (impounds Sabine River)

SEGMENT	DESCRIPTION
0505	<u>Sabine River Above Toledo Bend Reservoir</u> - from a point immediately upstream of the confluence of Murvaul Creek in Panola County to a point 100 meters (110 yards) downstream of US 271 in Gregg County
0506	<u>Sabine River Below Lake Tawakoni</u> - from a point 100 meters (110 yards) downstream of US 271 in Gregg County to Iron Bridge Dam in Rains County
0507	<u>Lake Tawakoni</u> - from Iron Bridge Dam in Rains County up to the normal pool elevation of 437.5 feet (impounds Sabine River)
0508	<u>Adams Bayou Tidal</u> - from the confluence with the Sabine River in Orange County to a point 1.1 kilometers (0.7 mile) upstream of IH 10 in Orange County
0509	<u>Murvaul Lake</u> - from Murvaul Dam in Panola County up to the normal pool elevation of 265.3 feet (impounds Murvaul Bayou)
0510	<u>Lake Cherokee</u> - from Cherokee Dam in Gregg/Rusk County up to the normal pool elevation of 280 feet (impounds Cherokee Bayou)
0511	<u>Cow Bayou Tidal</u> - from the confluence with the Sabine River in Orange County to IH 10 in Orange County
0512	<u>Lake Fork Reservoir</u> - from Lake Fork Dam in Wood County up to the normal pool elevation of 403 feet (impounds Lake Fork Creek)
0513	<u>Big Cow Creek</u> - from the confluence with the Sabine River in Newton County to a point 4.6 kilometers (2.9 miles) upstream of R 255 in Newton County
0514	<u>Big Sandy Creek</u> - from the confluence with the Sabine River in Upshur County to a point 2.6 kilometers (1.6 miles) upstream of SH 11 in Hopkins County
0515	<u>Lake Fork Creek</u> - from the confluence with the Sabine River in Wood County to Lake Fork Dam in Wood County
0601	<u>Neches River Tidal</u> - from the confluence with Sabine Lake in Orange County to a point 11.3 kilometers (7.0 miles) upstream of IH 10 in Orange County
0602	<u>Neches River Below B. A. Steinhagen Lake</u> - from a point 11.3 kilometers (7.0 miles) upstream of IH 10 in Orange County to Town Bluff Dam in Jasper/Tyler County

SEGMENT	DESCRIPTION
0603	<u>B. A. Steinhagen Lake</u> - from Town Bluff Dam in Jasper/Tyler County to a point immediately upstream of the confluence of Hopson Mill Creek on the Neches River Arm in Jasper/Tyler County and to a point immediately upstream of the confluence of Indian Creek on the Angelina River Arm in Jasper County, up to the normal pool elevation of 83 feet (impounds Neches River)
0604	<u>Neches River Below Lake Palestine</u> - from a point immediately upstream of the confluence of Hopson Mill Creek in Jasper/Tyler County to Blackburn Crossing Dam in Anderson/Cherokee County
0605	<u>Lake Palestine</u> - from Blackburn Crossing Dam in Anderson/Cherokee County to a point 6.7 kilometers (4.2 miles) downstream of FM 279 in Henderson/Smith County, up to the normal pool elevation of 345 feet (impounds Neches River)
0606	<u>Neches River Above Lake Palestine</u> - from a point 6.7 kilometers (4.2 miles) downstream of FM 279 in Henderson/Smith County to Rhines Lake Dam in Van Zandt County
0607	<u>Pine Island Bayou</u> - from the confluence with the Neches River in Hardin/Jefferson County to FM 787 in Hardin County
0608	<u>Village Creek</u> - from the confluence with the Neches River in Hardin County to Lake Kimble Dam in Hardin County
0609	<u>Angelina River Below Sam Rayburn Reservoir</u> - from a point immediately upstream of the confluence of Indian Creek in Jasper County to Sam Rayburn Dam in Jasper County
0610	<u>Sam Rayburn Reservoir</u> - from Sam Rayburn Dam in Jasper County to the aqueduct crossing 1.0 kilometer (0.6 mile) upstream of the confluence of Paper Mill Creek on the Angelina River Arm in Angelina/Nacogdoches County and to a point 3.9 kilometers (2.4 miles) downstream of Curry Creek on the Attoyac Bayou Arm in Nacogdoches/San Augustine County, up to the normal pool elevation of 164 feet (impounds Angelina River)
0611	<u>Angelina River Above Sam Rayburn Reservoir</u> - from the aqueduct crossing 1.0 kilometer (0.6 mile) upstream of the confluence of Paper Mill Creek in Angelina/Nacogdoches County to the confluence of Barnhardt Creek and Mill Creek at FM 225 in Rusk County
0612	<u>Attoyac Bayou</u> - from a point 3.9 kilometers (2.4 miles) downstream of Curry Creek in Nacogdoches/San Augustine County to FM 95 in Rusk County

SEGMENT

DESCRIPTION

- 0613 Lake Tyler/Lake Tyler East - from Whitehouse Dam and Mud Creek Dam in Smith County up to the normal pool elevation of 375.38 feet (impounds Prairie Creek and Mud Creek)
- 0614 Lake Jacksonville - from Buckner Dam in Cherokee County up to the normal pool elevation of 422 feet (impounds Gum Creek)
- 0701 Taylor Bayou Above Tidal - from the salt water lock 2.7 kilometers (1.7 miles) upstream of SH 87 in Jefferson County to the Lower Neches Valley Authority Canal in Jefferson County
- 0702 Intracoastal Waterway - from the confluence with Galveston Bay at Port Bolivar in Galveston County to the confluence with the Sabine-Neches/Port Arthur Canal in Jefferson County
- 0703 Sabine-Neches Canal - from the confluence with Sabine Pass at the southern tip of Pleasure Island in Jefferson County to the Sabine Lake seawall at the northern tip of Pleasure Island in Jefferson County
- 0801 Trinity River Tidal - from the confluence with Anahuac Channel in Chambers County to a point 3.1 kilometers (1.9 miles) downstream of US 90 in Liberty County
- 0802 Trinity River Below Lake Livingston - from a point 3.1 kilometers (1.9 miles) downstream of US 90 in Chambers County to Livingston Dam in Polk/San Jacinto County
- 0803 Lake Livingston - from Livingston Dam in Polk/San Jacinto County to a point 1.8 kilometers (1.1 miles) upstream of Boggy Creek in Houston/Leon County, up to the normal pool elevation of 131 feet (impounds Trinity River)
- 0804 Trinity River Above Lake Livingston - from a point 1.8 kilometers (1.1 miles) upstream of Boggy Creek in Houston/Leon County to a point 100 meters (109 yards) upstream of SH 31 in Henderson/Navarro County
- 0805 Upper Trinity River/Lower West Fork Trinity River - from a point 100 meters (110 yards) upstream of SH 31 in Henderson/Navarro County to a point 100 meters (110 yards) upstream of Beach Street at Fort Worth in Tarrant County
- 0806 West Fork Trinity River Below Lake Worth - from a point 100 meters (110 yards) upstream of Beach Street at Fort Worth in Tarrant County to Lake Worth Dam in Tarrant County
- 0807 Lake Worth - from Lake Worth Dam in Tarrant County to a point 4.0 kilometers (2.5 miles) downstream of Eagle Mountain Dam in Tarrant County, up to the normal pool elevation of 594.3 feet (impounds West Fork Trinity River)

SEGMENT	DESCRIPTION
0808	<u>West Fork Trinity River Below Eagle Mountain Reservoir</u> - from a point 4.0 kilometers (2.5 miles) downstream of Eagle Mountain Dam in Tarrant County to Eagle Mountain Dam in Tarrant County
0809	<u>Eagle Mountain Reservoir</u> - from Eagle Mountain Dam in Tarrant County to a point 0.6 kilometer (0.4 mile) downstream of the confluence of Oates Branch in Wise County up to the normal pool elevation of 649.1 feet (impounds West Fork Trinity River)
0810	<u>West Fork Trinity River Below Bridgeport Reservoir</u> - from a point 0.6 kilometer (0.4 mile) downstream of the confluence of Oates Branch in Wise County to Bridgeport Dam in Wise County
0811	<u>Bridgeport Reservoir</u> - from Bridgeport Dam in Wise County to a point immediately upstream of the confluence of Bear Hollow in Jack County, up to the normal pool elevation of 836 feet (impounds West Fork Trinity River)
0812	<u>West Fork Trinity River Above Bridgeport Reservoir</u> - from a point immediately upstream of the confluence of Bear Hollow in Jack County to SH 79 in Archer County
0813	<u>Houston County Lake</u> - from Houston County Dam in Houston County up to the normal pool elevation of 260 feet (impounds Little Elkhart Creek)
0814	<u>Chambers Creek Above Richland-Chambers Reservoir</u> - from a point 4.0 kilometers (2.5 miles) downstream of Tupelo Branch in Navarro County to the confluence of North Fork Chambers Creek and South Fork Chambers Creek
0815	<u>Bardwell Reservoir</u> - from Bardwell Dam in Ellis County up to the normal pool elevation of 421 feet (impounds Waxahachie Creek)
0816	<u>Lake Waxahachie</u> - from South Prong Dam in Ellis County up to the normal pool elevation of 531.5 feet (impounds South Prong Creek)
0817	<u>Navarro Mills Lake</u> - from Navarro Mills Dam in Navarro County up to the normal pool elevation of 424.5 feet (impounds Richland Creek)
0818	<u>Cedar Creek Reservoir</u> - from Joe B. Hoggsett Dam in Henderson County up to the normal pool elevation of 322 feet (impounds Cedar Creek)
0819	<u>East Fork Trinity River</u> - from the confluence with the Trinity River in Kaufman County to Rockwall-Forney Dam in Kaufman County

SEGMENT	DESCRIPTION
0820	<u>Lake Ray Hubbard</u> - from Rockwall-Forney Dam in Kaufman County to Lavon Dam in Collin County, up to the normal pool elevation of 435.5 feet (impounds East Fork Trinity River)
0821	<u>Lavon Lake</u> - from Lavon Dam in Collin County up to the normal pool elevation of 492 feet (impounds East Fork Trinity River)
0822	<u>Elm Fork Trinity River Below Lewisville Lake</u> - from the confluence with the West Fork Trinity River in Dallas County to Lewisville Dam in Denton County
0823	<u>Lewisville Lake</u> - from Lewisville Dam in Denton County to a point 100 meters (110 yards) upstream of US 380 in Denton County, up to the normal pool elevation of 515 feet (impounds Elm Fork Trinity River)
0824	<u>Elm Fork Trinity River Above Ray Roberts Lake</u> - from a point 9.5 kilometers (5.9 miles) downstream of the confluence of Pecan Creek in Cooke County to US 82 in Montague County
0825	<u>Denton Creek</u> - from the confluence with the Elm Fork Trinity River in Dallas County to Grapevine Dam in Tarrant County
0826	<u>Grapevine Lake</u> - from Grapevine Dam in Tarrant County up to the normal pool elevation of 535 feet (impounds Denton Creek)
0827	<u>White Rock Lake</u> - from White Rock Dam in Dallas County up to the normal pool elevation of 458 feet (impounds White Rock Creek)
0828	<u>Lake Arlington</u> - from Arlington Dam in Tarrant County up to the normal pool elevation of 550 feet (impounds Village Creek)
0829	<u>Clear Fork Trinity River Below Benbrook Lake</u> - from the confluence with the West Fork Trinity River in Tarrant County to Benbrook Dam in Tarrant County
0830	<u>Benbrook Lake</u> - from Benbrook Dam in Tarrant County to a point 200 meters (220 yards) downstream of US 337 in Tarrant County, up to the normal pool elevation of 694 feet (impounds Clear Fork Trinity River)
0831	<u>Clear Fork Trinity River Below Lake Weatherford</u> - from a point 200 meters (220 yards) downstream of US 337 in Tarrant County to Weatherford Dam in Parker County
0832	<u>Lake Weatherford</u> - from Weatherford Dam in Parker County to a point 3.1 kilometers (1.9 miles) upstream of FM 1707 in Parker County, up to the normal pool elevation of 896 feet (impounds Clear Fork Trinity River)

SEGMENT	DESCRIPTION
0833	<u>Clear Fork Trinity River Above Lake Weatherford</u> - from a point 3.1 kilometers (1.9 miles) upstream of FM 1707 in Parker County to FM 3107 in Parker County
0834	<u>Lake Amon G. Carter</u> - from Amon G. Carter Dam in Montague County up to the normal pool elevation of 920 feet (impounds Big Sandy Creek)
0835	<u>Richland Creek Below Richland-Chambers Reservoir</u> - from the confluence with the Trinity River in Freestone County to Richland-Chambers Dam in Freestone County
0836	<u>Richland-Chambers Reservoir</u> - from Richland-Chambers Dam in Freestone County to the confluence of Pin Oak Creek on the Richland Creek Arm in Navarro County and to a point 4.0 kilometers (2.5 miles) downstream of Tupelo Branch on the Chambers Creek Arm in Navarro County, up to the normal pool elevation of 315 feet (impounds Richland and Chambers Creeks)
0837	<u>Richland Creek Above Richland-Chambers Reservoir</u> - from the confluence of Pin Oak Creek in Navarro County to Navarro Mills Dam in Navarro County
0838	<u>Joe Pool Lake</u> - from Joe Pool Dam in Dallas County up to the normal pool elevation of 522 feet (impounds Mountain Creek)
0839	<u>Elm Fork Trinity River Below Ray Roberts Lake</u> - from a point 100 meters (110 yards) upstream of US 380 in Denton County to Ray Roberts Dam in Denton County
0840	<u>Ray Roberts Lake</u> - from Ray Roberts Dam in Denton County to a point 9.5 kilometers (5.9 miles) downstream of the confluence of Pecan Creek in Cooke County, up to the normal pool elevation of 632.5 feet (impounds Elm Fork Trinity River)
0901	<u>Cedar Bayou Tidal</u> - from the confluence with Galveston Bay 1.0 kilometer (0.6 mile) downstream of Tri-City Beach Road in Chambers County to a point 2.2 kilometers (1.4 miles) upstream of IH 10 in Chambers/Harris County
0902	<u>Cedar Bayou Above Tidal</u> - from a point 2.2 kilometers (1.4 miles) upstream of IH 10 in Chambers/Harris County to a point 7.4 kilometers (4.6 miles) upstream of FM 1960 in Liberty County
1001	<u>San Jacinto River Tidal</u> - from a point 100 meters (110 yards) downstream of IH 10 in Harris County to Lake Houston Dam in Harris County

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

SEGMENT	DESCRIPTION
1014	<u>Buffalo Bayou Above Tidal</u> - from a point 100 meters (110 yards) downstream of Shepherd Drive in Harris County to SH 6 in Harris County
1015	<u>Lake Creek</u> - from the confluence with the West Fork San Jacinto River in Montgomery County to a point 4.0 kilometers (2.5 miles) upstream of SH 30 in Grimes County
1101	<u>Clear Creek Tidal</u> - from the confluence with Clear Lake in Galveston/Harris County to a point 100 meters (110 yards) upstream of FM 528 in Galveston/Harris County
1102	<u>Clear Creek Above Tidal</u> - from a point 100 meters (110 yards) upstream of FM 528 in Galveston/Harris County to Rouen Road in Fort Bend County
1103	<u>Dickinson Bayou Tidal</u> - from the confluence with Dickinson Bay 2.1 kilometers (1.3 miles) downstream of SH 146 in Galveston County to a point 4.0 kilometers (2.5 miles) downstream of FM 517 in Galveston County
1104	<u>Dickinson Bayou Above Tidal</u> - from a point 4.0 kilometers (2.5 miles) downstream of FM 517 in Galveston County to FM 528 in Galveston County
1105	<u>Bastrop Bayou Tidal</u> - from the confluence with Bastrop Bay 1.1 kilometers (0.7 mile) downstream of the Intracoastal Waterway in Brazoria County to Old Clute Road at Lake Jackson in Brazoria County
1107	<u>Chocolate Bayou Tidal</u> - from the confluence with Chocolate Bay 1.4 kilometers (0.9 mile) downstream of FM 2004 in Brazoria County to a point 4.2 kilometers (2.6 miles) downstream of SH 35 in Brazoria County
1108	<u>Chocolate Bayou Above Tidal</u> - from a point 4.2 kilometers (2.6 miles) downstream of SH 35 in Brazoria County to SH 6 in Brazoria County
1109	<u>Oyster Creek Tidal</u> - from the confluence with the Intracoastal Waterway in Brazoria County to a point 100 meters (110 yards) upstream of FM 2004 in Brazoria County
1110	<u>Oyster Creek Above Tidal</u> - from a point 100 meters (110 yards) upstream of FM 2004 in Brazoria County to the Brazos River Authority diversion dam 1.8 kilometers (1.1 miles) upstream of SH 6 in Fort Bend County
1111	<u>Old Brazos River Channel</u> - from the confluence with the Intracoastal Waterway in Brazoria County to SH 288 in Brazoria County

SEGMENT	DESCRIPTION
1113	<u>Armand Bayou Tidal</u> - from the confluence with Clear Lake in Harris County to a point 0.8 kilometer (0.5 mile) downstream of Genoa-Red Bluff Road in Pasadena in Harris County
1201	<u>Brazos River Tidal</u> - from the confluence with the Gulf of Mexico in Brazoria County to a point 100 meters (110 yards) upstream of SH 332 in Brazoria County
1202	<u>Brazos River Below Navasota River</u> - from a point 100 meters (110 yards) upstream of SH 332 in Brazoria County to the confluence of the Navasota River in Grimes County
1203	<u>Whitney Lake</u> - from Whitney Dam in Bosque/Hill County to a point immediately upstream of the confluence of Camp Creek on the Brazos River Arm in Bosque/Johnson County and to a point immediately upstream of the confluence of Rock Creek on the Nolan River Arm in Hill County, up to the normal pool elevation of 533 feet (impounds Brazos River)
1204	<u>Brazos River Below Lake Granbury</u> - from a point immediately upstream of the confluence of Camp Creek in Bosque/Johnson County to DeCordova Bend Dam in Hood County
1205	<u>Lake Granbury</u> - from DeCordova Bend Dam in Hood County to a point 100 meters (110 yards) upstream of FM 2580 in Parker County, up to the normal pool elevation of 693 feet (impounds Brazos River)
1206	<u>Brazos River Below Possum Kingdom Lake</u> - from a point 100 meters (110 yards) upstream of FM 2580 in Parker County to Morris Sheppard Dam in Palo Pinto County
1207	<u>Possum Kingdom Lake</u> - from Morris Sheppard Dam in Palo Pinto County to a point immediately upstream of the confluence of Cove Creek at Salem Bend in Young County, up to the normal pool elevation of 1000 feet (impounds Brazos River)
1208	<u>Brazos River Above Possum Kingdom Lake</u> - from a point immediately upstream of the confluence of Cove Creek at Salem Bend in Young County to the confluence of the Double Mountain Fork Brazos River and the Salt Fork Brazos River in Stonewall County
1209	<u>Navasota River Below Lake Limestone</u> - from the confluence with the Brazos River in Grimes County to Sterling C. Robertson Dam in Leon/Robertson County
1210	<u>Lake Mexia</u> - from Bistone Dam in Limestone County up to the normal pool elevation of 448.3 feet (impounds Navasota River)

SEGMENT	DESCRIPTION
1211	<u>Yegua Creek</u> - from the confluence with the Brazos River in Burleson/Washington County to Somerville Dam in Burleson/Washington County
1212	<u>Somerville Lake</u> - from Somerville Dam in Burleson/Washington County up to the normal pool elevation of 238 feet (impounds Yegua Creek)
1213	<u>Little River</u> - from the confluence with the Brazos River in Milam County to the confluence of the Leon River and the Lampasas River in Bell County
1214	<u>San Gabriel River</u> - from the confluence with the Little River in Milam County to Granger Lake Dam in Williamson County
1215	<u>Lampasas River Below Stillhouse Hollow Lake</u> - from the confluence with the Leon River in Bell County to Stillhouse Hollow Dam in Bell County
1216	<u>Stillhouse Hollow Lake</u> - from Stillhouse Hollow Dam in Bell County to a point immediately upstream of the confluence of Rock Creek in Bell County, up to the normal pool elevation of 622 feet (impounds Lampasas River)
1217	<u>Lampasas River Above Stillhouse Hollow Lake</u> - from a point immediately upstream of the confluence of Rock Creek in Bell County to FM 2005 in Hamilton County
1218	<u>Nolan Creek</u> - from the confluence with the Leon River in Bell County to a point 100 meters (110 yards) upstream of the most upstream crossing of US 190 near the intersection of US 190 and Loop 172 in Bell County
1219	<u>Leon River Below Belton Lake</u> - from the confluence with the Lampasas River in Bell County to Belton Dam in Bell County
1220	<u>Belton Lake</u> - from Belton Dam in Bell County to a point 100 meters (110 yards) upstream of FM 236 in Coryell County, up to the normal pool elevation of 594 feet (impounds Leon River)
1221	<u>Leon River Below Proctor Lake</u> - from a point 100 meters (110 yards) upstream of FM 236 in Coryell County to Proctor Dam in Comanche County
1222	<u>Proctor Lake</u> - from Proctor Dam in Comanche County to a point immediately upstream of the confluence of Mill Branch in Comanche County, up to the normal pool elevation of 1162 feet (impounds Leon River)

SEGMENT	DESCRIPTION
1223	<u>Leon River Below Leon Reservoir</u> - from a point immediately upstream of the confluence of Mill Branch in Comanche County to Leon Dam in Eastland County
1224	<u>Leon Reservoir</u> - from Leon Dam in Eastland County up to the normal pool elevation of 1375 feet (impounds Leon River)
1225	<u>Waco Lake</u> - from Waco Lake Dam in McLennan County to a point 100 meters (110 yards) upstream of FM 185 on the North Bosque River Arm in McLennan County and to the confluence of the Middle Bosque River on the South Bosque River Arm in McLennan County, up to the normal pool elevation of 455 feet (impounds the Bosque River)
1226	<u>North Bosque River</u> - from a point 100 meters (110 yards) upstream of FM 185 in McLennan County to the confluence of the North Fork North Bosque River and the South Fork North Bosque River in Erath County
1227	<u>Nolan River</u> - from a point immediately upstream of the confluence of Rock Creek in Hill County to Cleburne Dam in Johnson County
1228	<u>Lake Pat Cleburne</u> - from Cleburne Dam in Johnson County up to the normal pool elevation of 733.5 feet (impounds Nolan River)
1229	<u>Paluxy River</u> - from the confluence with the Brazos River in Somervell County to the confluence of Rough Creek in Erath County
1230	<u>Lake Palo Pinto</u> - from Palo Pinto Creek Dam in Palo Pinto County up to the normal pool elevation of 867 feet (impounds Palo Pinto Creek)
1231	<u>Lake Graham</u> - from Graham Dam and Eddleman Dam in Young County up to the normal pool elevation of 1076.3 feet (impounds Salt Creek and Flint Creek)
1232	<u>Clear Fork Brazos River</u> - from the confluence with the Brazos River in Young County to the most upstream crossing of US 180 in Fisher County
1233	<u>Hubbard Creek Reservoir</u> - from Hubbard Creek Dam in Stephens County up to the normal pool elevation of 1183 feet (impounds Hubbard Creek)
1234	<u>Lake Cisco</u> - from Williamson Dam in Eastland County up to the normal pool elevation of 1496 feet (impounds Sandy Creek)

SEGMENT	DESCRIPTION
1235	<u>Lake Stamford</u> - from Stamford Dam in Haskell County up to the normal pool elevation of 1416.8 feet (impounds Paint Creek)
1236	<u>Fort Phantom Hill Reservoir</u> - from Fort Phantom Hill Dam in Jones County up to the normal pool elevation of 1636 feet (impounds Elm Creek)
1237	<u>Lake Sweetwater</u> - from Sweetwater Dam in Nolan County up to the normal pool elevation of 2116.5 feet (impounds Bitter Creek)
1238	<u>Salt Fork Brazos River</u> - from the confluence of the Double Mountain Fork Brazos River in Stonewall County to the most upstream crossing of SH 207 in Crosby County
1239	<u>White River</u> - from the confluence with the Salt Fork Brazos River in Kent County to White River Dam in Crosby County
1240	<u>White River Lake</u> - from White River Dam in Crosby County up to the normal pool elevation of 2369 feet (impounds White River)
1241	<u>Double Mountain Fork Brazos River</u> - from the confluence with the Salt Fork Brazos River in Stonewall County to the confluence of the North Fork Double Mountain Fork Brazos River in Kent County
1242	<u>Brazos River Below Whitney Lake</u> - from the confluence of the Navasota River in Brazos/Grimes/Washington County to Whitney Dam in Bosque/Hill County
1243	<u>Salado Creek</u> - from the confluence with the Lampasas River in Bell County to the confluence of North Salado Creek and South Salado Creek in Williamson County
1244	<u>Brushy Creek</u> - from the confluence with the San Gabriel River in Milam County to the confluence of South Brushy Creek in Williamson County
1245	<u>Upper Oyster Creek</u> - from Steep Bank Creek/Brazos River confluence in Fort Bend County to Jones Creek confluence in Fort Bend County (includes Steep Bank Creek and Flat Bank Creek)
1246	<u>Middle Bosque/South Bosque River</u> - from the confluence with the South Bosque River in McLennan County to the confluence of Cave Creek and Middle Bosque Creek on the Middle Bosque River in Coryell County and from the confluence of the Middle Bosque River in McLennan County to FM 2671 on the South Bosque River in McLennan County

SEGMENT	DESCRIPTION
1247	<u>Granger Lake</u> - from Granger Dam in Williamson County to a point 1.9 kilometers (1.2 miles) downstream of SH 95 in Williamson County, up to the normal pool elevation of 504 feet (impounds San Gabriel River)
1248	<u>San Gabriel/North Fork San Gabriel River</u> - from a point 1.9 kilometers (1.2 miles) downstream of SH 95 in Williamson County to North San Gabriel Dam in Williamson County
1249	<u>Lake Georgetown</u> - from North San Gabriel Dam in Williamson County to a point 6.6 kilometers (4.1 miles) downstream of US 183 in Williamson County, up to the normal pool elevation of 791 feet (impounds North Fork San Gabriel River)
1250	<u>South Fork San Gabriel River</u> - from the confluence with the North Fork San Gabriel River in Williamson County to the most upstream crossing of SH 29 in Burnet County
1251	<u>North Fork San Gabriel River</u> - from a point 6.6 kilometers (4.1 miles) downstream of US 183 in Williamson County to FM 2340 in Burnet County
1252	<u>Lake Limestone</u> - from Sterling C. Robertson Dam in Leon/Robertson County to a point 2.3 kilometers (1.4 miles) downstream of SH 164 in Limestone County, up to the normal pool elevation of 363 feet (impounds Navasota River)
1253	<u>Navasota River Below Lake Mexia</u> - from a point 2.3 kilometers (1.4 miles) downstream of SH 164 in Limestone County to Bistone Dam in Limestone County
1254	<u>Aquilla Reservoir</u> - from Aquilla Dam in Hill County up to the normal pool elevation of 537.5 feet (impounds Aquilla Creek)
1301	<u>San Bernard River Tidal</u> - from the confluence with the Intracoastal Waterway in Brazoria County to a point 3.2 kilometers (2.0 miles) upstream of SH 35 in Brazoria County
1302	<u>San Bernard River Above Tidal</u> - from a point 3.2 kilometers (2.0 miles) upstream of SH 35 in Brazoria County to the county road southeast of New Ulm in Austin County
1304	<u>Caney Creek Tidal</u> - from the confluence with the Intracoastal Waterway in Matagorda County to the most downstream crossing of FM 457 in Matagorda County
1305	<u>Caney Creek Above Tidal</u> - from the most downstream crossing of FM 457 in Matagorda County to Old Caney Road in Wharton County

SEGMENT	DESCRIPTION
1401	<u>Colorado River Tidal</u> - from the confluence with the Gulf of Mexico in Matagorda County to a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County
1402	<u>Colorado River Below Smithville</u> - from a point 2.1 kilometers (1.3 miles) downstream of the Missouri-Pacific Railroad in Matagorda County to a point 100 meters (110 yards) downstream of SH 95/SH Loop 230 at Smithville in Bastrop County
1403	<u>Lake Austin</u> - from Tom Miller Dam in Travis County to <u>Mansfield Dam</u> in Travis County, up to the normal pool elevation of 492.8 feet (impounds Colorado River)
1404	<u>Lake Travis</u> - from Mansfield Dam in Travis County to <u>Max Starcke Dam</u> on the Colorado River Arm in Burnet County and to a point immediately upstream of the confluence of Fall Creek on the Pedernales River Arm in Travis County, up to the normal pool elevation of 681 feet (impounds Colorado River)
1405	<u>Marble Falls Lake</u> - from Max Starcke Dam in Burnet County to <u>Alvin Wirtz Dam</u> in Burnet County, up to the normal pool elevation of 738 feet (impounds Colorado River)
1406	<u>Lake Lyndon B. Johnson</u> - from Alvin Wirtz Dam in Burnet County to <u>Roy Inks Dam</u> on the Colorado River Arm in Burnet/Llano County and to a point immediately upstream of the confluence of Honey Creek on the Llano River Arm in Llano County, up to the normal pool elevation of 825 feet (impounds Colorado River)
1407	<u>Inks Lake</u> - from Roy Inks Dam in Burnet/Llano County to <u>Buchanan Dam</u> in Burnet/Llano County, up to the normal pool elevation of 888 feet (impounds Colorado River)
1408	<u>Lake Buchanan</u> - from Buchanan Dam in Burnet/Llano County to a point immediately upstream of the confluence of Yancey Creek, up to the normal pool elevation of 1020 feet (impounds Colorado River)
1409	<u>Colorado River Above Lake Buchanan</u> - from a point immediately upstream of the confluence of Yancey Creek in Burnet/San Saba/Lampasas County to the confluence of the San Saba River in San Saba County
1410	<u>Colorado River Below Concho River</u> - from the confluence of the San Saba River in San Saba County to the confluence of the Concho River in Concho County

SEGMENT	DESCRIPTION
1411	<u>E. V. Spence Reservoir</u> - from Robert Lee Dam in Coke County to a point immediately upstream of the confluence of Little Silver Creek in Coke County, up to the normal pool elevation of 1898 feet (impounds Colorado River)
1412	<u>Colorado River Below Lake J. B. Thomas</u> - from a point immediately upstream of the confluence of Little Silver Creek in Coke County to Colorado River Dam in Scurry County
1413	<u>Lake J. B. Thomas</u> - from Colorado River Dam in Scurry County up to the normal pool elevation of 2258 feet (impounds Colorado River)
1414	<u>Pedernales River</u> - from a point immediately upstream of the confluence of Fall Creek in Travis County to FM 385 in Kimble County
1415	<u>Llano River</u> - from a point immediately upstream of the confluence of Honey Creek in Llano County to FM 864 on the North Llano River in Sutton County and to SH 55 on the South Llano River in Edwards County
1416	<u>San Saba River</u> - from the confluence with the Colorado River in San Saba County to the confluence of the North Valley Prong and the Middle Valley Prong in Schleicher County
1417	<u>Lower Pecan Bayou</u> - from the confluence with the Colorado River in Mills County to a point immediately upstream of the confluence of Mackinally Creek in Brown County
1418	<u>Lake Brownwood</u> - from Lake Brownwood Dam in Brown County to a point 100 meters (110 yards) upstream of FM 2559 in Brown County, up to the normal pool elevation of 1424.6 feet (impounds Pecan Bayou)
1419	<u>Lake Coleman</u> - from Coleman Dam in Coleman County up to the normal pool elevation of 1717.5 feet (impounds Jim Ned Creek)
1420	<u>Pecan Bayou Above Lake Brownwood</u> - from a point 100 meters (110 yards) upstream of FM 2559 in Brown County to the confluence of the North Prong Pecan Bayou and the South Prong Pecan Bayou in Callahan County
1421	<u>Concho River</u> - from the confluence with the Colorado River in Concho County to San Angelo Dam on the North Concho River in Tom Green County and to Nasworthy Dam on the South Concho River in Tom Green County
1422	<u>Lake Nasworthy</u> - from Nasworthy Dam in Tom Green County to Twin Buttes Dam in Tom Green County, up to the normal pool elevation of 1872.2 feet (impounds South Concho River)

SEGMENT	DESCRIPTION
1423	<u>Twin Buttes Reservoir</u> - from Twin Buttes Dam in Tom Green County to a point 100 meters (110 yards) upstream of US 67 on the Middle Concho River Arm in Tom Green County and to a point 4.0 kilometers (2.5 miles) downstream of FM 2335 on the South Concho River Arm in Tom Green County, up to the normal pool elevation of 1940.2 feet (impounds the Middle Concho River and the South Concho River)
1424	<u>Middle Concho/South Concho River</u> - from a point 4.0 kilometers (2.5 miles) downstream of FM 2335 in Tom Green County to US 277 on the South Concho River in Schleicher County and from a point 100 meters (110 yards) upstream of US 67 in Tom Green County to the confluence of Three Bluff Draw and Indian Creek on the Middle Concho River in Reagan County
1425	<u>O. C. Fisher Lake</u> - from San Angelo Dam in Tom Green County up to the normal pool elevation of 1908 feet (impounds North Concho River)
1426	<u>Colorado River Below E. V. Spence Reservoir</u> - from the confluence of the Concho River in Concho County to Robert Lee Dam in Coke County
1427	<u>Onion Creek</u> - from the confluence with the Colorado River in Travis County to the most upstream crossing of FM 165 in Blanco County
1428	<u>Colorado River Below Town Lake</u> - from a point 100 meters (110 yards) downstream of SH 95/SH Loop 230 at Smithville in Bastrop County to Longhorn Dam in Travis County
1429	<u>Town Lake</u> - from Longhorn Dam in Travis County to Tom Miller Dam in Travis County, up to the normal pool elevation of 429 feet (impounds Colorado River)
1430	<u>Barton Creek</u> - from the confluence with Town Lake in Travis County to FM 12 in Hays County
1431	<u>Mid Pecan Bayou</u> - from a point immediately upstream of the confluence of Mackinally Creek in Brown County to a point immediately upstream of Willis Creek in Brown County
1432	<u>Upper Pecan Bayou</u> - from a point immediately upstream of the confluence of Willis Creek in Brown County to Lake Brownwood Dam in Brown County
1501	<u>Tres Palacios Creek Tidal</u> - from the confluence with Tres Palacios Bay in Matagorda County to a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek in Matagorda County

SEGMENT	DESCRIPTION
1502	<u>Tres Palacios Creek Above Tidal</u> - from a point 0.6 kilometer (1.0 mile) upstream of the confluence of Wilson Creek in Matagorda County to US 59 in Wharton County
1601	<u>Lavaca River Tidal</u> - from the confluence with Lavaca Bay in Calhoun/Jackson County to a point 8.6 kilometers (5.3 miles) downstream of US 59 in Jackson County
1602	<u>Lavaca River Above Tidal</u> - from a point 8.6 kilometers (5.3 miles) downstream of US 59 in Jackson County to a point 5.5 kilometers (3.4 miles) upstream of SH 95 in Lavaca County
1603	<u>Navidad River Tidal</u> - from the confluence with the Lavaca River in Jackson County to Palmetto Bend Dam in Jackson County
1604	<u>Lake Texana</u> - from Palmetto Bend Dam in Jackson County to a point 100 meters (110 yards) downstream of FM 530 in Jackson County, up to the normal pool elevation of 44 feet (impounds Navidad River)
1605	<u>Navidad River Above Lake Texana</u> - from a point 100 meters (110 yards) downstream of FM 530 in Jackson County to the confluence of the East Navidad River and the West Navidad River in Colorado/Lavaca County
1701	<u>Victoria Barge Canal</u> - from the confluence with San Antonio Bay in Calhoun County to Victoria Turning Basin in Victoria County
1801	<u>Guadalupe River Tidal</u> - from the confluence with Guadalupe Bay in Calhoun/Refugio County to the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometer (0.4 mile) downstream of the confluence of the San Antonio River in Calhoun/Refugio County
1803	<u>Guadalupe River Below San Marcos River</u> - from the Guadalupe-Blanco River Authority Salt Water Barrier 0.7 kilometer (0.4 mile) downstream of the confluence of the San Antonio River in Calhoun/Refugio County to the confluence of the San Marcos River in Gonzales County
1804	<u>Guadalupe River Below Comal River</u> - from the confluence of the San Marcos River in Gonzales County to the confluence of the Comal River in Comal County
1805	<u>Canyon Lake</u> - from Canyon Dam in Comal County to a point 2.7 kilometers (1.7 miles) downstream of Rebecca Creek Road in Comal County, up to the normal pool elevation of 909 feet (impounds Guadalupe River)

SEGMENT	DESCRIPTION
1806	<u>Guadalupe River Above Canyon Lake</u> - from a point 2.7 kilometers (1.7 miles) downstream of Rebecca Creek Road in Comal County to the confluence of the North Fork Guadalupe River and the South Fork Guadalupe River in Kerr County
1807	<u>Coletto Creek</u> - from the confluence with the Guadalupe River in Victoria County to the confluence of Fifteenmile Creek and Twelvemile Creek in Goliad/Victoria County, including Coletto Creek Reservoir
1808	<u>Lower San Marcos River</u> - from the confluence with the Guadalupe River in Gonzales County to a point 1.2 kilometers (0.7 mile) downstream of IH 35 in Hays County
1809	<u>Lower Blanco River</u> - from the confluence with the San Marcos River in Hays County to a point 0.3 kilometer (0.2 mile) upstream of Limekiln Road in Hays County
1810	<u>Plum Creek</u> - from the confluence with the San Marcos River in Caldwell County to FM 2770 in Hays County
1811	<u>Comal River</u> - from the confluence with the Guadalupe River in Comal County to Klingemann Street at New Braunfels in Comal County
1812	<u>Guadalupe River Below Canyon Dam</u> - from the confluence of the Comal River in Comal County to Canyon Dam in Comal County
1813	<u>Upper Blanco River</u> - from a point 0.3 kilometer (0.2 mile) upstream of Limekiln Road in Hays County to the confluence of Meier Creek in Kendall County
1814	<u>Upper San Marcos River</u> - from a point 1.2 kilometers (0.7 mile) downstream of IH 35 in Hays County to a point 0.7 kilometer (0.4 mile) upstream of Loop 82 in San Marcos in Hays County
1815	<u>Cypress Creek</u> - from the confluence with the Blanco River in Hays County to a point 6.4 kilometers (4.0 miles) upstream of the most upstream unnamed county road crossing in Hays County
1816	<u>Johnson Creek</u> - from the confluence with the Guadalupe River in Kerr County to a point 1.2 kilometers (0.7 mile) upstream of the most upstream crossing of SH 41 in Kerr County
1817	<u>North Fork Guadalupe River</u> - from the confluence with the Guadalupe River in Kerr County to a point 18.2 kilometers (11.3 miles) upstream of Boneyard Draw in Kerr County

SEGMENT	DESCRIPTION
1818	<u>South Fork Guadalupe River</u> - from the confluence with the Guadalupe River in Kerr County to a point 4.8 kilometers (3.0 miles) upstream of FM 187 in Kerr County
1901	<u>Lower San Antonio River</u> - from the confluence with the Guadalupe River in Refugio/Victoria County to a point 600 meters (660 yards) downstream of FM 791 at Mays Crossing near Falls City in Karnes County
1902	<u>Lower Cibolo Creek</u> - from the confluence with the San Antonio River in Karnes County to a point 100 meters (110 yards) downstream of IH 10 in Bexar/Guadalupe County
1903	<u>Medina River Below Medina Diversion Lake</u> - from the confluence with the San Antonio River in Bexar County to Medina Diversion Dam in Medina County
1904	<u>Medina Lake</u> - from Medina Lake Dam in Medina County to a point immediately upstream of the confluence of Red Bluff Creek in Bandera County, up to the normal pool elevation of 1064.2 feet (impounds Medina River)
1905	<u>Medina River Above Medina Lake</u> - from a point immediately upstream of the confluence of Red Bluff Creek in Bandera County to the confluence of the North Prong Medina River and the West Prong Medina River in Bandera County
1906	<u>Lower Leon Creek</u> - from the confluence with the Medina River in Bexar County to a point 100 meters (110 yards) upstream of SH 16 northwest of San Antonio in Bexar County
1907	<u>Upper Leon Creek</u> - from a point 100 meters (110 yards) upstream of SH 16 northwest of San Antonio in Bexar County to a point 9.0 kilometers (5.6 miles) upstream of Scenic Loop Road north of Helotes in Bexar County
1908	<u>Upper Cibolo Creek</u> - from the Missouri-Pacific Railroad bridge west of Bracken in Comal County to a point 1.5 kilometers (0.9 mile) upstream of the confluence of Champee Springs in Kendall County
1909	<u>Medina Diversion Lake</u> - from Medina Diversion Dam in Medina County to Medina Lake Dam in Medina County, up to the normal pool elevation of 926.5 feet (impounds Medina River)
1910	<u>Salado Creek</u> - from the confluence with the San Antonio River in Bexar County to Rocking Horse Lane west of Camp Bullis in Bexar County

SEGMENT	DESCRIPTION
1911	<u>Upper San Antonio River</u> - from a point 600 meters (660 yards) downstream of FM 791 at Mays Crossing near Falls City in Karnes County to a point 100 meters (110 yards) upstream of Hildebrand Avenue at San Antonio in Bexar County
1912	<u>Medio Creek</u> - from the confluence with the Medina River in Bexar County to a point 1.0 kilometer (0.6 mile) upstream of IH 35 at San Antonio in Bexar County
1913	<u>Mid Cibolo Creek</u> - from a point 100 meters (110 yards) downstream of IH 10 in Bexar/Guadalupe County to the Missouri-Pacific Railroad bridge west of Bracken in Comal County
2001	<u>Mission River Tidal</u> - from the confluence with Mission Bay in Refugio County to a point 7.4 kilometers (4.6 miles) downstream of US 77 in Refugio County
2002	<u>Mission River Above Tidal</u> - from a point 7.4 kilometers (4.6 miles) downstream of US 77 in Refugio County to the confluence of Blanco Creek and Medio Creek in Refugio County
2003	<u>Aransas River Tidal</u> - from the confluence with Copano Bay in Aransas/Refugio County to a point 5.3 kilometers (3.3 miles) upstream of Chiltipin Creek in Refugio/San Patricio County
2004	<u>Aransas River Above Tidal</u> - from a point 5.3 kilometers (3.3 miles) upstream of Chiltipin Creek in Refugio/San Patricio County to the confluence of Poesta Creek and Aransas Creek in Bee County
2101	<u>Nueces River Tidal</u> - from the confluence with Nueces Bay in Nueces County to Calallen Dam 1.7 kilometers (1.1 miles) upstream of US 77/IH 37 in Nueces/San Patricio County
2102	<u>Nueces River Below Lake Corpus Christi</u> - from Calallen Dam 1.7 kilometers (1.1 miles) upstream of US 77/IH 37 in Nueces/San Patricio County to Wesley E. Seale Dam in Jim Wells/San Patricio County
2103	<u>Lake Corpus Christi</u> - from Wesley E. Seale Dam in Jim Wells/San Patricio County to a point 100 meters (110 yards) upstream of US 59 in Live Oak County, up to the normal pool elevation of 94.0 feet (impounds Nueces River)
2104	<u>Nueces River Above Frio River</u> - from the confluence of the Frio River in Live Oak County to Holland Dam in LaSalle County
2105	<u>Nueces River Above Holland Dam</u> - from Holland Dam in LaSalle County to a point 100 meters (110 yards) upstream of FM 1025 in Zavala County

SEGMENT	DESCRIPTION
2106	<u>Nueces/Lower Frio River</u> - from a point 100 meters (110 yards) upstream of US 59 in Live Oak County to Choke Canyon Dam in Live Oak County
2107	<u>Atascosa River</u> - from the confluence with the Frio River in Live Oak County to the confluence of the West Prong Atascosa River and the North Prong Atascosa River in Atascosa County
2108	<u>San Miguel Creek</u> - from a point immediately upstream of the confluence of Mustang Branch in McMullen County to the confluence of San Francisco Perez Creek and Chacon Creek in Frio County
2109	<u>Leona River</u> - from the confluence with the Frio River in Frio County to US 83 in Uvalde County
2110	<u>Lower Sabinal River</u> - from the confluence with the Frio River in Uvalde County to a point 100 meters (110 yards) upstream of SH 127 in Uvalde County
2111	<u>Upper Sabinal River</u> - from a point 100 meters (110 yards) upstream of SH 127 in Uvalde County to the most upstream crossing of FM 187 in Bandera County
2112	<u>Upper Nueces River</u> - from a point 100 meters (110 yards) upstream of FM 1025 in Zavala County to the confluence of the East Prong Nueces River and Hackberry Creek in Edwards County
2113	<u>Upper Frio River</u> - from a point 100 meters (110 yards) upstream of US 90 in Uvalde County to the confluence of the West Frio River and the East Frio River in Real County
2114	<u>Hondo Creek</u> - from the confluence with the Frio River in Frio County to FM 470 in Bandera County
2115	<u>Seco Creek</u> - from the confluence with Hondo Creek in Frio County to the confluence of West Seco Creek in Bandera County
2116	<u>Choke Canyon Reservoir</u> - from Choke Canyon Dam in Live Oak County to a point 4.2 kilometers (2.6 miles) downstream of SH 16 on the Frio River Arm in McMullen County and to a point 100 meters (110 yards) upstream of the confluence of Mustang Branch on the San Miguel Creek Arm in McMullen County, up to the normal pool elevation of 220.5 feet (impounds Frio River)
2117	<u>Frio River Above Choke Canyon Reservoir</u> - from a point 4.2 kilometers (2.6 miles) downstream of SH 16 in McMullen County to a point 100 meters (110 yards) upstream of US 90 in Uvalde County

SEGMENT	DESCRIPTION
2201	<u>Arroyo Colorado Tidal</u> - from the confluence with Laguna Madre in Cameron/Willacy County to a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen in Cameron County
2202	<u>Arroyo Colorado Above Tidal</u> - from a point 100 meters (110 yards) downstream of Cemetery Road south of Port Harlingen in Cameron County to FM 2062 in Hidalgo County
2203	<u>Petronila Creek Tidal</u> - from the confluence of Chiltipin Creek in Kleberg County to a point 1 kilometer (0.6 mile) upstream of private road crossing near Laureles Ranch in Kleberg County
2204	<u>Petronila Creek Above Tidal</u> - from a point 1 kilometer (0.6 mile) upstream of private road crossing near Laureles Ranch in Kleberg County to the confluence of Agua Dulce and Banquete Creeks in Nueces County
2301	<u>Rio Grande Tidal</u> - from the confluence with the Gulf of Mexico in Cameron County to a point 10.8 kilometers (6.7 miles) downstream of the International Bridge in Cameron County
2302	<u>Rio Grande Below Falcon Reservoir</u> - from a point 10.8 kilometers (6.7 miles) downstream of the International Bridge in Cameron County to Falcon Dam in Starr County
2303	<u>International Falcon Reservoir</u> - from Falcon Dam in Starr County to the confluence of the Arroyo Salado (Mexico) in Zapata County, up to the normal pool elevation of 301.1 feet (impounds Rio Grande)
2304	<u>Rio Grande Below Amistad Reservoir</u> - from the confluence of the Arroyo Salado (Mexico) in Zapata County to Amistad Dam in Val Verde County
2305	<u>International Amistad Reservoir</u> - from Amistad Dam in Val Verde County to a point 1.8 kilometers (1.1 miles) downstream of the confluence of Ramsey Canyon on the Rio Grande Arm in Val Verde County and to a point 0.7 kilometer (0.4 mile) downstream of the confluence of Painted Canyon on the Pecos River Arm in Val Verde County and to a point 0.6 kilometer (0.4 mile) downstream of the confluence of Little Satan Creek on the Devils River Arm in Val Verde County, up to the normal pool elevation of 1117 feet (impounds Rio Grande)
2306	<u>Rio Grande Above Amistad Reservoir</u> - from a point 1.8 kilometers (1.1 miles) downstream of the confluence of Ramsey Canyon in Val Verde County to the confluence of the Rio Conchos (Mexico) in Presidio County



SEGMENT	DESCRIPTION
2307	<u>Rio Grande Below Riverside Diversion Dam</u> - from the confluence of the Rio Conchos (Mexico) in Presidio County to Riverside Diversion Dam in El Paso County
2308	<u>Rio Grande Below International Dam</u> - from the Riverside Diversion Dam in El Paso County to International Dam in El Paso County
2309	<u>Devils River</u> - from a point 0.6 kilometer (0.4 mile) downstream of the confluence of Little Satan Creek in Val Verde County to the confluence of Dry Devils River in Sutton County
2310	<u>Lower Pecos River</u> - from a point 0.7 kilometer (0.4 mile) downstream of the confluence of Painted Canyon in Val Verde County to the low water crossing 0.3 kilometer (0.2 mile) downstream of the confluence of Big Fielder Draw in Val Verde County
2311	<u>Upper Pecos River</u> - from the low water crossing 0.3 kilometer (0.2 mile) downstream of the confluence of Big Fielder Draw in Val Verde County to Red Bluff Dam in Loving/Reeves County
2312	<u>Red Bluff Reservoir</u> - from Red Bluff Dam in Loving/Reeves County to the New Mexico State Line in Loving/Reeves County, up to the normal pool elevation of 2842 feet (impounds Pecos River)
2313	<u>San Felipe Creek</u> - from the confluence with the Rio Grande in Val Verde County to a point 4.0 kilometers (2.5 miles) upstream of US 90 in Val Verde County
2314	<u>Rio Grande Above International Dam</u> - from International Dam in El Paso County to the New Mexico State Line in El Paso County
2411	<u>Sabine Pass</u> - from the end of the jetties at the Gulf of Mexico to SH 82
2412	<u>Sabine Lake</u>
2421	<u>Upper Galveston Bay</u>
2422	<u>Trinity Bay</u>
2423	<u>East Bay</u>
2424	<u>West Bay</u>
2425	<u>Clear Lake</u>
2426	<u>Tabbs Bay</u>

SEGMENT	DESCRIPTION
2427	<u>San Jacinto Bay</u>
2428	<u>Black Duck Bay</u>
2429	<u>Scott Bay</u>
2430	<u>Burnett Bay</u>
2431	<u>Moses Lake</u>
2432	<u>Chocolate Bay</u>
2433	<u>Bastrop Bay/Oyster Lake</u>
2434	<u>Christmas Bay</u>
2435	<u>Drum Bay</u>
2436	<u>Barbours Cut</u>
2437	<u>Texas City Ship Channel</u>
2438	<u>Bayport Channel</u>
2439	<u>Lower Galveston Bay</u>
2441	<u>East Matagorda Bay</u>
2442	<u>Cedar Lakes</u>
2451	<u>Matagorda Bay/Powderhorn Lake</u>
2452	<u>Tres Palacios Bay/Turtle Bay</u>
2453	<u>Lavaca Bay/Chocolate Bay</u>
2454	<u>Cox Bay</u>
2455	<u>Keller Bay</u>
2456	<u>Carancahua Bay</u>
2461	<u>Espiritu Santo Bay</u>
2462	<u>San Antonio Bay/Hynes Bay/Guadalupe Bay</u>
2463	<u>Mesquite Bay/Carlos Bay/Ayres Bay</u>
2471	<u>Aransas Bay</u>
2472	<u>Copano Bay/Port Bay/Mission Bay</u>

SEGMENT**DESCRIPTION**

- 2473 St. Charles Bay
- 2481 Corpus Christi Bay
- 2482 Nueces Bay
- 2483 Redfish Bay
- 2484 Corpus Christi Inner Harbor - from US 181 to Viola Turning Basin
- 2485 Oso Bay
- 2491 Laguna Madre
- 2492 Baffin Bay/Alazan Bay/Cayo del Grullo/Laguna Salada
- 2493 South Bay
- 2494 Brownsville Ship Channel
- 2501 Gulf of Mexico - from the Gulf shoreline to the limit of Texas' jurisdiction between Sabine Pass and Brazos Santiago Pass

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

Issued in Austin, Texas, on October 5, 1987.

TRD-8708596 J. D. Head
Director
Legal Division
Texas Water
Commission

Earliest possible date of adoption:
November 9, 1987
For further information, please call
(512) 463-8452.



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 or 20 days after filing. If a proposal is not adopted or withdrawn within six months after the date publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of withdrawal will appear in the *Register*.

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 501. Professional Conduct

Firm Names

★22 TAC §501.47

The Texas State Board of Accountancy has withdrawn from consideration for permanent adoption a proposed amendment to §501.47, concerning firm names. The text of the proposed amendment appeared in the August 28, 1987, issue of the *Texas Register* (12 TexReg 2913). The effective date of this withdrawal is October 2, 1987.

Issued in Austin, Texas, on October 2, 1987.

TRD-8708577 William A. Sansing
Enforcement Coordinator
Texas State Board of
Public Accountancy

Filed: October 2, 1987
For further information, please call
(512) 450-7066.



Name: Erika Taylor
Grade: 11
School: Northbrook High, Spring Branch

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 Adult Probation Commission

Friday, October 9, 1987, 9 a.m. The Texas Adult Probation Commission made an emergency addition to the agenda of a meeting held in Suite 600, Building B, 8100 Cameron Road, Austin. According to the agenda summary, the commission considered supplemental funding for Baylor and San Patricio Counties. The emergency status was necessary because it was omitted from the agenda.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: October 5, 1987, 1:18 p.m.
TRD-8708609



Friday, October 9, 1987, 9 a.m. A Commission Meeting for the Texas Adult Probation Commission will meet for an emergency agenda revision in Suite 600, Building B, 8100 Cameron Road, Austin. According to the agenda, the commission will consider grant adjustment; discuss the Ector County Restitution Center; and consider El Paso County Court Residential Treatment Center. The emergency status is necessary because these items were omitted from the agenda.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: October 1, 1987, 2:24 p.m.
TRD-8708533



Texas Board of Chiropractic Examiners

Saturday, October 24, 1987, 9 a.m. The Texas Board of Chiropractic Examiners will meet on the Second Floor, Executive Inn, 3232 West Mockingbird Lane, Dallas. Ac-

ording to the agenda, the board will administer oath of office to recently appointed board members; approve minutes of the July 30-August 1, 1987, meeting; hold board election of officers; consider board chairman appointment of board committee members; discuss and consider and certify those reciprocity applicants who are recommended for licensure by the Reciprocity Committee; discuss and consider guidelines for peer review qualifying seminars; proposed amendment to §75.1(10), concerning grossly unprofessional conduct, rules of practice relating to a rationale for services provided to a patient; consider to approve agency operating budget and new or unfinished business; and hold a public forum at 1 p.m. for the purpose of public input to aid in defining the chiropractice scope of practice.

Contact: Bobbye Ferris, 1300 East Anderson Lane, Suite 245, Austin, Texas 78752, (512) 835-2006.

Filed: October 2, 1987, 1:43 p.m.
TRD-8708573



Saturday, October 24, 1987, 9 a.m. The Texas Board of Chiropractic Examiners will meet on the Second Floor, Executive Inn, 3232 West Mockingbird Lane, Dallas. According to the agenda summary, the board will meet in executive session to discuss legal matters.

Contact: Bobbye Ferris, 1300 East Anderson Lane, Building C, Suite 245, Austin, Texas 78752, (512) 835-2006.

Filed: October 6, 1987, 8:57 a.m.
TRD-8708635



Texas Cosmetology Commission

Committees for the Texas Cosmetology Commission will meet at Embassy Suites Hotel North, 5901 IH-35, Austin. Dates,

times and agendas follow.

Sunday, October 11, 1987, 9 a.m. The Inspector Oversight Commission will introduce guests, hear presentations, and hold discussions.

Contact: Janis Rebold, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

Filed: October 2, 1987, 9:53 a.m.
TRD-8708540

Sunday, October 11, 1987, 1 p.m. The Operation Examination Committee will introduce guests, discuss topics, consider assignment on topics, and consider additional committee concerns.

Contact: Janis Rebold, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

Filed: October 2, 1987, 9:53 a.m.
TRD-8708539

Monday, October 12, 1987, 9 a.m. The Texas Cosmetology Commission will approve minutes; hear the CLEAR report, chairman's report, assistant attorney general's report, staff members reports, and committee reports; consider agreed orders; discuss and adopt rules; and discuss proposed rule changes and manuals. The commission also will meet in executive session.

Contact: Janis Rebold, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

Filed: October 2, 1987, 9:52 a.m.
TRD-8708541



Court Reporters Certification Board

Friday-Saturday, October 16-17, 1987, 6:30 p.m. and 8:30 a.m., respectively. The Court Reporters Certification Board will meet in the Basement Level Conference Room, 510 South Congress Avenue, Austin. According to the agenda, the board will meet on Friday in executive session to grade licensing ex-

aminations. On Saturday the board will consider and act on any unfinished business from the previous meeting; conduct disciplinary hearings in Causes 86048509, 86066810, and 86099111; review minutes from previous meeting; consider statistical information from the previous examination and fiscal year 1988 budget; discuss examination and meeting dates for 1989; consider reinstatement procedure; hold preliminary reviews in Causes 87228404, 87126105, 87050606, and 87262207; and consider other business.

Contact: Peggy Liedtke, 510 South Congress Avenue, Suite 312, Austin, Texas 78704, (512) 463-1630.

Filed: October 2, 1987, 1:42 p.m.
TRD-8708571



Texas Commission for the Deaf

Friday, October 16, 1987, 10 a.m. The Texas Commission for the Deaf will meet at 5151 McArdle Road, Corpus Christi. According to the agenda, the commission will approve minutes of the previous meeting; hear report from the Board for Evaluation of Interpreters, director and staff reports, and public comments; discuss future goals and objectives for the agencies; and hear the chairperson's report. The commission will also meet in executive session.

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

Filed: October 5, 1987, 9:11 a.m.
TRD-8708602



State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Monday, October 12, 1987, 10 a.m. The board will meet in Room 414, to consider several different matters on the agenda including personnel matters regarding the Fire Marshal, Statistical and Rate Development, Research and Information, and the Commissioner; the commissioner will also consider pending and contemplated litigation and operating budget for fiscal year 1988; board's original jurisdiction matters concerning revisions to manual rules and forms for Texas business owners policy, revisions to manual rules and forms for the Texas standard policy for property insurance, and the Texas commercial package policy will be considered.

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

Filed: October 2, 1987, 3:47 p.m.
TRD-8708583

Tuesday, October 13, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9676—Application for Group 1, legal reserve life insurance agent's license and whether it should be issued to Cecil Bardwell Jones, Moody, by the State Board of Insurance.

Contact: O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: October 5, 1987, 1:13 p.m.
TRD-8708610

Wednesday, October 14, 1987, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9680—Application of Family Security Insurance Company of America, Fort Worth, for approval of revaluation of home office property.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: October 5, 1987, 1:13 p.m.
TRD-8708611

Friday, October 16, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9685—Application of Southwest Service Life Insurance Company, North Richland Hills, to acquire control of Hillier Insurance Company, Bryan.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: October 5, 1987, 1:14 p.m.
TRD-878612

Monday, October 19, 1987, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9682—Application for amendment to the articles of incorporation of Welch States Life Insurance Company, Longview, increasing the authorized capital.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: October 5, 1987, 1:14 p.m.
TRD-8708613



Texas Department of Labor and Standards

Wednesday, November 4, 1987, 8 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E.O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider suspension or revocation of the manufactured housing registration of Acorn Mobile Homes for alleged violation of the department's manufactured housing rules and regulations.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: October 5, 1987, 3:40 p.m.
TRD-8708630



Board for Lease of State-Owned Lands

Wednesday, October 7, 1987, 1:30 p.m. The Board for Lease of Texas Department of Corrections of the Board for Lease of State-Owned Lands met in emergency session in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board approved minutes of the previous meeting; considered and approved bids received for the October 6, 1987, lease sale; and considered final adoption of administrative rules for pollution of agency lands and pooling applications. The emergency status was necessary because a quorum could not be available at 3 p.m.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-0219.

Filed: October 5, 1987, 8:59 a.m.
TRD-8708599



Texas State Board of Medical Examiners

Thursday, October 15, 1987. The Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. Times, and agendas follow.

8:30 a.m. The Standing Orders Committee will discuss board rule regarding physician assistants, waiver of rules, and delegation to other allied health personnel. The committee will also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion 1974, H-484.

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

Filed: October 2, 1987, 4:08 p.m.
TRD-8708584

9:30 a.m. The Reciprocity Committee will consider licensure applicants. The committee will also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion 1974, H-484.

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

Filed: October 2, 1987, 4:01 p.m.
TRD-8708587

1:30 p.m. The Examination Committee will consider licensure of applicants and discuss SPEX recommendations. The committee will also meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion 1974, H-484.

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

Filed: October 2, 1987, 4:02 p.m.
TRD-8708586

3 p.m. and Saturday, October 17, 1987, 8 a.m. The board will consider proposals for decisions; hear the executive director's report; consider licensure status requests, hearing on possible Act violation, and hearing on proposed rules (Chapters 161, 163, and 175); hear reports of hearings and investigation divisions, and sanction report; consider duplicate licenses and training programs; approve minutes; consider 1988 dates, committee meetings and reports, additional rules for possible proposal, computer, and Senate Bill 1439. The board will meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General report 1974, H-484.

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

Filed: October 2, 1987, 4:02 p.m.
TRD-8708585



Board of Pardons and Paroles

Monday, October 5, 1987, 3 p.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board met in workshop session to discuss recommendations for halfway house contracts. The emergency status was necessary because the board cannot adjust their schedules to meet at any other reasonable time.

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

Filed: October 5, 1987, 11:43 a.m.
TRD-8708608



Monday-Friday, October 12-16, 1987, 1:30 p.m. daily Monday-Thursday, and 11 a.m. Friday. A three-member 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 and inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: October 2, 1987, 10:56 a.m.
TRD-8708554

Tuesday, October 2, 1987, 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 and 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, (512) 459-2704.

Filed: October 2, 1987, 10:57 a.m.
TRD-8708555



Polygraph Examiners Board

Friday, October 16, 1987, 9 a.m. The Polygraph Examiners Board will meet in the Fourth Floor Conference Room, Lamar Crest Towers, 7701 North Lamar Boulevard, Austin. According to the agenda, the board will approve minutes of the July meeting; consider 1988 license renewal fee and renewal application, consider amendments to regulations 391.3, 393.3, 395.2, and 395.13; appearance of Shirley Sturm; consider applicants for licensure, extension of intern license 1987-008; set meeting dates for 1988 calendar year; and consider any other polygraph related business that may come before the board.

Contact: Debbie Speicher, P.O. Box 4087, Austin, Texas 78773, (512) 465-2058.

Filed: October 2, 1987, 1:43 p.m.
TRD-8708572



Texas Public Finance Authority

Thursday, October 8, 1987, 9 a.m. The Texas Public Finance Authority met in emergency session in Room 104, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the authority approved minutes from the September 30, 1987, meeting; conducted interviews and selected underwriters; discussed matters pertaining to forthcoming bond issues; and set the date and time for the next meeting. The emergency status was necessary due to scheduling problems with the State Bond Review Board.

Contact: Ann Moriarty, 907 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

Filed: October 1, 1987, 4:47 p.m.
TRD-8708537

Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, unless otherwise noted. Dates, times, and agendas follow.

Monday, October 5, 1987, 11:45 a.m. The Hearings Division met in emergency session in the Second Floor Seminar Room, IC 2 Institute, 2815 San Gabriel, Austin. According to the agenda, the division considered pending litigation on Cause 409,474—AT&T Communications of the Southwest Inc., et al. v. Public Utility Commission of Texas et al. (appeal of Docket 6095). The division may recess into executive session. The emergency status was necessary because of certain pleadings have been filed in connection with Cause 409,474, and it was necessary to consider responsive pleadings.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 5, 1987, 8:44 a.m.
TRD-8708598

Tuesday, October 13, 1987, 10 a.m. The division will hold a prehearing conference, rescheduled from Friday, October 9, 1987, at 10 p.m., to consider Docket 7720—Application of Central Power and Light Company for approval of a tariff to provide service to Occidental Chemical Corporation.

Contact: Phillip Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 1, 1987, 3:05 p.m.
TRD-8708534

Friday, October 23, 1987, 10 a.m. The division will hold a prehearing conference in Docket 7581, to consider petition of National Cogeneration, Inc., for an order requiring execution of power purchase contract by Texas Utilities Electric Company.

Contact: Phillip Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 1, 1987, 3:05 p.m.
TRD-8708535

Wednesday, November 11, 1987, 9 a.m. The Hearings Division will consider Docket 7536—Application of Southwestern Bell Telephone Company for amendment of the information delivery service dial 976 tariff to offer blocking option.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 5, 1987, 2:54 p.m.
TRD-8708632



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

Thursday, October 8, 1987, 10 a.m. The Pricing Committee of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons made an emergency addition to the agenda of a meeting held in Room 916, Ninth Floor, L.B.J. Office Building, 111 East 17th Street, Austin. According to the agenda summary, the committee discussed and acted on crutches. The emergency status was necessary because an administrative oversight inadvertently resulted in one of the products not being included on the agenda. Failure to act on the product could affect the amount of wages paid by this facility to disabled persons.

Contact: Micheal T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2603.

Filed: October 6, 1987, 8:59 a.m.
TRD-8708634



Railroad Commission of Texas

Monday, October 12, 1987, 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 commission will give consideration of and possible election of Chairman of Railroad Commission of Texas.

Contact: Walter Earl Lilie, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

Filed: October 2, 1987, 10:39 a.m.
TRD-878549

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters, including but not limited to discussion, consideration, and/or action on the following: management study, oil and gas general counsel, and oilfield investigator personnel and their operations.

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

Filed: October 2, 1987, 10:34 a.m.
TRD-8708550

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: October 2, 1987, 10:34 a.m.
TRD-8708568

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: October 2, 1987, 10:37 a.m.
TRD-8708551

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: October 2, 1987, 10:34 a.m.
TRD-8708552

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: October 2, 1987, 10:38 a.m.
TRD-8708553

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: October 2, 1987, 10:35 a.m.
TRD-8708556

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: October 2, 1987, 10:35 a.m.
TRD-8708557

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: October 2, 1987, 10:37 a.m.
TRD-8708558

The Oil and Gas Division will investigate cementing practices of Western Co. of North America.

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

Filed: October 2, 1987, 10:38 a.m.
TRD-8708559

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: October 2, 1987, 10:34 a.m.
TRD-8708560

The Office of Research and Statistical Analysis director's report on division admin-

istration, budget, procedures, and personnel matters.

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

Filed: October 2, 1987, 10:38 a.m.
TRD-8708561

The Office of the Special Counsel director's report relating to proposed and pending litigation, including but not limited to discussion and/or decisions in Hufo Oils, et al v. Railroad Commission, C-5937 in the Supreme Court of Texas, Walker Operating Corp., et al v. Federal Energy Regulatory Commission, U.S. Court of Appeals for the 10th Circuit, 85-2683 and 86-2698, et al, in relation to Oil and Gas Docket 10-87, 017, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

Filed: October 2, 1987, 10:37 a.m.
TRD-8708562

Various matters falling within the Surface Mining and Reclamation Division's regulatory jurisdiction.

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

Filed: October 2, 1987, 10:35 a.m.
TRD-8708563

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: October 2, 1987, 10:36 a.m.
TRD-8708564



Texas Savings and Loan Department

Thursday, October 15, 1987, 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 accumulate a record of evidence in regard to the application of Guardian Savings Association, Houston, Harris County, to relocate a branch office from 11811 Preston Road, Dallas, to 10715 Preston Road, Dallas, Dallas County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: October 2, 1987, 3:25 p.m.
TRD-8708578



School Land Board

Tuesday, October 6, 1987, 10 a.m. The School Land Board made an emergency addition to the agenda of a meeting held in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board approved minutes of the previous meeting and considered coastal public lands—easement application. The emergency status was necessary because a pipeline and dredging easement is necessary in order to spud well.

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

Filed: October 5, 1987, 3:59 p.m.
TRD-8708631



State Securities Board

Thursday, October 15, 1987, 10 a.m. The Securities Commissioner of the State Securities Board will meet for an agenda revision, rescheduled from September 29, 1987, at 1800 San Jacinto, Austin. According to the agenda, the commissioner or his authorized representative will determine whether a cease and desist order should be issued prohibiting the sale or offer for sale of securities by Trust Company Bank, through its agents Susan Winslow Callendar and Carol I. Culpepper, to Texas residents.

Contact: Sue B. Roberts, 1800 San Jacinto, Austin, Texas 78711, (512) 474-2233.

Filed: October 1, 1987, 11:47 a.m.
TRD-8708527



Select Committee on Tax Equity

Thursday-Friday, October 15-16, 1987, 9 a.m. The Select Committee on Tax Equity will meet in the Senate Chamber, State Capitol. According to the agenda, the committee will hold public hearings to take public testimony on state and local tax issues.

Contact: Billy Hamilton, Reagan Building, Room 304h-5, Austin, Texas 78711, (512) 463-1238.

Filed: October 5, 1987, 1:32 p.m.
TRD-8708615



Commission on Standards for the Teaching Profession

Friday, October 23, 1987, 6 p.m. The Commission on Standards for the Teaching Profession will meet in Richmond Three Room, Adam's Mark Hotel, 2900 Briarpark Drive, Houston. According to the agenda, the commission will discuss teacher supply and demand and hear reports on nominations for commission membership, alternative cer-

tification and State Board of Education actions.

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

Filed: October 5, 1987, 2:20 p.m.
TRD-8708629



University of Texas System

Friday, October 9, 1987, 11:30 a.m. The Board of Regents and Standing Committees of the University of Texas System will meet in Room 2.212, Conference Center, 2601 North Floyd, University of Texas at Dallas, Richardson. According to the agenda summary, the board and committees will consider amendments to RRR, degree programs, appointments to development boards/advisory councils/endowed academic positions, fees, aircraft/athletic departments/admissions policies, chancellor's docket (submitted by system administration), 1987-1988 operating budgets, and student housing-UTD, name change (UTHSC-Dallas); consider buildings and grounds matters including authorization for projects, approval of preliminary and final plans, award contracts, agreements, land and investment matters, acceptance of gifts, bequests and estates, establishment of endowed positions and funds, real estate matters, pending litigation, personnel matters, and land acquisition and negotiated contracts.

Contact: Arthur H. Dilly, P.O. Box N, U.T. Station, Austin, Texas 78713-7328, (512) 499-4402.

Filed: October 2, 1987, 1:33 p.m.
TRD-8708569



Texas Water Commission

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

Tuesday, October 13, 1987, 10 a.m. The commission will meet in Room 118, to consider water district bond issues, use of surplus funds, water rate increase, certificate of convenience and necessity applications, water quality proposed permits, amendments and renewals, private sewage facility regulations, water use applications, certificates of adjudication, minor amendment to water rights permit, amendment to contracts on superfund projects, and creation of an advisory committee and appointment of members to the committee for Williamson and parts of surrounding counties critical area ground water study.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 2, 1987, 4:14 p.m.
TRD-8708591

Tuesday, October 13, 1987, 2 p.m. The commission will meet in Room 118, to consider enforcement report and petition for an order assessing administrative penalties and requiring certain actions of Rayburn Village Utility Company (Permit 10788-01), Cominco American, Inc. (Permit 01295), Cominco American, Inc. (Solid Waste Registration 30770), Polycycle Industries-Tecula Facility (Solid Waste Registration 67065), Poly-Cycle Industries, Inc. (Solid Waste Registration 65413), Coastal Forest Products (Solid Waste Registration 37597), and Lester A. Gallatin (Permit 11534-01).

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 2, 1987, 4:15 p.m.
TRD-8708590

Wednesday, October 14, 1987, 2 p.m. The commission will meet in Room 118, to consider Bar-B Management, Inc., Permit 02693-01 and Atchison, Topeka and Sante Fe Railway Company-Temple Facility (Permit 02545)-orders assessing administrative penalties and requiring certain actions.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 2, 1987, 4:16 p.m.
TRD-8708588

Wednesday, November 4, 1987, 10 a.m. The commission will meet in Room 118, to consider petition for creation of Galveston County Municipal Utility District #20, containing 217.502 acres of land.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 1, 1987, 11:45 a.m.
TRD-8708528

Thursday, November 12, 1987, 10 a.m. The Office of Hearings Examiner will meet in Room 1149B, to consider Docket 7267-X—Application to cease operation by Imperial Management Services.

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

Filed: October 5, 1987, 11:55 a.m.
TRD-8708618

Wednesday, November 18, 1987, 10 a.m. The commission will meet in Room 118 to consider petition for creation of Senna Hills Municipal Utility District, containing 398.78 acres of land.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 5, 1987, 11:51 a.m.
TRD-8708617



Regional Agencies Meetings Filed October 1

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main,

San Antonio, on October 9, 1987, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Burnet County Appraisal District, Board of Directors, will meet at 215 South Pierce Street, Burnet, on October 15, 1987, at 6:30 p.m. Information may be obtained from Alvin C. Williams, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291

Lower Colorado River Authority, Audit and Budget Committee and Board of Directors, met at 3700 Lake Austin Boulevard, Austin, on October 8, 1987, at 10 a.m. and 2 p.m., respectively. Information may be obtained from John E. Bagalay, Jr., 3700 Lake Austin Boulevard, Austin, Texas 78703, (512) 437-3200.

The North Central Texas Council of Governments for North Central Texas Job Training, Consortium Private Industry Council, met at Tanglewood on Texoma, Pottsboro, on October 8, 1987, at 1:15 p.m. Information may be obtained from Mike Gilmore, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

TRD-8708532



Meetings Filed October 2

The Dallas Central Appraisal District, Board of Directors, met in Suite 500, 1420 West Mockingbird Lane, Dallas, on October 7, 1987, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Dallas, Texas 75204, (214) 631-0520.

The Plateau Region Outer Parkway Corporation, Board of Directors, met in Suite 1800, 515 Congress Avenue, Austin, on October 6, 1987, at 9 a.m. Information may be obtained from Thomas H. Hill, 515 Congress Avenue, Suite 1800, Austin, Texas 78701, (512) 499-8200.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, on October 6, 1987, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Wise County Appraisal District, Board of Directors, met at 206 South State Street, Decatur, on October 8, 1987, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081, ext. 74.

TRD-8708570



Meetings Filed October 5

The Austin-Travis County Mental Health and Mental Retardation Center, Finance and Control Committee, met in Suite 107, 611 South Congress Avenue, Austin, on October 6, 1987, at 7:30 a.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Austin, Texas 78704, (512) 447-4141.

The Bexar-Medina-Atascosa Counties Water Control and Improvement District #1, Board of Directors, will meet in the District Office, Highway 81, Natalia, on October 12, 1987, at 8 a.m. Information may be obtained from C.A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, met at the First Baptist Church, 201 South Washington, Bryan, on October 8, 1987, at 9:30 a.m. Information may be obtained from Leon Bawcom, 707 Texas Avenue, Suite 225-C, South College Station, Texas 77840, (409) 822-6467

The Canadian River Municipal Water Authority, Board of Directors, will meet at the Plainview Country Club, 2902 West Fourth Street, Plainview, on October 14, 1987, at 10:30 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, (806) 865-3325.

The Central Texas Council of Governments, Central Texas Private Industry Council and Executive Committee, will meet at 302 East Central, Belton, on October 22, 1987, at 10 a.m. and 4 p.m. Information may be obtained from A.C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Denton Central Appraisal District, Board of Directors and Appraisal Review Board, will meet at 3911 Morse Street, Denton, on October 15, 1987, at noon, and October 16, at 9 a.m., respectively. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904.

The Education Service Center, Region One, Board of Directors, will meet in the Holiday Inn Civic Center, Laredo, on October 10, 1987, at 4 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

The Edwards Underground Water District, Board of Directors, will meet at 1615 North St. Mary's, San Antonio, on October 13, 1987, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

The Garza County Appraisal District, Board of Directors, will meet in the Appraisal Of-

fce, Courthouse, Post, on October 15, 1987, at 9 a.m. Information may be obtained from Jean Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Gonzales County Appraisal District, Board of Directors, met at 928 St. Paul Street, Gonzales, on October 8, 1987, at 7 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gray County Appraisal District, Board of Directors, met at 815 North Sumner, Pampa, on October 8, 1987, at 5 p.m. Information may be obtained from Judy Morris, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Hockley County Appraisal District, Board of Directors, will meet at 1103-C, Houston Street, Levelland, on October 12, 1987, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Kendall County Appraisal District, Board of Directors, will meet at 207 East San Antonio Street, Boerne, on October 13, 1987, at 7:30 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lamar County Appraisal District, Appraisal Review Board, met at 1523 Lamar Avenue, Paris, on October 8, 1987, at 1 p.m. Information may be obtained from Rodnc, Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822

The Lavaca County Central Appraisal District, Board of Directors, will meet at 113 North Main, Hallettsville, on October 12, 1987, at 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Nortex Regional Planning Commission, Executive Committee, will meet in the Bounty Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on October 15, 1987, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Central Authority of Taylor County, Board of Directors, will meet at 340 Hickory Street, Abilene, on October 14, 1987, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604. (915) 676-9381.

The Upshur County Appraisal District, Board of Directors, will meet in the Appraisal District Office, Warren and Trinity Streets, Gilmer, on October 12, 1987, at p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

TRD-8708603

Meetings Filed October 6

The Education Service Center, Region III, Board of Directors, will meet at 1905 Leary Lane, Victoria, on October 9, 1987, at 4 p.m. Information may be obtained from J.W. Donaldson, 1905 Leary Lane, Victoria, Texas 77901, (512) 575-1471.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on October 15, 1987, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

The Kendall County Appraisal District, Appraisal Review Board, will meet at 207 East San Antonio Street, Boerne, on October 16, 1987, at 8:30 a.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.
TRD-8708642



Name: Ronnie Martinez
Grade: 11
School: Northbrook High, Spring Branch

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 Air Control Board Notice of Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of September 21-25, 1987.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Baker Dietzel, Smith, Inc., San Antonio; aircraft fiberglass comp. fab.; San Antonio, Bexar County; 18348; new source

Chevron Chemical Company, Baytown; alpha olefins unit; Baytown, Harris County, 18350; new source

Standard Oil Chemical, Port Lavaca; methyl methacrylate unit; Port Lavaca, Calhoun County; 18351; new source

Issued in Austin, Texas, on September 30, 1987.

TRD-8708531 Bill Ehret
Director of Hearings
Texas Air Control Board

Filed: October 1, 1987
For further information, please call (512) 451-5711, ext. 354.



Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 10/05/87-10/11/87	18.00%	18.00%
Monthly Rate—Article 1.04(c)(1) 10/01/87-10/31/87	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/87-12/31/87	18.00%	18.00%
Retail Credit Card Quarterly Rate—Article 1.11 ⁽³⁾ 10/01/87-12/31/87	18.00%	N/A
Lender Credit Card Quarterly Rate—Article 15.02(d) ⁽³⁾ 10/01/87-12/31/87	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 10/01/87-12/31/87	18.00%	18.00%
Retail Credit Card Annual Rate—Article 1.11 ⁽³⁾ 10/01/87-12/31/87	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 10/01/87-12/31/87	18.00%	N/A
Judgment Rate—Article 1.05, §2 10/01/87-10/31/87	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 September 28, 1987.

TRD-8708499 Al Endsley
Consumer Credit
Commissioner

Filed: September 30, 1987
For further information, please call (512) 479-1280.



General Land Office Correction of Error

The General Land Office submitted an adopted rule which contained errors as submitted and published in the September 25, 1987, issue of the *Texas Register* (12 TexReg 3375).

In §155.10(b)(3)(A)(i)(IV)(-b-), the item should read: “(-b-) annual fee—\$.20 per square foot/\$100 minimum.”

In §155.10(b)(3)(A)(iv)(I), the subclause should read: “(I) Private activity involving a structure less than 300 feet long.”



Texas Department of Health Public Hearing

The Texas Department of Health will hold a public hearing on the proposed amendments to §157.63 and §157.77, and new §157.82, concerning emergency medical services, published in the October 2, 1987, issue of the *Texas Register* (12 TexReg 3523). The hearing is scheduled for 10 a.m., Friday, November 13, 1987, Balcones Room, Austin Hilton Inn and Towers, 6000 Middle Fiskville Road, Austin, Texas 78752.

For further information, contact Gene Weatherall, Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th, Austin, Texas 78756, (512) 465-2601.

Issued in Austin, Texas, on October 2, 1987.

TRD-8708606 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: October 5, 1987
For further information, please call (512) 465-2601.



State Department of Highways and Public Transportation Invitation for Public Comment

The State Department of Highways and Public Transportation invites public comment. The 70th Legislature, 1987, enacted House Bill 1953 which amended the Texas Dealer License Law (Texas Civil Statutes, Article 6686). House Bill 1953, §3, amended Article 6686(f) to provide for the assessment of civil penalties for violations of the law and House Bill 1953, §4, added new language in Article 6686(g), which authorizes the sale and display of nonmotorized vehicles or trailers at vehicle or boat shows. These new provisions of law necessitate the promulgation of rules by the State Department of Highways and Public Transportation.

The State Department of Highways and Public Transportation invites public participation in the formulation of proposed sections relating to these provisions of law. All interested parties are requested to direct written comments to Dian K. Neill, Director, Division of Motor Vehicles, SDHPT, 40th and Jackson Avenue, Austin, Texas 78779. The closing date for comments will be 5 p.m., Thursday, October 15, 1987.

Issued in Austin, Texas, on October 1, 1987.

TRD-8708574 Diane L. Northam
Administrative Technician
State Department of Highways and
Public Transportation

Filed: October 2, 1987
For further information, please call (512) 463-8630.



Public Notice

The State Department of Highways and Public Transportation publishes this notice for informational purposes only. In accordance with 49 Code of Federal Regulations Part 23, Subpart D, participation by Minority Business Enterprises in Department of Transportation Programs, 49 Code of Federal Regulations §23.64 (1986), state transportation agencies who are required to have minority business enterprise programs and who receive federal-aid highway funds authorized by the Surface Transportation Assistance Act of 1982, Title I and Title II, §202, (Public Law 97-424) and federal urban mass transportation funds authorized by the Surface Transportation Assistance Act of 1982, Title I or Title II, or the Urban Mass Transportation Act of 1964, as amended, are required to establish an overall goal of the use of disadvantaged business (DBE). Accordingly, the department has submitted to the Federal Highway Administration for fiscal year 1988 a goal of 10% for DBE's. The proposed 10% DBE goal is the same as for fiscal year 1987. Through May, 1987, the department awarded approximately \$497 million in federal-aid contracts. The assigned DBE goals on that amount averaged 9.11%, and the DBE subcontract commitments averaged 10.57%. By the end of fiscal year 1987, the department estimates that approximately \$902 million in federal-aid contracts will have been awarded, and subcontract commitments to DBE's will be approximately 10%, or \$90 million. In fiscal year 1988, the department anticipates awarding approximately \$940 million in federal-aid construction contracts. A 10% goal would be \$94 million.

Issued in Austin, Texas, on September 29, 1987.

TRD-8708500 Diane L. Northam
Administrative Technician
State Department of Highways and
Public Transportation

Filed: September 30, 1987
For further information, please call (512) 463-8630.



Texas Department of Human Services Notice of Award

This notice of award is filed in accordance with Texas Civil Statutes, Article 6252-11c. The department published a solicitation for consultants' proposals in the July 17, 1987, issue of the *Texas Register* (12 TexReg 2349). The only response received was from the previous contractor, and the department proceeded with contract negotiations.

Description of Contract. The purpose of this contract is the procure follow-up programming, testing, training, and technical assistance for the employability assessment component of the family self-support automation/streamlining project using a MAPPER based applica-

tion, and modifications to previously designed components.

Name and Address of Contractor. The name and address of the contractor is Edward N. Jones, Jr., 2503 Forest Bend, Austin, Texas 78704

Total Value of Contract. The total value of the contract is \$55,300.

Contract Beginning and Ending Dates. The contract period is October 1, 1987-August 31, 1988.

Due Date for Reports. The due date is August 31, 1988.

Issued in Austin, Texas, on October 5, 1987.

TRD-8708595 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: October 5, 1987
For further information, please call (512) 450-3765.



Texas Medical Disclosure Panel Medical Treatment and Surgical Procedures

The Medical Liability and Insurance Improvement Act, Texas Civil Statutes, Article 4590i, §6.04, require the Texas Medical Disclosure Panel to prepare lists of medical treatments and surgical procedures which physicians and health care providers are required to disclose or not disclose to patients or persons authorized to consent for the patients. The Act also requires that the lists be published in the *Texas Register*. In compliance with the Act, the panel has prepared List A, covering treatments and procedures which are required to be disclosed, and List B, covering treatments and procedures which are not required to be disclosed. The lists are adopted by reference in 25 TAC §601.1 and §601.2.

Elsewhere in this issue, the panel proposes amendments to the lists. Since it has been several years since the last amendments to the lists were published in the *Texas Register*, and since the amendments involve numerous and substantial changes, the lists in their entirety, including the proposed amendments are published as follows. The parts of the lists which are proposed to be amended are marked by an asterisk (*). Further information about the proposed amendments is contained in the preamble to the proposed amendments to 25 TAC §601.1 and §601.2, which is being published in the proposed section of this issue of the *Texas Register*.

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

§601.1. Procedures Requiring Full Disclosure (List A). The following treatments and procedures require full disclosure by the physician or health care provider to the patient or person authorized to consent for the patient.

1. Anesthesia.
 1. Epidural.
 1. Risks are enumerated in the informed consent form in rule 601.3.
 2. General.
 1. Risks are enumerated in the informed consent form in rule 601.3.
 3. Spinal.
 1. Risks are enumerated in the informed consent form in rule 601.3.
2. Cardiovascular system.
(No procedures assigned at this time.)
3. Digestive system treatments and procedures.
 1. Cholecystectomy with or without common bile duct exploration.
 1. Pancreatitis.
 2. Injury to the tube between the liver and the bowel.
 3. Retained stones in the tube between the liver and the bowel.
 4. Narrowing or obstruction of the tube between the liver and the bowel.
 5. Injury to the bowel and/or intestinal obstruction.

4. Ear treatments and procedures.
 1. Stapedectomy.
 1. Diminished or bad taste.
 2. Total or partial loss of hearing in the operated ear.
 3. Brief or long-standing dizziness.
 4. Eardrum hole requiring more surgery.
 5. Ringing in the ear.
 2. Reconstruction of auricle of ear for congenital deformity or trauma.
 1. Less satisfactory appearance compared to possible alternative artificial ear.
 2. Exposure of implanted material.
 3. Tympanoplasty with mastoidectomy.
 1. Facial nerve paralysis.
 2. Altered or loss of taste.
 3. Recurrence of original disease process.
 4. Total loss of hearing in operated ear.
 5. Dizziness.
 6. Ringing in the ear.
5. Endocrine system treatments and procedures.
 1. Thyroidectomy.
 1. Injury to nerves resulting in hoarseness or impairment of speech.
 2. Injury to parathyroid glands resulting in low blood calcium levels that require extensive medication to avoid serious degenerative conditions, such as cataracts, brittle bones, muscle weakness and muscle irritability.
 3. Lifelong requirement of thyroid medication.
6. Eye treatments and procedures.
 1. Eye muscle surgery.
 1. Additional treatment and/or surgery.
 2. Double vision.
 3. Partial or total loss of vision.
 2. Surgery for cataract with or without implantation of intraocular lens.
 1. Complications requiring additional treatment and/or surgery.
 2. Need for glasses or contact lenses.
 3. Complications requiring the removal of implanted lens.
 4. Partial or total loss of vision.
 3. Retinal or vitreous surgery.
 1. Complications requiring additional treatment and/or surgery.
 2. Recurrence or spread of disease.
 3. Partial or total loss of vision.
 4. Reconstructive and/or plastic surgical procedures of the eye and eye region, such as, blepharoplasty, tumor, fracture, lacrimal surgery, foreign body, abscess, or trauma.
 1. Worsening or unsatisfactory appearance.
 2. Creation of additional problems such as:
 1. Poor healing or skin loss.

2. Nerve damage.
3. Painful or unattractive scarring.
4. Impairment of regional organs, such as, eye or lip function.
3. Recurrence of the original condition.
5. Photocoagulation and/or cryotherapy.
 1. Complications requiring additional treatment and/or surgery.
 2. Pain.
 3. Partial or total loss of vision.
6. Corneal surgery, such as, corneal transplant, refractive surgery and pterygium.
 1. Complications requiring additional treatment and/or surgery.
 2. Possible pain.
 3. Need for glasses or contact lenses.
 4. Partial or total loss of vision.
7. Glaucoma surgery by any method.
 1. Complications requiring additional treatment and/or surgery.
 2. Worsening of the glaucoma.
 3. Pain.
 4. Partial or total loss of vision.
8. Removal of the eye or its contents (enucleation or eviseration).
 1. Complications requiring additional treatment and/or surgery.
 2. Worsening or unsatisfactory appearance.
 3. Recurrence or spread of disease.
9. Surgery for penetrating ocular injury, including intraocular foreign body.
 1. Complications requiring additional treatment and/or surgery, including removal of the eye.
 2. Chronic pain.
 3. Partial or total loss of vision.
7. Female genital system treatments and procedures.
 1. Abdominal hysterectomy (total).
 1. Uncontrollable leakage of urine.
 2. Injury to bladder.
 3. Sterility.
 - *4. Injury to the tube (ureter) between the kidney and the bladder.
 5. Injury to the bowel and/or intestinal obstruction.
 2. Vaginal hysterectomy.
 1. Uncontrollable leakage of urine.
 2. Injury to bladder.
 3. Sterility.
 - *4. Injury to the tube (ureter) between the kidney and the bladder.
 5. Injury to the bowel and/or intestinal obstruction.
 6. Completion of operation by abdominal incision.
 - *3. All fallopian tube and ovarian surgery with or without hysterectomy, including removal and lysis of adhesions.

1. Injury to the bowel and/or bladder.
 2. Sterility.
 3. Failure to obtain fertility (if applicable).
 4. Failure to obtain sterility (if applicable).
 5. Loss of ovarian functions or hormone production from ovary(ies).
4. Abdominal endoscopy (peritoneoscopy, laparoscopy).
 1. Puncture of the bowel or blood vessel.
 2. Abdominal injection and complications of infection.
 3. Abdominal incision and operation to correct injury.
- *5. Removing fibroids (uterine myomectomy).
 1. Uncontrolled leakage of urine.
 2. Injury to bladder.
 3. Sterility.
 4. Injury to the tube (ureter) between the kidney and the bladder.
 5. Injury to the bowel and/or intestinal obstruction.
- *6. Uterine suspension.
 1. Uncontrollable leakage of urine.
 2. Injury to bladder.
 3. Sterility
 4. Injury to the tube (ureter) between the kidney and the bladder.
 5. Injury to to the bowel and/or intestinal obstruction.
- *7. Removal of the nerves to the uterus (presacral neurectomy).
 1. Uncontrolled leakage of urine.
 2. Injury to bladder.
 3. Sterility.
 4. Injury to the tube (ureter) between the kidney and the bladder.
 5. Injury to the bowel and/or intestinal obstruction.
 6. Hemorrhage, complications of hemorrhage, with additional operation.
- *8. Removal of the cervix.
 1. Uncontrolled leakage of urine.
 2. Injury to bladder.
 3. Sterility.
 4. Injury to the tube (ureter) between the kidney and the bladder.
 5. Injury to the bowel and/or intestinal obstruction.
 6. Completion of operation by abdominal incision.
- *9. Repair of vaginal hernia (anterior and/or posterior colporrhaphy and/or enterocele repair).
 1. Uncontrollable leakage of urine.
 2. Injury to bladder.
 3. Sterility.
 4. Injury to the tube (ureter) between the kidney and the bladder.
 5. Injury to the bowel and/or intestinal obstruction.

- *10. Abdominal suspension of the bladder (retropubic urethropexy).
 - 1. Uncontrolled leakage of urine.
 - 2. Injury to bladder.
 - 3. Injury to the tube (ureter) between the kidney and the bladder.
 - 4. Injury to the bowel and/or intestinal obstruction.
- *11. Conization of cervix.
 - 1. Hemorrhage with possible hysterectomy to control.
 - 2. Sterility.
 - 3. Injury to bladder.
 - 4. Injury to rectum.
 - 5. Failure to procedure to remove all of cervical abnormality
- *12. Dilation and curettage of uterus (diagnostic).
 - 1. Hemorrhage with possible hysterectomy.
 - 2. Perforation of the uterus.
 - 3. Sterility.
 - 4. Injury to bowel and/or bladder.
 - 5. Abdominal incision and operation to correct injury.
- *13. Dilation and curettage of uterus (obstetrical).
 - 1. Hemorrhage with possible hysterectomy to control.
 - 2. Perforation of the uterus.
 - 3. Sterility.
 - 4. Injury to the bowel and/or bladder.
 - 5. Abdominal incision and operation to correct injury.
 - 6. Failure to remove all products of conception.
- 8. Hematic and lymphatic system.
 - *1. Transfusion of blood and blood components.
 - 1. Fever.
 - 2. Transfusion reaction which may include kidney failure or anemia.
 - 3. Heart failure.
 - 4. Hepatitis.
 - 5. A.I.D.S. (acquired immune deficiency syndrome).
 - 6. Other infections.
- 9. Integumentary system treatments and procedures.
 - 1. Radical or modified radical mastectomy. (Simple mastectomy excluded.)
 - 1. Limitation of movement of shoulder and arm.
 - 2. Swelling of the arm.
 - 3. Loss of the skin of the chest requiring skin graft.
 - 4. Recurrence of malignancy, if present.
 - 5. Decreased sensation or numbness of the inner aspect of the arm and chest wall.

2. Reconstruction and/or plastic surgical operations of the face and neck.
 1. Worsening or unsatisfactory appearance.
 2. Creation of several additional problems, such as:
 1. Poor healing or skin loss.
 2. Nerve damage.
 3. Painful or unattractive scarring.
 4. Impairment of regional organs, such as, eye or lip function.
 3. Recurrence of the original condition.

10. Male genital system.
 1. Orchidopexy (reposition of testis(es)).
 1. Removal of testicle.
 2. Atrophy (shriveling) of the testicle with loss of function.
 2. Orchiectomy (removal of the testis(es)).
 1. Decreased sexual desire.
 2. Difficulties with penile erection.
 3. Vasectomy.
 1. Loss of testicle.
 2. Failure to produce permanent sterility.

11. Maternity and related cases.
 1. Delivery (vaginal).
 - *1. Injury to bladder and/or rectum, including a hole (fistula) between bladder and vagina and/or rectum and vagina.
 2. Hemorrhage possible requiring blood administration and/or hysterectomy and/or artery ligation to control.
 3. Sterility
 4. Injury to the fetus causing death or brain damage resulting from normal labor and normal vaginal delivery.
 - *2. Delivery (cesarean section).
 1. Injury to bowel and/or bladder.
 2. Sterility.
 3. Injury to tube (ureter) between kidney and bladder.
 4. Injury, death or brain damage to fetus secondary to the cesarean section itself and/or any process requiring cesarean section.
 5. Uterine disease or injury requiring hysterectomy.

12. Musculoskeletal system treatments and procedures.
 1. Arthroplasty of all joints with mechanical device.
 1. Impaired function such as shortening or deformity of an arm or leg, limp or foot drop.
 2. Blood vessel or nerve injury.
 3. Pain or discomfort.
 4. Fat escaping from bone with possible damage to a vital organ.
 5. Failure of bone to heal.
 6. Bone infection.
 7. Removal or replacement of any implanted device or material.

2. Mechanical internal prosthetic device.
 1. Impaired function such as shortening or deformity of an arm or leg, limp or foot drop.
 2. Blood vessel or nerve injury.
 3. Pain or discomfort.
 4. Fat escaping from bone with possible damage to a vital organ.
 5. Failure of bone to heal.
 6. Bone infection.
 7. Removal or replacement of any implanted device or material.
3. Open reduction with internal fixation.
 1. Impaired function such as shortening or deformity of an arm or leg, limp or foot drop.
 2. Blood vessel or nerve injury.
 3. Pain or discomfort.
 4. Fat escaping from bone with possible damage to a vital organ.
 5. Failure of bone to heal.
 6. Bone infection.
 7. Removal or replacement of any implanted device or material.
4. Osteotomy.
 1. Impaired function such as shortening or deformity of an arm or leg, limp or foot drop.
 2. Blood vessel or nerve injury.
 3. Pain or discomfort.
 4. Fat escaping from bone with possible damage to a vital organ.
 5. Failure of bone to heal.
 6. Bone infection.
 7. Removal or replacement of any implanted device or material.
5. Ligamentous reconstruction of joints.
 1. Failure of reconstruction to work.
 2. Continued loosening of the joint.
 3. Degenerative arthritis.
 4. Continued pain.
 5. Increased stiffening.
 6. Blood vessel or nerve injury.
 7. Cosmetic and/or functional deformity.
6. Children's orthopedics (bone, joint, ligament or muscle).
 1. Growth deformity.
 2. Additional surgery.
13. Nervous system treatments and procedures.
 1. Craniotomy (craniectomy) for excision of brain tissue, tumor, vascular malformation and cerebral revascularization.
 1. Additional loss of brain function including memory.
 2. Recurrence or continuation of the condition that required this operation.
 3. Stroke.
 4. Blindness, deafness, inability to smell, double vision, coordination loss, seizures,

- pain, numbness and paralysis.
2. Craniotomy (craniectomy) for cranial nerve operation including neurectomy, avulsion, rhizotomy or neurolysis.
 1. Numbness, impaired muscle function or paralysis.
 2. Recurrence or continuation of the condition that required this operation.
 3. Seizures.
 3. Spine operation. Including: laminectomy, decompression, fusion, internal fixation or procedures for nerve root or spinal cord compression; diagnosis; pain; deformity; mechanical instability; injury; removal of tumor, abscess or hematoma. (Excluding coccygeal operations.)
 1. Pain, numbness or clumsiness.
 2. Impaired muscle function.
 3. Incontinence or impotence.
 4. Unstable spine.
 5. Recurrence or continuation of the condition that required the operation.
 6. Injury to major blood vessels.
 4. Peripheral nerve operation; nerve grafts, decompression, transposition or tumor removal; neurorrhaphy, neurectomy or neurolysis.
 1. Numbness.
 2. Impaired muscle function.
 3. Recurrence or persistence of the condition that required the operation.
 4. Continued; increased or different pain.
 5. Correction of cranial deformity.
 1. Loss of brain function.
 2. Seizures.
 3. Recurrence or continuation of the condition that required this operation.
 6. Transphenoidal hypophysectomy or other pituitary gland operation.
 1. Spinal fluid leak.
 2. Necessity for hormone replacement.
 3. Recurrence or continuation of the condition that required this operation.
 4. Nasal septal deformity or perforation.
 7. Cerebral spinal fluid shunting procedure or revision.
 1. Shunt obstruction or infection.
 2. Seizure disorder.
 3. Recurrence or continuation of brain dysfunction.
14. Radiology.
1. Angiography, aortography, arteriography (arterial injection of contrast media-diagnostic).
 1. Injury to artery.
 2. Damage to parts of the body supplied by the artery with resulting loss of function or amputation.
 3. Swelling, pain, tenderness or bleeding at the

- site of the blood vessel perforation.
 - 4. Aggravation of the condition that necessitated the procedure.
 - 5. Allergic sensitivity reaction to injected contrast media.
 - 2. Myelography.
 - 1. Chronic pain.
 - 2. Transient headache, nausea, vomiting.
 - 3. Numbness.
 - 4. Impaired muscle function.
 - 3. Angiography with occlusion techniques-therapeutic.
 - 1. Injury to artery.
 - 2. Loss or injury to body parts.
 - 3. Swelling, pain, tenderness or bleeding at the site of the blood vessel perforation.
 - 4. Aggravation of the condition that necessitated the procedure.
 - 5. Allergic sensitivity reaction to injected contrast media.
 - 4. Angioplasty (intravascular dilatation technique).
 - 1. Swelling, pain tenderness, or bleeding at the site of vessel puncture.
 - 2. Damage to parts of the body supplied by the artery with resulting loss of function or amputation.
 - 3. Injury to the vessel that may require immediate surgical intervention.
 - 4. Recurrence or continuation of the original condition.
 - 5. Allergic sensitivity reaction to injected contrast media.
 - 5. Splenoportography (needle injection of contrast media into the spleen).
 - 1. Injury to the spleen requiring blood transfusion and/or removal of the spleen.
- 15. Respiratory system treatments and procedures.
 - 1. Excision of lesion of larynx, vocal cords, trachea. (No risks or hazards assigned at this time.)
 - 2. Rhinoplasty or nasal reconstruction with or without septoplasty.
 - 1. Deformity of skin, bone or cartilage.
 - 2. Creation of new problems, such as, septal perforation or breathing difficulty.
 - 3. Submucous resection of nasal septum or nasal septoplasty.
 - 1. Persistence, recurrence or worsening of the obstruction.
 - 2. Perforation of nasal septum with dryness and crusting.
 - 3. External deformity of the nose.
- 16. Urinary system.
 - 1. Partial nephrectomy (removal of part of the kidney).
 - 1. Incomplete removal of stone(s) or tumor, if present.

2. Obstruction of urinary flow.
3. Leakage of urine at surgical site.
4. Injury to or loss of the kidney.
5. Damage to adjacent organs.
2. Radical nephrectomy (removal of kidney and adrenal gland for cancer).
 1. Loss of the adrenal gland.
 2. Incomplete removal of tumor.
 3. Damage to adjacent organs.
3. Nephrectomy (removal of kidney).
 1. Incomplete removal of tumor if present.
 2. Damage to adjacent organs.
 3. Injury to or loss of the kidney.
4. Nephrolithotomy and pyelolithotomy (removal of kidney stone(s)).
 1. Incomplete removal of stone(s).
 2. Obstruction of urinary flow.
 3. Leakage of urine at surgical site
 4. Injury to or loss of the kidney.
 5. Damage to adjacent organs.
5. Pyeloureteroplasty (pyeloplasty or reconstruction of the kidney drainage system).
 1. Obstruction of urinary flow.
 2. Leakage of urine at surgical site.
 3. Injury to or loss of the kidney.
 4. Damage to adjacent organs.
6. Exploration of kidney or perinephric mass.
 1. Incomplete removal of stone(s) or tumor, if present.
 2. Leakage of urine at surgical site.
 3. Injury to or loss of the kidney.
 4. Damage to adjacent organs.
7. Ureteroplasty (reconstruction of ureter (tube between kidney and bladder)).
 1. Leakage of urine at surgical site.
 2. Incomplete removal of the stone or tumor (when applicable).
 3. Obstruction of urine flow.
 4. Damage to other adjacent organs.
 5. Damage to or loss of the ureter.
8. Ureterolithotomy (surgical removal of stone(s) from ureter (tube between kidney and bladder)).
 1. Leakage of urine at surgical site.
 2. Incomplete removal of stone.
 3. Obstruction of urine flow.
 4. Damage to other adjacent organs.
 5. Damage to or loss of ureter.
9. Ureterectomy (partial/complete removal of ureter (tube between kidney and bladder)).
 1. Leakage of urine at surgical site.
 2. Incomplete removal of tumor (when applicable).
 3. Obstruction of urine flow.
 4. Damage to other adjacent organs.
10. Ureterolysis (partial/complete removal of ureter (tube between kidney and bladder from adjacent tissue)).
 1. Leakage of urine at surgical site.

2. Obstruction to urine flow.
3. Damage to other adjacent organs.
4. Damage to or loss of ureter
11. Ureteral reimplantation (reinserting ureter (tube between kidney and bladder) into the bladder).
 1. Leakage of urine at surgical site.
 2. Obstruction to urine flow.
 3. Damage to or loss of ureter.
 4. Backward flow of urine from bladder into ureter.
 5. Damage to other adjacent organs.
12. Prostatectomy (partial or total removal of prostate).
 1. Leakage of urine at surgical site.
 2. Obstruction to urine flow.
 3. Incontinence (difficulty with urinary control).
 4. Semen passing backward into bladder.
 5. Difficulty with penile erection (possible with partial and probable with total prostatectomy).
13. Total cystectomy (removal of urinary bladder).
 1. Probable loss of penile erection and ejaculation in the male.
 2. Damage to other adjacent organs.
 3. This procedure will require an alternate method of urinary drainage.
14. Partial cystectomy (partial removal of urinary bladder).
 1. Leakage of urine at surgical site.
 2. Incontinence (difficulty with urinary control).
 3. Backward flow of urine from bladder into ureter (tube between kidney and bladder).
 4. Obstruction of urine flow.
 5. Damage to other adjacent organs.
15. Urinary diversion (ileal conduit, colon conduit).
 1. Blood chemistry abnormalities requiring medication.
 2. Development of stones, strictures or infection.
 3. Routine lifelong medical evaluation.
 4. Leakage of urine at surgical site.
 5. Requires wearing a bag for urine collection.
16. Uretersigmoidostomy (placement of kidney drainage tubes into the large bowel).
 1. Blood chemistry abnormalities requiring medication.
 2. Development of stones, strictures or infection.
 3. Routine lifelong medical evaluation.
 4. Leakage of urine at surgical site.
 5. Difficulty in holding urine in the rectum.
17. Urethroplasty (construction/reconstruction of drainage tube from bladder).
 1. Leakage of urine at surgical site.
 2. Stricture formation.

3. Additional operation(s).

*17 Psychotherapeutic Procedures.

1. Electroconvulsive therapy with modification by intravenous muscle relaxants and sedatives.
 1. Memory changes of events prior to, during and immediately following the treatment.
 2. Fractures or dislocations of bones.
 3. Significant temporary confusion requiring special care.

§601.2. Procedures Requiring No Disclosure (List B). The following treatments and procedures require no disclosure by the physician or health care provider to the patient or person authorized to consent for the patient.

1. Anesthesia.
 1. Local.
 2. Other forms of regional anesthesia.
2. Cardiovascular system.
 1. Excision and ligation of varicose veins of the leg.
3. Digestive system.
 1. Appendectomy.
 2. Hemorrhoidectomy with fistulectomy or fissurectomy.
 3. Hemorrhoidectomy.
 4. Incision or excision of perirectal tissue.
 5. Local excision and destruction of lesion, anus and rectum.
 6. Operations for correction of cleft palate.
 7. Repair of inguinal hernia.
 8. Repair and plastic operations on anus and rectum.
 9. Resection of colon (segmental).
 10. Tonsillectomy with adenoidectomy.
 11. Tonsillectomy without adenoidectomy.
4. Ear.
 1. Myringotomy.
 2. Reconstruction of auricle of ear for skin cancer.
 3. Tympanoplasty without mastoidectomy.
5. Endocrine system.

(No procedures assigned at this time.)
6. Eye.
 1. Administration of topical, parenteral (such as IV), or oral drugs or pharmaceuticals, including, but not limited to fluorescein angiography, orbital injection or periocular injections.
 2. Removal of extraocular foreign bodies.
 3. Chalazion excision.
7. Female genital system.

*(no procedures assigned at this time.)

8. Hematic and lymphatic system.
 1. Biopsy of lymph nodes.

9. Integumentary system.
 1. Biopsy of breast.
 2. Cutting and preparation of skin grafts or pedicle flaps.
 3. Removal or treatment of local skin or subcutaneous lesion.
 4. Excision of pilonidal sinus or cyst.
 5. Suture of skin.
 6. Wide or radical excision of skin lesion with or without graft.
 7. Z plasty without excision.
 8. Biopsy of skin or mucus membrane.
 9. Incision and drainage of skin or mucus membrane lesion.
 10. Debridement of ulceration of the skin.

10. Male genital system.
 1. Biopsy of testicle.
 2. Placement of testicular prosthesis.
 3. Hydrocelectomy (removal/drainage of cyst in scrotum).
 4. Circumcision.
 5. Cystoscopy.

11. Maternity and related cases.

*(No procedures assigned at this time.)

12. Musculoskeletal system.
 1. Arthrotomy.
 2. Closed reduction without internal fixation.
 3. Excision of lesion, muscle, tendon, fascia, bone.
 4. Excision of semilunar cartilage of knee joint.
 5. Needle biopsy or aspiration, bone marrow.
 6. Partial excision of bone.
 7. Removal of internal fixation device.
 8. Traction or fixation without manipulation for reduction.

13. Nervous system.
 1. Cranioplasty.
 2. Lumbar puncture.
 3. Closure of meningocele.
 4. Venticulostomy with or without air ventriculogram.
 5. Cysternal puncture (diagnostic).
 6. Craniectomy or craniotomy for intracranial hematoma, abscess or penetrating injury.
 7. Stereotaxic surgery for dystonia.
 8. Insertion of skeletal tongs.
 9. Intravenous cut-down.
 10. Elevation of depressed skull fracture.
 11. Cervical 1-2 puncture (diagnostic).

14. Radiology.

1. Injection of contrast media or imaging media into the spinal canal for diagnostic encephalography and/or cisternography.
2. Intravascular infusion technique-therapeutic.
3. Lymphangiography.
4. Percutaneous transhepatic (liver) catheter placement.
5. Discography.
6. Venography (Venogram) with contrast media.
7. Cholangiography with contrast media.
8. Urography (IVP) with contrast media.
9. Digital Subtraction Angiography with contrast media.
10. Radionuclide scans and/or blood flow studies.
11. G. I. Tract Radiography and Fluoroscopy.
12. Oral cholecystography.
13. Fistula or sinus tract injection.
14. Sialography.
15. Dacryocystography.
16. Cystography, Cystourethrography.
17. Retrograde and antegrade urography.
18. Laryngography, Bronchography.
19. Hysterosalpingography.
20. E.R.C.P. (Endoscopic Retrograde Cholangio Pancreatography).
21. Galactography.
22. T-tube cholangiography.
23. Skeletal Radiography and/or Fluoroscopy (skull, mastoids, sinuses and facial bones; spine, ribs, pelvis; extremities.)
24. Foreign Body Radiography and/or Fluoroscopy.
25. Chest and abdomen Radiography and Fluoroscopy.
26. Portable Radiography/Fluoroscopy.
27. Pelvimetry, Fetogram.
28. Computer tomography scan with and without contrast media.
29. Ultrasound and Doppler studies.
30. Laminography, polytomography.
31. Soft-tissue Radiography including Xerography and Zermammography.
32. Kidney or bile duct stone manipulation through percutaneous tube or tube tract.
33. Pacemaker lead placement.
34. Arthrography.
35. Percutaneous nephrostogram and/or internal stent or external drainage of the kidney.
36. Percutaneous transhepatic cholangiogram and/or internal stent or external drainage of the liver.
37. Percutaneous abscess drainage.

15. Respiratory system.

1. Aspiration of bronchus.
2. Biopsy of lesion of larynx, trachea, bronchus, esophagus.
3. Lung biopsy.
4. Needle biopsy, lung.
5. Segmental resection of lung.
6. Thoracotomy.

7. Thoracotomy with drainage.
 8. Reduction of nasal fracture.
 9. Tracheostomy.
16. Urinary system.
1. Nephrostomy (placement of drainage tubes).
 2. Biopsy of prostate, bladder or urethra.
 3. Cystolithotomy (surgical removal of stone(s) from the bladder).
 4. Cystolitholopaxy (cystoscopic crushing and removal of bladder stone(s)).
 5. Cystostomy (placement of tube into the bladder).
 6. Urethrotomy (incision of the urethra).
 7. Diverticulectomy of the bladder (removal of outpouching of the bladder).
 8. Diverticulectomy or diverticulotomy of the urethra (repair or drainage of outpouching of the urethra).
17. Psychotherapeutic Procedures.
(No procedures assigned at this time)

Issued in Austin, Texas, on October 2, 1987.

TRD-8708597 James H. Duke, Jr.
Chairman
Texas Medical Disclosure Panel

Filed: October 5, 1987
For further information, please call (512) 458-7538.



Railroad Commission of Texas Public Notices

Filed September 4, 1987
For further information, please call (512) 463-7149

An application for authority to charge a toll by the Long Island Bridge Company, Inc., John R. Freeland, president, P.O. Box 2587, McAllen, Texas 78502, was filed on July 21, 1987, before the Railroad Commission of Texas in Docket 003620ZZCW pursuant to Texas Civil Statutes, Article 1473. This causeway corporation seeks authority to charge all users of the Long Island Swing Bridge (located over, through, and across the intercoastal canal at the northern tip of Long Island and the City of Port Isabel, Cameron County) as follows: \$1.00 for pedestrian traffic; \$3.50 for passenger motor vehicles, including mobile homes, R.V.'s and motorcycles; and \$4.50 for all trucks in excess of two tons.

All interested persons affected by this toll application that wish to participate in the commission consideration of this application may do so only by filing a written protest, intervention in opposition, or intervention in support, at or before, 10 a.m. on Monday, October 26, 1987, by writing Docket Services, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

Please include in the written pleading the Docket (003620ZZCW) in all responses.

Issued in Austin, Texas, on August 26, 1987

TRD-8707598 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

✦ ✦ ✦

Notice is hereby given to all interested persons, that the Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Drawer 12967, Austin, Texas 78711, on its own motion in Docket Number 003623ZZCW, will investigate the operations of the Long Island Bridge Company, Inc. of the Long Island Swing Bridge (located over, through, and across the intercoastal canal at the northern tip of Long Island and the City of Port Isabel, Cameron County). The purpose of this proceeding is to allow the Railroad Commission to regulate and control the Long Island Bridge Company, Inc. pursuant to Texas Civil Statutes, Article 1466, et seq.

All interested persons affected by this commission called proceeding that wish to participate in this commission investigation may do so only by filing a written protest, intervention in opposition, or intervention in support at or before 10 a.m. on Monday, November 16, 1987, by writing Docket Services, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967. Please include the Docket Number (003623ZZCW) in all responses.

Issued in Austin, Texas, on September 28, 1987.

TRD-8708567 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas



Texas Savings and Loan Department Notice of Application to Establish Remote Service Units

Notice is hereby given that application has been filed with the savings and loan commissioner of Texas by San Antonio Savings Association for approval to establish and operate a remote service unit at Diamond Shamrock #994, 14393 North West Military Drive, San Antonio, Bexar County.

The applicant association asserts that the security of the association's funds and that of its account holders will be maintained and the proposed service will be a substantial convenience to the public.

Anyone desiring to protest the application must file a written protest with the commissioner within 10 days following publication. The commissioner may dispense with a hearing on this application.

This application is filed pursuant to the rules of the Texas Savings and Loan Department (7 TAC §§53.11-53.16). These sections are on file with the Secretary of State, Texas Register Division, or may be seen at the department's offices in the Finance Commission Building, 2601 North Lamar Boulevard, Suite 201, Austin.

Issued in Austin, Texas, on October 2, 1987.

TRD-8708579 Laura M. Hale
 General Counsel
 Texas Savings and Loan Department

Filed: October 2, 1987
For further information, please call (512) 479-1250.



Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of September 28-October 2, 1987.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commis-

sion, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of September 28-October 2, 1987

The City of Bay City; wastewater treatment facilities; approximately one mile southeast of the intersection of State Highway 60 and the Lower Colorado River Authority Canal, west of and adjacent to Cottonwood Creek in Matagorda County; 10123-01, 10123-02, 10123-03; renewals

City of Corpus Christi; sewage treatment plant; on the Encinal Peninsula adjacent to the Laguna Madre, approximately 0.5 mile southeast of the intersection of Jester Street and State Highway 358 in the City of Corpus Christi in Nueces County; 10401-08; renewal

Coastal Refining and Marketing, Inc., Corpus Christi; coke sizing, storage, and shipping facility; on the north side of Corpus Christi Inner Harbor, approximately one mile west of the lift bridge over the channel on Navigation Boulevard near the City of Corpus Christi, Nueces County; 02540; renewal

City of Pasadena; wastewater treatment facilities; north of the 3600 block of Darling Avenue; approximately 4,000 feet east-southeast of the intersection of South Avenue and State Highway 225 in Harris County; 10053-02; renewal

City of Caldwell; wastewater treatment facilities; on the west bank of Davidson Creek, approximately one mile southeast of the intersection of State Highways 21 and 36, Burleson County; 10813-01; renewal

City of Wylie; wastewater treatment facilities; south of State Highway 78 and west of Birmingham Street in the southwestern section of the City of Wylie in Collin County; 10384-01; amendment

The Moody Foundation, doing business as Moody Gardens, Galveston; tertiary wastewater treatment plant; at One Hope Boulevard in the City of Galveston, in Galveston County; 02948; new

City of Corpus Christi; wastewater treatment plant; at the intersection of Nile Drive and Ennis Joslin Road in the City of Corpus Christi in Nueces County; 10401-04; renewal

Ralph Brinton, Houston; wastewater treatment facilities; approximately 2,000 feet east northeast of the intersection of Woodway and South Voss Road and approximately 3,000 feet northeast of the intersection of Voss Road and San Felipe in the City of Houston in Harris County; 12422-01; renewal

City of Jewett; sewage treatment plant; 4,000 feet east of State Highway 79 and 500 feet southeast of Sugar Street, on the east side of the City of Jewett, Leon County; 11392-01; renewal

The George Foundation, Richmond; wastewater treatment facilities; approximately 1,500 feet west of the crossing of FM Road 762 and Dry Creek in Fort Bend County; 12603-01; renewal

City of San Angelo; wastewater treatment facility; 8,000 feet southwest of the intersection of Loop 306 and Knickerbocker Road (FM Road 584), 300 feet west of Knickerbocker Road and 1,100 feet north of Red Bluff

Road, south-southwest of the City of San Angelo, Tom Green County; 10641-05; new

Carriage Estates, Inc., Lufkin; wastewater treatment facilities; approximately 4,550 feet north of the intersection of FM Road 324 and U.S. Highway 59 and 650 feet east of Daniel McCall Drive in Angelina County; 12483-01; renewal

City of Cleburne; surface water treatment facilities; on County Road 1111, approximately two miles southwest of the City of Cleburne in Johnson County; 10006-02; renewal

Cedar Point Utility Company, Houston; sewage treatment plant; on the east side of the Kickapoo Creek Arm of Lake Livingston, approximately 2,000 feet south of U.S. Highway 190 in Polk County; 12454-01; renewal

City of McAllen; surface water treatment facilities; approximately 0.25 mile west of the intersection of U.S. Highway 83, State Highway Loop 115 and FM Road 1926 in the City of McAllen, Hidalgo County; 10633-02; renewal

City of Linden; wastewater treatment facilities; approximately 1,600 feet southwest of the intersection of State Highway 155 and Hamilton Street in Cass County; 10429-02; renewal

E. C. Enterprises, Inc., Dallas; wastewater treatment plant; at 17607 Highway 59, about two miles south of its intersection with FM Road 1960 in Harris County; 12138-01; renewal

Thomas S. Gillis, Jr., Houston; wastewater treatment facilities; on the east side of Aldine Westfield Road, between Aldine Mail Road and Isom Street in Harris County; 11821-01; renewal

City of Corpus Christi; wastewater treatment facilities; south of State Highway 357 (Saratoga Boulevard), approximately one mile west of the intersection of State Highway 286 and Highway 357 in the City of Corpus Christi in Nueces County; 10401-03; amendment

T Farms Water Treatment Plant, Inc., Temple; wastewater treatment facilities; approximately 3,000 feet south-southeast of the intersection of FM Roads 973 and 812 and 1.5 miles east of U.S. Highway 183 in Travis County; 11191-01; renewal

City of Port Arthur; wastewater treatment facilities; on Pleasure Island adjacent to the Sabine-Neches Waterway, approximately 1.6 miles northeast of the Gulfgate Bridge in Jefferson County; 10364-09; amendment

Gulf Cost Trades Center, Inc., Willis; wastewater treatment facilities; approximately .4 mile north of the intersection of IH-45 and Sheppard Hill Road and approximately 4.1 miles north of the City of Willis on the west side of IH-45 in Montgomery County; 11829-01; renewal

Union Carbide Corporation, Linde Division, LaPorte; cryogenic air separation plant; at the intersection of Strang Road and State Highway 225 in the City of LaPorte, Harris County; 02529; amendment

E. I. Dupont de Nemours and Company, Inc., LaPorte; waste disposal wells; on company property, approximately two miles north-northwest of LaPorte, in the Enoch Brinson League, Abstract No. 5, Harris County; WDWs-82, 83 and 149, amendments

E. I. Dupont de Nemours and Company, Inc., Orange; waste disposal wells; approximately two miles south of Orange in the Stephen Jett Survey Abstract A-16, Orange County; WDWs-54, 55, and 56, amendments

Lundberg Industries, Limited, Dumas; waste disposal well; 5½ miles northeast of Dumas, Moore County, approximately 850 feet west of the east line, and 1,050 feet north of the south line of Section 362, Block 44 of the H. & T.C. Railroad Survey; WDW-3; amendment

Texas Utilities Electric Company, Dallas; waste disposal well; 2,592 feet from the northwest corner of the B.J. Naugle Survey, Abstract 669, Collin County; WDW-227; amendment

Issued in Austin, Texas, on October 2, 1987.

TRD-8708589 Karen A. Phillips
Chief Clerk
Texas Water Commission

Filed: October 2, 1987
For further information, please call (512) 463-7898.



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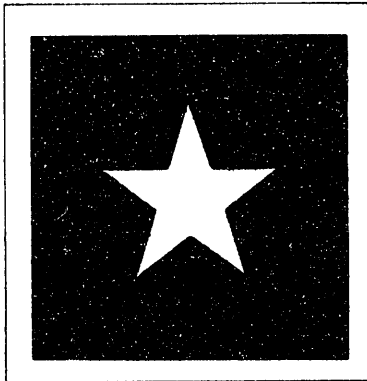
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