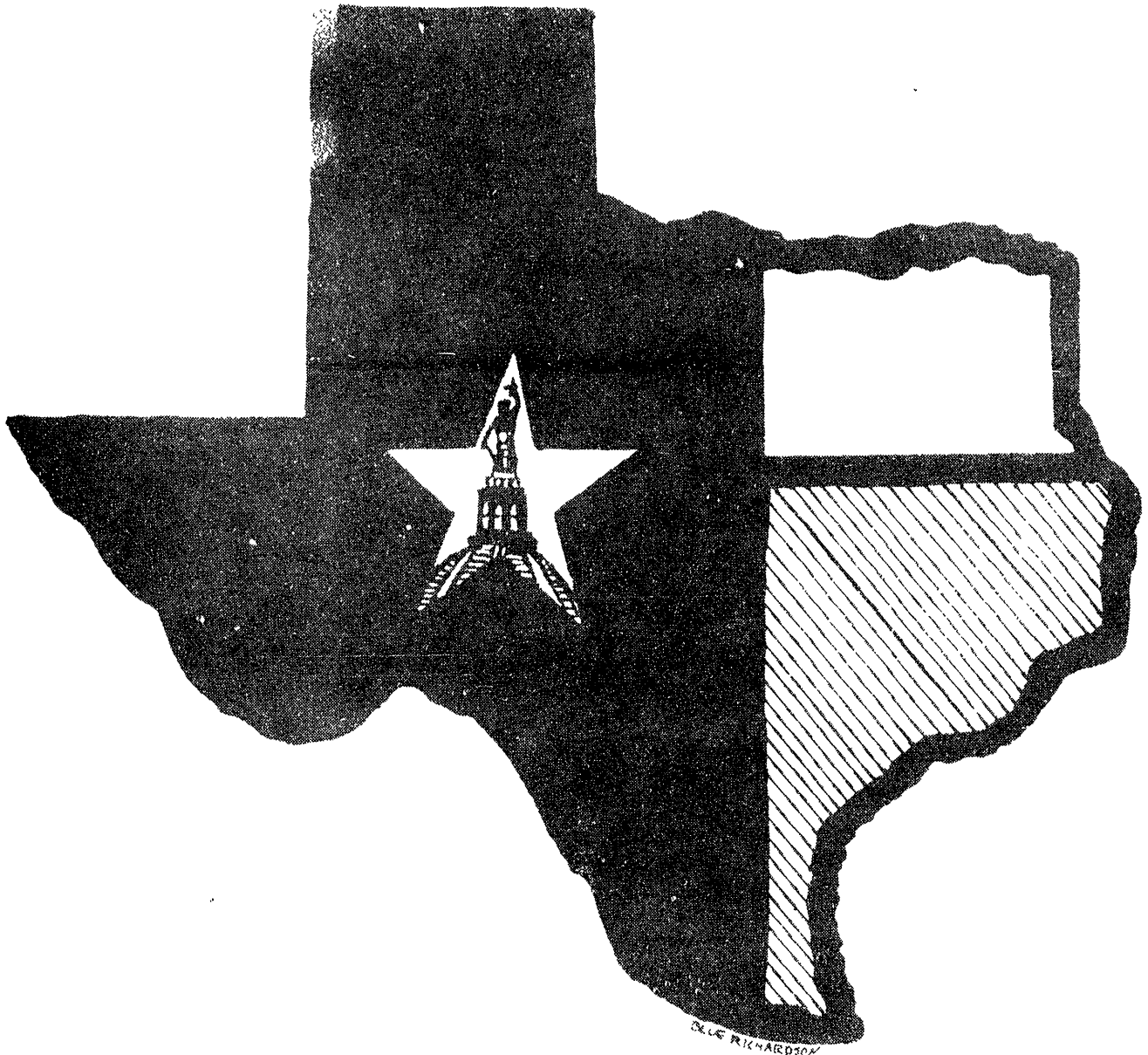


# Texas Register

Volume 12, Number 77, October 13, 1987

Pages 3753-3793



## Highlights

The Texas Real Estate Commission adopts an amendment enhancing the educational process for prospective real estate licensees. Effective date: October 27, 1987. page 3775

The Texas Water Commission proposes amendments to rules concerning location standards for hazardous waste storage, processing, or disposal. Earliest possible date of adoption: November 13,

1987.

The Texas Department of Health proposes new rules concerning asbestos exposure abatement in public buildings by providing a means for the control and elimination of public exposure to airborne asbestos fibers. Proposed date of adoption: December 5, 1987. page 3761

page 3768

Office of  
the Secretary  
of State

## Texas Register

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- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
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- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes accumulative quarterly and annual indexes to aid in researching material published.

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 TexReg 3."

**How To Research:** The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

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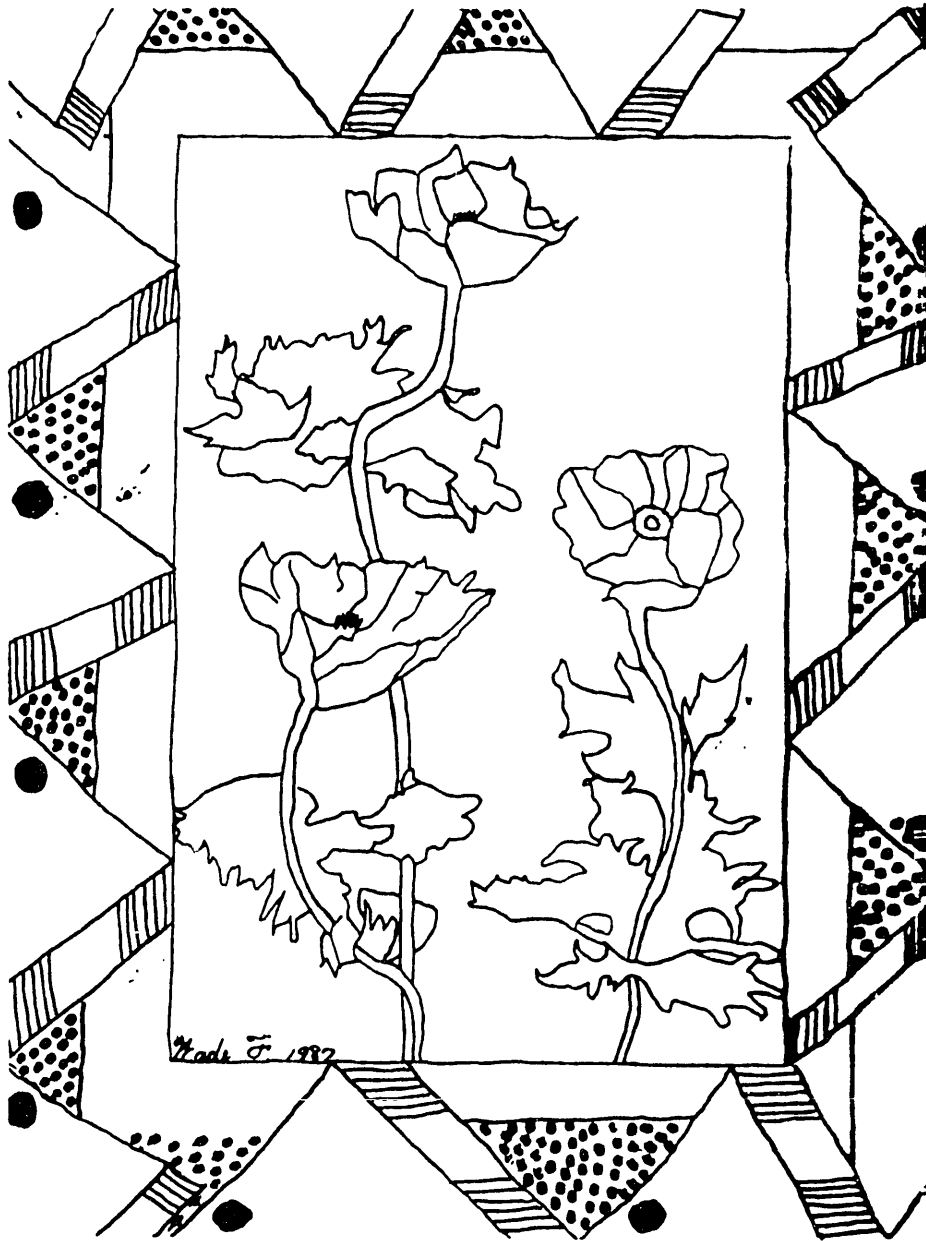
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# Attorney

## General

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

### Requests for Opinions

**RQ-1255.** Request from Bill Haley, Chairman, Public Education Committee, House of Representatives, Austin, concerning whether a municipality is required to provide law enforcement.

TRD-8708637



**RQ-1256.** Request from Roy Blake, Chairman, Senate Committee on Administration, Austin, concerning whether a county may provide supplemental pay to elected county officials and certain county employees.

TRD-8708638



**RQ-1257.** Request from Chet Edwards, Chairman, Senate Nominations Committee, Austin, concerning whether political contributions may be used by an office holder for certain causes of action related to his candidacy.

TRD-8708639



**RQ-1258.** Request from Edwin E. Powell, Jr., Coryell County Attorney, Gatesville, and Michael Line, Scurry County Attorney, Snyder, concerning whether a commissioners court may transfer county land to the state for use as a prison facility.

TRD-8708640



**RQ-1259.** Request from Tom Maness, Criminal District Attorney, Beaumont, concerning whether a home rule city may enter a commercial lease of municipal property if the lease contains an attornment provision.

TRD-8708641



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# 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 25. HEALTH SERVICES

### Part I. Texas Department of Health

*(Editor's Note: In the October 2, 1987, issue of the Texas Register (12 TexReg 3551), the phone number for information regarding §295.2 and §295.9 of this title (relating to Hazard Communication) should have read (512) 458-7410.)*

#### Chapter 289. Occupational Health and Radiation Control

##### Asbestos Exposure Abatement in Public Buildings

###### ★ 25 TAC §§289.141-289.156

The Texas Department of Health proposes new §§289.141—289.156, concerning asbestos exposure abatement in public buildings. The new sections implement the requirements of House Bill 36, 70th Legislature, which became effective September 1, 1987. The new sections provide a means for the control and elimination of public exposure to airborne asbestos fibers, by providing the department with the authority to set standards to regulate the business of asbestos abatement in buildings which are subject to public occupancy or access, and all persons engaged in removing asbestos from or encapsulating asbestos in a public building, and establishes requirements for licensing and registration of asbestos workers. The new sections cover general provisions; definitions; licensure; licensing standards; qualifications for licensing; license applications, renewals, and fees; abatement notification, plans review, and inspections; reprimand, suspension, and revocation; registration of employees as asbestos workers; standards for training courses for licensure and registration; work practices for asbestos removal; glove bag asbestos removal; work practices for asbestos encapsulation; work practices for asbestos-related maintenance operations; work practices for asbestos-related demolition and dismantling operations; and asbestos waste disposal.

Mr. Stephen Seale, chief accountant III, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications as a result of enforcing and administering the sections. The fiscal implications for state government will effect an estimated 54 state agencies. For the first five years the effect to state government will be an estimated additional cost of \$51,300 for fiscal year 1988, and \$45,900 each year thereafter for fiscal years 1989 through 1992. There will be an estimated increase in revenue of \$105,000 for fiscal year 1988, \$122,500 for fiscal year 1989; \$132,500 for fiscal year 1990; \$152,000 for fiscal year 1991; and \$172,000 for fiscal year 1992. The average cost per agency will be \$950 for fiscal year 1988, and \$850 each year thereafter for fiscal years 1989-1992. It has been determined that, for each of the first five years the sections will be in effect, there will be additional costs to local governments only to the extent that they engage in an asbestos-related activity within a building of public occupancy or access with their own employees. The costs will be different for each local government except that the annual fee requirements for licensure of contractors or owner-operators is \$500; licensing of project superintendents is \$300.00; and registering workers is \$50, and remains the same for all circumstances. The effect on small businesses will be additional costs only to the extent that they engage in an asbestos-related activity, using their own employees, with a building of public occupancy or access that they own or operate. The cost per employee will be the same for small businesses as for large businesses. The cost will be different for each small business, except that the annual fee requirements for licensure of contractors or owner-operators is \$500; and licensing of project superintendents is \$300; and registering workers is \$50, and remains the same for all circumstances.

Mr. Seale also has determined that for each of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing the sections will be a great reduction in the number of incidents of human exposure to airborne asbestos dust in buildings that are occupied or accessed by the public in the course of everyday life.

Comments may be submitted to Jerry F.

Lauderdale, P.E., Administrator, Occupational Health Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of these sections in the *Texas Register*. In addition, a public hearing is scheduled for 9 a.m., Wednesday, October 21, 1987, in the auditorium of the Texas Department of Health, 1100 West 49th Street, Austin, Texas.

The new sections are proposed under Texas Civil Statutes, Article 4477-3a, which provide the Texas Board of Health with the authority to adopt sections for the registration of workers and licensure of persons engaging in the removal of encapsulation of asbestos or other asbestos-related activity in all buildings of public occupancy or access.

###### §289.141. General Provisions.

(a) Purpose. The purpose of these sections is to establish the means of control and elimination of public exposure to airborne asbestos fibers, a known carcinogen and dangerous health hazard, by regulating the business of asbestos abatement in public buildings.

(b) Scope. These sections apply to all buildings which are subject to public occupancy or to which the general public has access, and to all persons engaged in removing asbestos from or encapsulating asbestos in a public building for any purpose, including repair, renovation, dismantling, demolition, installations or maintenance operations, or any other asbestos-related activity that may involve the disturbance of asbestos-containing materials in public buildings, and to the training required for accreditation of these activities, in compliance with these sections and all application standards of the United States Environmental Protection Agency, the Occupational Safety and Health Administration, or other agency that has authority to regulate asbestos activity.

(c) Exclusions. Whereas these sections apply to buildings capable of public occupancy, those buildings, or portions of buildings, to which all access is strictly and entirely controlled or prohibited because of processes or functions dangerous to human, health, and safety are excluded from these sections. Private residences and residential buildings having fewer than 10 dwelling units are also excluded, as well as federal buildings or military installations.

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

**Asbestos**—Includes fibrous mineral forms: chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite. Asbestos is a mineral that looks and acts like a silky fiber.

**Asbestos abatement**—Asbestos-related activity that has the effect of reducing or eliminating the concentration of asbestos fibers or the amount of asbestos-containing materials in a particular area.

**Asbestos-containing material (ACM)**—Building materials that contain 1.0% or more by weight of any kind or combination of mineral asbestos.

**Asbestos contractor**—A person who engages in asbestos removal, encapsulation, or other asbestos-related abatement activity for others under a contract or other agreement of remuneration.

**Asbestos exposure**—Exposure to breathable airborne asbestos fibers as a result of disturbance or deterioration of mineral asbestos or asbestos-containing materials. The smallest of such fibers are invisible and virtually weightless.

**Asbestos Hazard Emergency Response Act of 1986 (AHERA), Public Law 99-519**—A law amending the Federal Toxic Substances Control Act, 15 United States Code 2601 et seq., to require all school administrations in the nation to develop a plan for controlling or removing any asbestos from all school buildings, and providing penalties for not following such plans.

**Asbestos-related activity**—Any activity in connection with a public building, such as asbestos removal, asbestos encapsulation, enclosure, or repairs, renovation, maintenance, installation, dismantling or demolition, which impinge upon any asbestos-containing material.

**Board**—The Texas Board of Health.

**Building owner-operator**—The responsible operator of any public building.

**Commissioner**—The Texas Commissioner of Health.

**Department**—The Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

**Encapsulation**—A type of asbestos abatement in which the surface of the asbestos-containing material is either penetrated or covered with a membrane of the encapsulating material. When done correctly it eliminates asbestos exposure, though the asbestos remains in place. Some encapsulant formulations are used to reduce release of asbestos fibers during removal.

**EPA**—The United States Environmental Protection Agency, which administers Federal regulations concerning the environmental effects of asbestos materials.

**Friable/nonfriable**—Friable materials are those that can be crumbled or pulverized by hand pressure. Asbestos materials that

have been sprayed or trowelled on building surfaces are frequently friable. Examples of nonfriable asbestos materials are asbestos-cement panels or shingles, or vinyl-asbestos tiles.

**HEPA filters**—High-efficiency particulate absolute filter, a kind of air filter capable of removing 99.97% of airborne particles three microns or larger in size. Used in respirators, vacuum cleaners, and exhaust blowers for asbestos abatement.

**Licensee**—A person who meets all qualifications and has been issued a license by the department under these sections.

**OSHA**—The Occupational Safety and Health Administration of the United States Department of Labor, which administers federal regulations pertaining to employee safety and protection during asbestos-related activities.

**Person**—An individual or an organization with legal rights and responsibilities. Organizations include proprietorships, partnerships, corporations, trusts, governmental subdivisions or agencies, or other such legal entities.

**Physical examination**—A medical history, chest x-ray, and a lung-capacity test. A physical examination is required by these sections and by federal regulations of all persons who shall come in close proximity to asbestos during any asbestos-related activity.

**Public building**—A building that is open to public access or public occupancy.

#### §289.143. *Licensure.*

(a) A person may not engage in the business of removing asbestos, encapsulating asbestos, or any asbestos-related activity in a public building, whether as an asbestos abatement contractor or a building owner-operator using his or her own employees, unless that person is licensed by the department in accordance with these sections.

(b) An individual may not engage in the supervision of removing asbestos, encapsulating asbestos, or any asbestos-related activity in a public building unless that individual is licensed as an asbestos abatement supervisor in accordance with these sections.

(c) An individual licensed as an asbestos abatement contractor or building owner-operator may also be licensed as an asbestos abatement supervisor provided all qualification requirements for each category are completed or certified with the application. No additional fee shall be required for such dual qualification.

(d) An asbestos abatement contractor must be validly licensed by the department whenever his organization submits a bid for an asbestos removal project, an asbestos encapsulation project, or any asbestos-abatement activity in a public building.

(e) The terms and conditions of all such licenses shall be subject at any time to revision, amendment, or modification by rules or orders issued by the board or the department. No license issued under these

sections may be assigned or transferred.

(f) The term of each license expires on the first anniversary of its effective date, unless the license is renewed for a one-year term.

(g) A person applying for a license, or renewal of a license, under these sections shall pay an annual fee in accordance with §289.146 of this title (relating to License Applications, Renewals, and Fees). The fee shall cover a 12 month period beginning on the effective date of the issuance or renewal of the license. No portion of the fee shall be refunded if the license is suspended or revoked, in accordance with §289.148 of this title (relating to Reprimand, Suspension, and Revocation), or if the person otherwise discontinues licensed activities.

(h) In an emergency that results from a sudden, unexpected event that is not part of a planned renovation or demolition, the department may waive the requirement for a license, but notification shall be required according to §289.147 of this title (relating to Abatement Notification, Plans Review, and Notification).

(i) The department shall prepare and maintain a list of licensees, which shall be available for public inspection at the department, Occupational Health Program, 1100 West 49th Street, Austin, Texas 78756, during working hours.

#### §289.144. *Licensing Standards.*

(a) No license shall be issued under these sections, and no license shall be renewed or remain in effect unless the licensee demonstrates to the satisfaction of the department that the following standards are met.

(1) Every asbestos-related activity or operation undertaken by an asbestos abatement contractor or building owner-operator shall be supervised by at least one licensed supervisor who shall be physically present at all times during, and directly responsible for, each asbestos-related activity or operation.

(2) Each employee or agent of any licensee who shall come into contact with asbestos or who shall engage in an asbestos removal project, an asbestos encapsulation project, or any asbestos-related activity shall have an annual physical examination, be properly equipped and trained, and be licensed or registered in accordance with these sections.

(3) Each licensee shall keep a record of all asbestos-related activities or operations to the extent of his or her participation in them. Each licensee shall keep a copy of all violations issued against him by the United States Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), or state agencies. These records shall be kept for at least six years. They shall be made available to the department, upon request, for inspection

and review at any reasonable time.

(4) Each licensee shall assist and cooperate with all properly-identified representatives of the department in the conduct of asbestos inspections, surveys, or monitoring procedures at all reasonable or necessary times, with or without prior notice in accordance with §289.147(e) of this title (relating to Abatement Notification, Plans Review, and Inspections). Such inspections may be made at proposed, actual, or former sites of asbestos-related activities, or the premises, records, equipment, and personnel of licensees or applicants thereto, or those who have held active licenses.

(5) Each licensee who employs registered asbestos workers, in accordance with §289.149 of this title (relating to Registration of Employees as Asbestos Workers) shall designate an individual who is responsible for establishing and maintaining its respiratory protection program, and shall submit a written description of this program to the department for approval. The licensee must maintain in safe working condition a sufficient number of approved respirators to meet all anticipated requirements of his employees. Any employee whose facial characteristics, hair, mustache, or beard preclude a tight fit (pressure-test fit) of his respirator shall not be allowed to enter the work area enclosure of an asbestos operation unless he can be provided with a positive-pressure hood-style respirator.

(b) Each licensee shall have in possession, for study and reference purposes, either a copy or the text of each of the following:

(1) *Guidance for Controlling Asbestos Materials in Buildings*, EPA Manual 560/5-85-024, (June 1985);

(2) national emissions standards for hazardous air pollutants, 40 Code of Federal Regulation Part 61, Subparts A and M, (EPA);

(3) worker protection rule, 40 Code of Federal Regulation Part 763, Subpart G, (EPA);

(4) asbestos-containing materials in schools, 40 Code of Federal Regulation Part 763, Subpart E, as amended, (EPA);

(5) occupational health and safety asbestos regulations, 29 Code of Federal Regulations §1910.1001, (OSHA);

(6) occupational health standards for asbestos exposure, 29 Code of Federal Regulations §1910.134, (OSHA);

(7) Texas Civil Statutes, Article 4477-3a, covering the regulation of asbestos in Texas, (House Bill 36, 70th Legislature, 1987); and

(8) these sections (§§289.141-289.156 of this title (relating to Asbestos Exposure Abatement in Public Buildings)). Buildings)).

#### §289.145. *Qualifications for Licensing.*

(a) To qualify for a license as asbestos abatement contractors or building owner/operators under these sections, an applicant must demonstrate in a manner acceptable to the department that he meet all applicable

qualifications listed in this subsection. The person who signs the completed application may be an individual or the chief operating officer of an applicant organization. However, a chief operating officer may designate in writing an employee in his organization to be in charge of asbestos-related activities provided the named employee meet the following qualifications.

(1) An applicant must have a minimum of one year's experience with asbestos abatement practices and procedures. The experience record shall be submitted in written form, giving locations and dates of such abatement activities, descriptions of the duties performed by the applicant in each instance, and sufficient references, including names, addresses, phone numbers, etc., to permit verification. Applicants for licensing as asbestos contractors or building owner/operators who lack sufficient abatement experience may be able to qualify under the terms of subsection (b) of this section.

(2) An applicant must have completed a course of instruction within the past 12 months of not less than 32 classroom hours relating to asbestos abatement practices and procedures, and to the supervision thereof, approved by the department and the EPA, with a passing grade of 75 or better on the course examination. Persons who have completed and passed this required training since January, 1986, and who apply for licensing on or before April 1, 1988, shall be accepted under this provision upon presentation of evidence acceptable to the department in accordance with §289.150 of this title (relating to Standards for Training Courses for Licensure and Registration).

(3) An applicant must demonstrate compliance with all federal asbestos standards of OSHA and the EPA.

(b) A person lacking sufficient asbestos abatement experience, as required by subsection (a)(1) of this section may, upon submission of other evidences satisfactory to the department, be licensed conditionally to perform asbestos abatement under these sections if one or more validly-licensed asbestos abatement supervisors, who shall supervise all asbestos-related activity for said person, are employed for this purpose. The department shall be advised at all times of the employment status of supervisors employed under this provision, and no asbestos abatement shall be undertaken by licensee without such on-site supervision.

(c) All persons whose verified training requirements for license qualification occurred prior to January 1, 1986, and all persons subject to license renewal, shall complete an annual update course of instruction approved by the department and the EPA to be qualified for licensing or renewal.

(d) In addition to the qualifications required by subsection (a) of this section, applicants for licensure as asbestos contractors or as building owner/operators shall certify that they have on hand in working condition for immediate use:

(1) a quantity of not less than 1½ air-purifying respirators with replaceable HEPA filters as described in §289.142 of this title (relating to Definitions) for each licensed or registered individual in his employ at any given time. The required respirators may be of the half-face or full-face style or powered air-purifying respirators in either face style, or with a full hood;

(2) a sufficient quantity of replacement HEPA filters of the exact type necessary for each of the respirators available for use;

(3) at least one vacuum-cleaning machine equipped with a HEPA exhaust filter for vacuuming asbestos debris.

(e) In addition to the qualifications required by subsections (a) and (d) of this section, applicants for licensure as asbestos contractors shall certify that they possess on hand and in working condition, either:

(1) a high or low-pressure supplied-air system capable of delivery of Grade D breathing air with a sufficient quantity of Type C supplied-air full-face (or hood) respirators, connecting hoses, and regulators to completely equip an abatement crew; or

(2) a self-contained breathing apparatus (SCBA) equipped with full facepiece or hood in sufficient quantity to equip each member of an abatement crew, and with sufficient additional air tanks to supply the crew for a work period.

#### §289.146. *License Applications, Renewals, Fees.*

(a) Applications for a license under these sections shall be made on forms provided by the department. An application shall be accompanied by a check or money order for the license fee set by the board. Only applications which are complete can be accepted for consideration by the department.

(b) The department shall have 90 days after receipt of application to determine if a license shall be issued. In the event an application is determined to be deficient or incomplete, the department will notify the applicant of the information or documents necessary to complete the application. The department may retain the application pending the receipt of such additional information.

(c) The applicant shall have 20 working days from the mailing date of the notification to supply the information to complete the application. If the department has not received the information by the end of that period, the department may return the application to the applicant.

(d) In the event an application is returned as incomplete or deficient, the department shall retain \$100 of the application fee and return the remainder to the applicant.

(e) The annual license fee for asbestos contractors or building owner/operators is \$500. The annual license fee for asbestos abatement supervisors is \$300. All fees are to be reviewed annually by the board.

(f) At least 30 days before a license expires, the department shall send to the licensee at its last known address a renewal notice which shall state the following:

(1) the date on which the current license expires;

(2) any additional qualification requirements that must be fulfilled for renewal; and

(3) the amount of the annual renewal fee, as set by the board, for which payment must accompany the renewal application.

(g) A licensee may apply for a renewal of license no sooner than 60 days before the expiration of the license. A license that has lapsed for a period of more than 30 days shall not be eligible for renewal.

**§289.147. Abatement Notification, Plans Review, Inspections.**

(a) Whenever a licensed asbestos contractor or building owner/operator proposes to engage in an asbestos abatement project or operation in a building of public access or public occupancy, notification of intent shall be made to the department by a letter delivered or postmarked no less than 20 days before such activities are to commence, for all projects or operations.

(b) The person making the notification required by subsection (a) of this section shall be required to provide the following information, and any additional information requested by the department that is necessary to determine the nature of the project or operation:

(1) the name and location of each structure at which the activities will be carried out;

(2) the anticipated dates during which the activities will be carried out;

(3) a statement of gross contract price or, where no contract is involved, an estimate of the gross square footage of the area of the project or operation;

(4) the anticipated amount(s) and type(s) of friable asbestos-containing material(s) that will be involved in the activity including sampling results and a drawing showing location(s) of these materials;

(5) a general description of the work practices that will be followed, including area containment and worker protection measures that are proposed;

(6) a list of employees who will be involved in the activity, giving the registration number of each employee and license number of each supervisor; and

(7) the disposal methods for the waste asbestos-containing materials, and the disposal site approved by the department at which arrangements have been made to receive the asbestos waste that will be generated by the project operation.

(c) The department shall conduct on-site inspections of each licensee's procedures one or more times annually. An on-site inspection may include an inspection of the licensee's records and equipment.

(d) The department may enter into agreements or contracts with other public agencies or private contractors to conduct all or part these inspections.

**§289.148. Reprimand, Suspension, and Revocation.**

(a) The department may reprimand any licensee, or shall suspend, revoke, or refuse to issue or to renew a license on any of the following grounds:

(1) fraud or deception in obtaining, attempting to obtain, or renewing a license;

(2) failure at any time to comply with the licensing requirements of §289.144 and §289.145 of this title (relating to Licensing Standards, and Qualifications for Licensing), respectively;

(3) failure to maintain or to permit inspection of the records required of all licensees in §289.144(a) of this title (relating to Licensing Standards);

(4) employing or permitting an unregistered worker or unlicensed supervisor to work on any asbestos project or operation;

(5) engaging or attempting to engage in an asbestos project or operation without a valid license;

(6) failure to comply with any sections adopted by the board or order issued by the department;

(7) failure to provide notice of an asbestos project or operation as required by §289.147(a) of this title (relating to Abatement Notification, Plans Review, and Inspections);

(8) conviction within the past five years of the license, of a felony or a misdemeanor (involving fraudulent activities relating to construction or the building trades in general) committed by a licensed person, or if the licensee is a corporation, partnership, or association, by any of its members, officers or directors, or by any person designated to manage or supervise the asbestos-related activities; or

(9) failure of a contractor licensee to complete an asbestos abatement project or operation due to insufficient financial resources.

(b) Should the department propose to reprimand, deny, refuse issuance or renewal, or to suspend or revoke a license, it shall notify the licensee or applicant in writing of the following:

(1) the date, facts, and nature of each act or omission with which the licensee or applicant is charged;

(2) the particular provision or provisions of the law, rule, or order involved in the alleged violations; and

(3) the time, date, and place at which a full and fair hearing shall be held on such charge.

(c) The notice as described in subsection (b) of this section, shall be mailed by certified or registered mail, or delivered by personal service to the licensee or applicant no less than 30 days before the time set for the hearing. Such hearing will be held as

scheduled, unless the licensee or applicant advises the department in writing either that the proposed action by the department will not be contested, or that a continuance is requested for good cause.

(d) Hearings shall be conducted in accordance with the Administrative Procedures and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the department's hearing procedures in §§1.21—1.32 of this title (relating to Formal Hearing Procedures).

**§289.149. Registration of Employees as Asbestos Workers.**

(a) An employee or any other individual shall be registered with the department as an asbestos worker prior to undertaking to remove asbestos, encapsulate asbestos, make repairs, installations, do maintenance, or any other work activity which shall affect any asbestos or asbestos-containing materials in any building subject to public occupancy or public access.

(b) Terms and conditions of all asbestos worker registrations shall be subject at any time to revision, amendment, or modification by sections or orders issued by the board or department. No registration thus issued may be assigned or transferred.

(c) Applications for registration must be made on a form prescribed by the department and must be accompanied by the registration fee in the amount of \$50. Payment of fee shall be made by check or money order.

(d) To qualify for registration as an asbestos worker the applicant must:

(1) have attended, completed all parts, and passed an examination for the required training course for asbestos workers approved by the department in accordance with §289.150 (relating to Standards for Training Courses for Licensure and Registration) and the EPA;

(2) submit a signed statement by a clinic or doctor that the applicant has had a physical examination within the past 12 months that included an individual history of lung conditions or disease, chest x-ray, and a lung-capacity test, and that the applicant appears to be capable of performing manual labor while wearing an air-purifying respirator.

(e) No registered asbestos worker or applicant shall be compelled to sign any statement concerning worker training, physical examination, worker protection standards, equipment, asbestos abatement practices, instances of asbestos dust exposure, or waste disposal practices that may result in fraud or deception.

(f) The department may propose to deny an application, refuse issuance, or revoke or suspend a registration for fraud or misrepresentation or failure to complete successfully the requirements of subsection (d) of this section.

(g) The registrant may appeal the denial, revocation, or suspension in accordance with the provisions of the Adminis-

trative Procedures and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the the department's hearing procedures in §§1.21—1.32 of this title (relating to Formal Hearing Procedures).

**§289.150. Standards for Training Courses for Licensure and Registration.**

(a) Standards for training courses for asbestos license qualification enumerated in this section are limited to those courses required by the department under these sections. Courses required are as follows:

(1) the abatement practices and procedures course, requiring 32 classroom hours; and

(2) the annual review or update course, requiring 12 classroom hours. Minimum specifications for these courses are to be found in 40 Code of Federal Regulations Part 763, Subpart E, Appendix C, Model Contractor Accreditation Plan.

(b) The curriculum for each training course required for licensing are to be submitted and discussed with the department pending the granting of approval by the department. Changes in the details of the curriculum are to be reported to the department within 10 days of such changes.

(c) The supervising instructor of each training session for asbestos license qualifications shall, as a minimum:

(1) possess a baccalaureate or higher college degree in engineering, industrial hygiene, physical or biological science;

(2) have completed and passed the practices and procedures course for contractors and supervisors;

(3) have had actual teaching experience or teacher training; and

(4) have completed asbestos instructor training sponsored by either the National Asbestos Council or American Wall and Ceiling Institute, and all EPA requirements for instructors.

(d) For asbestos worker registration, as required by §289.149 of this title (relating to Registration of Employees as Asbestos Workers), the department requires that the asbestos training curriculum shall fulfill, at a minimum, the requirements for asbestos abatement workers to be found in 40 Code of Federal Regulations Part 763, Subpart E, §E, Appendix C.

(e) Applicant organizations seeking to conduct training sessions for asbestos workers shall meet all minimum standards of the department and the EPA.

(f) Names and resumes of all training-session class instructors shall be submitted to the department, and this roster shall be revised monthly or whenever a change is necessary. Schedules for all training sessions which have been planned shall be submitted to the department on a monthly basis.

(g) All sessions of training courses required for qualification under these sections shall be open to audit by representatives of

the department. The department is authorized to make inquiries concerning any aspect of the training required by these sections and may require suspension of any course or session.

(h) The department shall receive reports of each training session within 15 days of the end of the session. The information reported shall include:

(1) those who complete the training, including name, social security number, address, employer; and

(2) results of the examination, if administered.

(i) Full duplicate records for each training session are to be retained by the department and the training agency for five years.

(j) Out-of-state asbestos training may be acceptable on an individual basis for qualification providing that it can be established that the courses are substantially the same and approved by the EPA. Information provided on such training must be acceptable to the department, which may require a re-examination prior to acceptance.

**§289.151. Work Practices for Asbestos Removal.**

(a) Heating and ventilation systems serving the asbestos-activity work-area shall be shut down and locked out. Where such systems cannot be shut down, special provisions shall be made to assure that airborne contamination from the work area cannot enter the ventilation system and be carried to other areas of the building.

(1) Warning signs shall be posted prominently at all entryways into the work area as required by 29 Code of Federal Regulations Part J, §1910.1001, (OSHA).

(2) All persons other than those with responsibilities directly related to the project, shall be prevented from entering any part of the work area before final cleanup is complete.

(3) Each person engaged in an asbestos project or entering an asbestos project work area must wear an approved respirator and protective clothing.

(4) All movable furnishings, equipment and fixtures in the work area shall be precleaned with a HEPA-filter-equipped vacuum or by wet cleaning methods. After cleaning, these items shall be removed from the work area and stored in an area that is not subject to contamination with asbestos fibers. These items shall not be returned to the work area until the final cleanup procedure is complete.

(b) The work area shall be isolated from other areas of the building and outside areas where necessary by erecting airtight temporary partitions around the open portions of work areas and by installing airtight seals over doorways, windows, and ventilation system openings, including all seams and ductwork passing through the work area, using not less than six mil thick plastic sheeting, except that doorways between the work area

and decontamination facilities may be closed off with a control curtain.

(c) All wall and floor surface areas, other than those from which asbestos is to be removed, and all nonmovable furnishings, equipment, and fixtures remaining in the work area shall be precleaned with a HEPA-filter-equipped vacuuming device or by wet cleaning methods. Nonmoveable items and wall surfaces shall be covered with two layers of at least four mil thick plastic sheeting. Floors shall be covered with a minimum of two layers of six mil thick plastic sheeting that extends up the wall at least 12 inches.

(1) Plastic sheeting used on walls shall be affixed to the wall in a manner that will assure that it shall remain in position throughout the length of the project, and shall overlap the floor sheeting.

(2) Any separations or tears noted in the protective plastic sheeting shall be repaired immediately.

(d) HEPA-filter-equipped ventilation fans shall be installed in a manner that will continually exhaust air from all locations within the work area.

(1) The total capacity of the fans shall be sufficient to exhaust the entire volume of air contained in the work area within fifteen minutes, unless a longer time period is specifically approved by the department.

(2) The air removed shall be discharged through ducts installed through the work area plastic sheeting in a manner that will provide an airtight seal between the plastic and the outer surface of the exhaust duct. The exhaust air shall be discharged to the outside of the building.

(3) The fans shall be operated in a manner that will establish and maintain a flow of air into the work area from all adjacent areas of the building, as demonstrated by use of smoke-producing tubes, pressure-differential readings, or other appropriate means. These determinations shall be made and the results recorded before asbestos removal operations are initiated and at the start of each day's operation.

(4) The ventilation fans shall be operated continuously throughout the duration of the project until at least 24 hours after the action required by subsection (i) of this section.

(e) A decontamination facility shall be provided between the isolated work area and those areas that are to remain free of contamination. All decontamination facility areas shall directly connect to one another by enclosed passageways that are effectively isolated from all areas intended to remain free from asbestos contamination. Each decontamination facility shall consist of the following areas, which are each to be separated by a doorway covered by control curtains:

(1) an equipment room that must be passed through before the shower room can be entered from the work area. The walls

of the room shall be lined with not less than four mil plastic sheeting and the floor with two layers of six mil plastic sheeting. The room shall be used for temporary storage of tools, equipment, and protective clothing used in the work area. Bags and containers of asbestos waste are to be stored here prior to being removed from the building. Tools, equipment, and protective clothing used in the work area shall be free of gross contamination before they are brought into the equipment room;

(2) a shower room that must be first passed through by any person who moves from the work area and the equipment room into the clean room. All persons shall be required to shower before entering the clean room. Persons exiting the work area may retain their undergarments after showering for entry into the clean room;

(3) a shower room which shall be provided with at least one shower head that is supplied with hot-and-cold or warm running water. Adequate quantities of soap, hair shampoo, and towels must be provided to accommodate each person who emerges from the work area;

(4) shower enclosures which shall be leakproof and constructed of easily washable or disposable material. Shower water shall be drained, collected and filtered through a system with the capability to collect particles 5.0 microns in size at a minimum. Filtered wastewater may be discharged into a sanitary sewer;

(5) wastewater filters which shall be treated as asbestos waste and disposed of according to §289.156 of this title (relating to Asbestos Waste Disposal);

(6) a clean room which is the last room entered by any person exiting the work area. This room shall be used for removing or putting-on street clothing, checking respirators, and performing positive and negative pressure checks for respirator fit, and putting-on disposable protective clothing or other protective equipment required to be worn in the work area. This clean area may also be used as a rest and eating area for employees after they have passed through the decontamination process.

(f) Within the work area all exposed surfaces of friable asbestos-containing materials shall be saturated with a water solution containing an effective wetting agent or with a removal encapsulant during the removal operation. The wetting solution shall be applied with a low-pressure spraying system as a fine-mist spray.

(1) The effectiveness of the wetting solution or encapsulant in penetrating the asbestos-containing material shall be determined by applying it to a small representative sample of the material before the removal project is initiated. Materials that do not absorb either solution may be removed dry, and a Type C respirator shall be used. Note. Dry removals must be approved in writing by the department and the EPA.

(2) Friable asbestos-containing

materials, after removal, shall be maintained in a fully-saturated condition, placed in sealed bags or containers immediately, and disposed of in accordance with the requirements of §289.156 of this title (relating to Asbestos Waste Disposal).

(g) After the asbestos-containing materials have been removed, and disposed of, all plastic sheeting, equipment, and surfaces in the work area shall be cleaned free of all visible residue with a HEPA filter-equipped vacuum and by wet cleaning methods.

(1) After initial cleaning, the exposed inner layer of sheeting on walls and floors may be carefully removed and treated as asbestos waste by rolling up each sheet and placing in an asbestos waste bag. Any liquid material that has leaked through the layers of sheeting shall be removed by wet cleaning methods.

(2) All plastic sheeting that is removed shall be placed in sealed containers immediately, and shall be disposed of in accordance with §289.156 of this title (relating to Asbestos Waste Disposal).

(h) Surfaces from which friable asbestos-containing materials have been removed shall be covered with an effective sealing material before the final layer of work-area isolation plastic sheeting on floors, walls, and nonmovable items is removed.

(i) All tools and equipment shall be thoroughly cleaned before removing them from the work area. Small tools may be placed in storage bags for transporting to the next job.

(j) After the plastic sheeting has been removed from everything except the enclosed perimeter of the work area and the airtight seals over doorways, windows, and ventilation system openings, all previously-covered surfaces in the work area shall be cleaned free of all visible debris with HEPA-filter-equipped vacuum or by wet cleaning methods.

(k) Not less than four hours after this final cleanup an air stream from a high-speed leaf blower or equivalent device shall be swept across all cleaned surfaces for a period of not less than five minutes for each 1,000 square feet of surface area prior to starting the final clearance airborne dust sample.

#### §289.152 *Glove Bag Asbestos Removal.*

(a) These sections provide for the removal of friable asbestos containing material from the surface of pipes or similar conduits and other limited surface areas that can be accommodated by glove-bag removal techniques. All friable asbestos-containing materials to be removed with the enclosed work area shall be removed using at least six mil thick leak-proof glove bags in accordance with the manufacturer's instructions.

(1) Each section of the pipe, conduit, or small surface area from which damaged, loose, or friable asbestos-containing material that is to be removed

shall be tightly enclosed by a glove bag of adequate size.

(2) Each asbestos worker using a glove bag to remove asbestos shall avoid damaging or disturbing any other friable asbestos-containing materials located adjacent to the work area.

(3) Glove bags shall be mounted, fastened, and sealed so as to provide an airtight seal around the area from which the asbestos is to be removed. This seal shall be maintained continuously until all of the asbestos has been removed and the surface of the pipe or conduit enclosed within the glove bag has been cleaned.

(4) Friable asbestos-containing materials shall be continually saturated with a water solution containing an effective wetting agent or with a removal encapsulant during removal, and the material removed shall be maintained in a wet condition until the glove bag is removed and sealed for final disposal in accordance with requirements of §289.156 of this title (relating to Asbestos Waste Disposal).

(b) Appropriate warning signs shall be posted prominently at all entryways into the glove-bag work area. All persons, other than those with responsibilities directly related to the project, shall be prevented from entering the work area before final cleanup is complete.

(c) Each person using the glove bag or entering a general work area where they are being used shall wear an approved respirator and protective clothing until the removal operations are complete and the glove bags used in the area are removed from the pipe or conduit and sealed shut.

(d) Before a person wearing protective clothing shall leave the work area, residue accumulation on such protective clothing shall be removed with a HEPA-filter-equipped vacuuming device or by wet cleaning methods or, alternatively, the clothing may be removed immediately and placed in a sealed bag or container after cleaning.

(e) Activity in the work area shall be discontinued immediately if there is any asbestos contamination of the general work area resulting from damage to or improper use of the glove bags, or if there is damage to any other friable asbestos-containing materials located within the area. Project activities shall not be resumed until all surfaces in the area that are likely to have become contaminated with asbestos fibers have been cleaned thoroughly with a HEPA-filter-equipped vacuuming device or by wet cleaning methods.

(f) Each surface from which asbestos has been removed shall be covered with an effective sealing material. In addition, any exposed surfaces of friable asbestos-containing material that may remain on a pipe or other area after the glove-bag operation shall be covered with an effective sealing material. The work area shall be free of all visible asbestos contamination, including any which existed prior to the start of the

project.

§289.153. *Work Practices For Asbestos Encapsulation.*

(a) Use of encapsulation as a method of controlling asbestos fiber release from friable asbestos-containing material on structural items or equipment is subject to the following requirements.

(1) Encapsulating materials shall not be applied to fibrous sprayed-on asbestos-containing materials or to cementitious asbestos-containing materials that evidence poor adhesion to the substrate to which they are applied.

(2) Encapsulating material shall not be applied to friable asbestos-containing materials installed on surfaces subject to frequent abrasion or other physical damage.

(3) Penetrating encapsulating agents shall demonstrate adhesive and penetrating characteristics for the types of friable materials to which they are to be applied. A test of these adhesive and penetrating properties shall consist of applying a small amount of the encapsulant to the surface of the asbestos material in the prescribed manner and then removing a core sample of this material for physical and visual inspection. Test-core holes shall be repaired immediately after the visual inspection is completed.

(4) Encapsulating materials must have rated flame retardant characteristics with a flame spread equal to zero, American Society for Testing Materials (ASTM), and a smoke density equal to zero.

(5) Each damaged portion of a surface to which the encapsulating material is to be applied shall be repaired with asbestos-free patching material before the encapsulating material is applied. The patching material must adhere to existing surfaces and provide a base for application of encapsulating agents.

(b) A project involving encapsulation of friable asbestos-containing materials located in any area which can be expected to be reoccupied, or in an area that will be only directly accessible from an occupied area, shall be conducted in accordance with the required work practices contained in §289.151 of this title (relating to Work Practices for Asbestos Removal).

(c) Any damage to the applied encapsulant that occurs when fixtures or other items are reinstalled shall be immediately repaired. Any friable asbestos-containing materials that are released by this damage shall be cleaned up immediately with a HEPA-filter-equipped vacuum or by wet cleaning methods.

(d) Each person engaged in the asbestos encapsulation project or entering the asbestos encapsulation project work area shall wear protective clothing with hoods and an appropriate respirator that can protect against hazardous chemicals in the encapsulant as well as asbestos fibers.

(e) Encapsulated asbestos-containing materials shall be designated by labels, signs,

or color codes in order to warn building maintenance personnel in the event the encapsulated material must be disturbed.

§289.154. *Work Practices For Asbestos-Related Maintenance Operations.*

(a) Asbestos removal operations carried out as part of an asbestos-related maintenance operation or installation operation shall meet the following requirements.

(1) Asbestos shall not be disturbed, encapsulated, or removed from any surface within a room while the room is occupied. All persons, other than those with responsibility directly related to the repair, replacement, or maintenance operation shall be prevented from entering or passing through the general work area until cleanup is complete. Appropriate warning signs shall be posted prominently at each entryway into the work area until the operation and cleanup are complete.

(2) Each horizontal and vertical surface beneath the location of the work area of the asbestos-related maintenance or installation shall be covered with not less than six mil thickness protective plastic sheeting that extends away from the work area to a distance of not less than six feet in each direction from that location. The plastic sheeting shall remain in place until all asbestos-related procedures, including cleanup, are completed.

(3) Friable asbestos-containing materials shall not be cut, drilled, or otherwise disturbed or handled unless they are saturated with a water solution containing an effective wetting agent or with a removal encapsulant. The wetting solution shall be applied by means of a low-pressure sprayer in a fine mist spray. The effectiveness of the solution in penetrating the asbestos-containing material shall be determined by applying it to a small representative sample of the material before the repair, replacement, or maintenance operation is initiated.

(b) Insofar as possible, the saturated asbestos removed during a maintenance operation shall be collected as close to the surface of the immediate removal operation as possible. The asbestos material that is removed shall be collected in a tray, bag, or other suitable container so as not to fall freely to the plastic sheet on the floor. All asbestos-containing materials removed shall be maintained in a wet condition and placed immediately in a container that will be sealed for disposal. Residue shall not be allowed to accumulate on the protective plastic sheeting or elsewhere.

(c) Each surface from which asbestos-containing material has been removed shall be cleaned free of visible residue. The cleaned surface, and any other surface with exposed asbestos-containing material that has been left exposed as part of a repair, maintenance, or installation operation shall be covered with an effective sealing material.

(d) After the sealing material has been applied, the protective plastic sheeting that was used as a floor or equipment covering

shall be carefully folded and placed in a sealed container for disposal according to §289.156 of this title (relating to Asbestos Waste Disposal).

(e) Each surface previously covered with protective plastic sheeting and surfaces located within six feet of where the asbestos has been removed, shall be cleaned again before the room may be entered occupied. Surfaces that cannot be wet cleaned shall be cleaned with a vacuum equipped with a HEPA filter.

(f) Each person who removes friable asbestos-containing materials, performs related maintenance, repair, or replacement operations, or who must enter the project work area before final cleaning shall wear an approved respirator and protective clothing. Outer protective clothing shall be cleaned with a HEPA-filter-equipped vacuum or by wet-cleaning methods, and removed before the worker moves from the plastic sheeting installed on the surfaces beneath the work location.

§289.155. *Work Practices For Asbestos-Related Demolition and Dismantling Operations.*

(a) No part of any structural member of any public building that is covered with friable asbestos-containing material shall be demolished unless all friable asbestos-containing materials covering the structural members have been removed or wrapped while these structural members remain in place, in accordance with the required asbestos-activity work practices contained in §289.151 of this title (relating to Work Practices for Asbestos Removal), and §289.156(a)(2) of this title (relating to Asbestos Waste Disposal).

(b) Asbestos activity shall not proceed while a work area is occupied. All persons other than those with responsibilities directly related to the removal operation shall be prevented from entering or passing through any part of the general work area until cleanup is complete. Appropriate warning signs shall be posted prominently at each entryway into the work area until the operation is complete.

(c) All friable asbestos-containing debris, including accumulations that existed prior to the start of the operation, shall be removed from the work area before the operation is complete.

(d) Structural items or equipment items from which friable asbestos-containing material has been removed shall not be reused or sold for any purpose unless the surfaces from which the asbestos material has been removed are free from visible asbestos residue or have been covered with an effective sealing material.

§289.156. *Asbestos Waste Disposal.*

(a) All waste materials containing friable asbestos from an asbestos removal project, an asbestos encapsulation project, or an asbestos-related maintenance, dismantling, or demolition operation shall

be handled in the following manner.

(1) Waste must be placed in a wet condition in tightly sealed bags or containers before it is removed from the work area. Waste containers shall consist of not less than six mil thick plastic bags bearing an asbestos danger label unless the waste contains rigid or heavy objects likely to tear the bags. If such bag damage is likely to occur, the waste shall be placed in fiber or metal containers equipped with a plastic bag liner and a tight-fitting lid which can be firmly fastened in position.

(2) Large sections of materials or equipment, such as pipe, duct work, or structural members that have been dismantled with friable asbestos-containing materials left in place, and that cannot be placed in disposal bags or containers, shall be tightly wrapped and taped in a double layer of six mil thick plastic sheeting for disposal purposes.

(3) The exterior surface of each container or individually wrapped object shall be cleaned of all asbestos residue by wet cleaning methods.

(4) Each waste container shall be carefully handled and transported in order to prevent breakage or opening. Whenever a waste container breaks or becomes unable to completely contain the waste, the waste shall be transferred immediately into another container. Any friable asbestos containing solid waste materials that may come out of the original container shall be saturated with water immediately and placed in the replacement container. Such contaminated areas shall be cleaned by wet methods.

(5) Friable asbestos-containing solid wastes shall not be transported from a work site to any site other than a department approved asbestos waste-disposal site without notification and approval of the department's Division of Solid Waste Management.

(b) The waste generator shall maintain in its records, as required under §289.147 of this title (relating to Abatement Notification, Plans Review, and Inspection), the following information:

(1) the type of waste disposed of and the name and location of the premises at which it was generated;

(2) the amount of waste designated for disposal, expressed either as cubic yards of material or as lineal feet of individually wrapped materials;

(3) the disposal site to which the waste was transported;

(4) the time period over which the waste was transported to the disposal site, and

(5) the name of the waste generator and the person responsible for transporting the waste to the disposal site.

(c) Waste shall be transported in vehicles with completely enclosed cargo areas, or in vehicles in which the cargo area is completely covered with six mil thick plastic sheeting while the waste is being

transported

(d) All visible residue remaining in the vehicle cargo area after the waste has been deposited at the disposal area shall be removed immediately by wet cleaning methods and disposed of in accordance with the requirements of subsection (a)(4) of this section.

(e) The waste generator shall remain responsible for storage, transport and disposal of the waste in accordance with this section until the time the waste is delivered to and accepted by the operator of a department approved waste disposal site. The waste generator shall be released from further responsibility for the handling of the waste when the disposal site operator acknowledges, in writing, that the delivered waste has been properly identified as friable asbestos-containing material and has been delivered in a manner and condition that is acceptable to the disposal site operator.

(f) Wastewater and other liquid waste that contains friable asbestos-containing material resulting from an asbestos removal project, an asbestos encapsulation project, or an asbestos related maintenance, dismantling, or demolition operation may be disposed of by filtration in accordance with §289.151(e)(4) of this title (relating to Work Practices for Asbestos Removal), or by mixing it with solid waste materials and disposing of the mixture in accordance with the requirements of subsection (a)(1) of this section.

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 7, 1987

IRD 8,08675 Robert A. MacLean  
Deputy Commissioner  
for Professional  
Services  
Texas Department  
of Health

Proposed date of adoption  
December 5, 1987  
For further information, please call  
(512) 458-7254



# TITLE 31. NATURAL RESOURCES AND CONSERVATION

## Part IX. Texas Water Commission

### Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

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

★ 31 TAC §§335.201, 335.202, 335.204

The Texas Water Commission (TWC) proposes amendments to §§335.201, 335.202, and 335.204, concerning purpose, scope, and applicability; definitions; and unsuitable site characteristics, respectively. The amendments are proposed pursuant to House Bill 2358, 69th Legislature, 1985, effective September 1, 1985, which amended the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7 (the Act) by expanding the scope of the existing siting requirements which were adopted in 1984 pursuant to House Bill 477.

The location standards for hazardous waste storage, processing, or disposal are set forth in Subchapter G of Chapter 335 (relating to Industrial Solid Waste and Municipal Hazardous Waste). This subchapter establishes minimum standards for the location of facilities used for the storage, processing, and disposal of hazardous waste that are to be applied in the evaluation of an application to manage hazardous waste, as authorized by the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c). Under the Solid Waste Disposal Act, §4(c)(7), the TWC is directed to adopt rules that define the characteristics that make areas unsuitable for a hazardous waste management facility. The list of characteristics for agency consideration was lengthened by House Bill 2358 to include areas of direct drainage within one mile of a lake used to supply public drinking water, active geological processes, coastal high hazard areas (such as areas subject to hurricane storm surge and shoreline erosion), and critical habitat of endangered species. The amendments seek to incorporate those items of consideration into the TWC regulations. Other amendments concerning the siting of facilities that were passed in House Bill 2358 were already set forth in the existing TWC regulations and therefore regulatory amendments for those statutory revisions are not needed.

Proposed amendments to §§335.201, 335.202, and 335.204 were published in the February 13, 1987, issue of the *Texas Register* (12 TexReg 492). The TWC received several comments on the proposed



amendments, many of which have been incorporated into the amendments proposed in this issue. The February 13, 1987, proposal was automatically withdrawn under the terms of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(b), because the proposal was not adopted, adopted as amended, or withdrawn by the TWC within six months after its publication.

The amendments proposed in this issue include revisions to the applicability provisions for the location standards, additions to and revisions of the definitions used in this subchapter, and new provisions concerning unsuitable site characteristics for different types of hazardous waste management activities.

The amendment to §335.201 adds a provision clarifying that these state siting regulations do not apply to on-site remedial actions undertaken under the federal or state superfund laws.

The amendment to §335.202 adds six definitions of relevance to these sections, including the terms "active geologic processes," "area subject to active shoreline erosion," "areas of direct drainage," "critical habitat of an endangered species," "erosion" and "public water system." Also the definition of the term "existing hazardous waste management facility" is revised so that it is consistent with the ordinary meaning of the term "existing," and more clearly reflects the legislative intent in enacting the site suitability provisions found in House Bill 477 and House Bill 2358. The Act, §4(c)(1) states that each agency shall adopt rules that condition issuance of a permit for a new hazardous waste management facility or the areal expansion of an existing hazardous waste management facility on selection of a facility site that reasonably minimizes possible contamination of surface water and groundwater. The existing regulations define an existing hazardous waste management facility as any facility which is used or proposed to be used for the storage, processing, or disposal of hazardous waste, and which is authorized by a solid waste permit. The commission believes that it was not the intent of the legislature to provide an exemption from the site suitability criteria for facilities which hold a solid waste permit because the statute does not specifically mention such facilities. The phrase concerning a facility that is proposed to be used for hazardous waste management is also confusing because it does not appear in this subsection of the Solid Waste Disposal Act. As stated previously, the statutory language of the Solid Waste Disposal Act, §4(c) focuses on new hazardous waste management facilities or areal expansions of existing hazardous waste management facilities. To clarify that the commission's regulations are in conformity with the statutory directive, the proposal amends the definition of ex-

isting facility so that the definition does not inadvertently exempt facilities from the site suitability criteria by using phrases that do not appear in the enabling legislation.

The amendment to §335.204 addresses several specific areas of consideration mandated in House Bill 2358: areas of direct drainage within one mile of a lake used to supply public drinking water, active geologic processes (including geologic faults), coastal high hazard areas, and critical habitat of an endangered species.

For areas of direct drainage to a lake used to supply public drinking water, the amendment prohibits the location of land disposal facilities in areas of direct drainage within one mile of a lake at its maximum conservation pool level, if the lake is used to supply public drinking water through a public water system, unless the design, construction, and operational features of the facility will prevent adverse effects which would result from a release in such area. §335.202 incorporates the definition of the term "public water system" used by the Texas Department of Health in its regulations concerning water hygiene.

For active geologic processes, the agency considered the inclusion of specific standards to address unsuitable locations with respect to active geologic processes (i.e. subsidence, submergence, etc.) in the adoption preamble to the existing siting criteria in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4184). The consensus at that time was that active geologic processes must be considered on a site-specific basis. There are too many uncertainties in the measurement of many of these processes to formulate specific performance standards. For that reason, the agency determined that a case-by-case review of the manner in which active geologic processes affect a particular facility location must be performed. If a facility is subject to active geologic processes at a particular location, then the proposed amendment would prohibit permit issuance unless it can be demonstrated that the design, construction, and operational features of the facility will prevent adverse effects resulting from the geologic processes.

Active geologic faults are known to be present along the Texas Gulf Coast, as far south as Corpus Christi. The fault hazard is most severe in the vicinity of Houston, where over 135 active or potentially active faults have been mapped at the surface. The Gulf Coast faults, known as growth faults, are not seismic, but their slow vertical shearing motion can crack foundations, break pipes and utilities, and upset drainage. Seismic faults are known to exist in far west Texas.

Established procedures such as photointerpretation and geophysical logging are routinely used to detect and map

faults. A distance of 200 feet from the zone of surface deformation of a fault, as set out in this proposal, should provide an adequate margin of safety from the effects of geologic faults on hazardous waste management activities.

When considering coastal high hazard areas in siting a facility on the Texas Gulf Coast, two primary hazards are coastal flooding and active shoreline erosion. The flood hazard has previously been addressed in §335.204, which imposes restrictions on siting facilities within the 100-year coastal floodplain. The amendment specifically addresses the problem of shoreline erosion. Areas of active shoreline erosion have been identified by the University of Texas Bureau of Economic Geology (BEG) in the BEG publication entitled *Natural Hazards of the Texas Coastal Zone*. The BEG considers 10 feet of erosion or more per year as severe, and up to 10 feet of erosion per year as moderate. In this amendment, the agency proposes separation distances from shorelines due to the potential of such areas being subject to moderate and severe erosional forces. In addition, the amendment proposes to prohibit placement of certain hazardous waste facilities on barrier islands or peninsulas. For a number of reasons, such areas are highly unsuitable for most hazardous waste management activities. Active processes such as flooding and erosion, and soil conditions on or near shorelines, combine to make these areas unsuitable. Shorelines which are not protected by barrier islands or peninsulas have also historically experienced high erosion rates. For those shorelines which are subject to active shoreline erosion and which are unprotected by a barrier island or peninsula, the commission proposes a separation distance of 5,000 feet from a land disposal facility to the shoreline, unless it can be demonstrated that the design, construction, and operational features of the facility will prevent adverse effects from those hazards. An example of such a shoreline is the area from Sabine Pass to High Island on the upper Texas Coast. To a lesser extent, shoreline erosion may occur even in those areas protected by barrier islands. A separation distance of 1,000 feet from a shoreline subject to active shoreline erosion is required for land disposal facilities, unless it can be demonstrated that the design, construction, and operational features of the facility will prevent adverse effects resulting from the hazards presented by that location. These distances should provide sufficient time to remove wastes in the event that erosion or other hazards threaten the waste containment systems.

For critical habitat, the amendment prohibits the location of any hazardous waste storage, processing, or disposal facility in any area designated as a critical habitat of an endangered species under federal and state laws for the protection of endangered plants and animals. Criti-

cal habitats for the wildlife and plants that are referred to in the lists of endangered species promulgated pursuant to the federal Endangered Species Act are described in 40 Code of Federal Regulations §§17.94-17.96. In Texas, endangered plants and animals are also protected under the statutes governing endangered species in the Parks and Wildlife Code, Chapters 68 and 88. Applicants seeking permits for facilities subject to these location standards are expected to establish that the facility is not located in the critical habitat of an endangered species. Information concerning endangered species and their habitats is available from the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; and from the regional office of the United States Fish and Wildlife Service, Office of Endangered Species, P. O. Box 1306, Albuquerque, New Mexico 87103.

William Monroe, chief fiscal officer, 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. Monroe 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 establishment of regulations implementing the statutory directives concerning the siting of new hazardous waste management units and areal expansions of existing hazardous waste management units. The statute and regulations establish minimum standards for the location of facilities used for the storage, processing, and disposal of hazardous waste. These standards will be applied in the evaluation of permit applications, as described in the regulations. 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 Cynthia C. Smiley, Attorney, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711-3087. The deadline for submission of written comments and requests for a public hearing is 30 days after the date of this publication.

The amendments are proposed under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of this state, and to establish and approve all general policy of the commission. The amendments are also proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate rules consistent with the general intent and purposes of the Act, and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous

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

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

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

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

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

(3) on-site remedial actions conducted pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 United States Code §9601 et seq., as amended by the Superfund Amendments Reauthorization Act of 1986 or the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §13.

(b) (No change.)

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

**Active geologic processes**—Any natural process which alters the surface and/or subsurface of the earth, including, but not limited to, erosion (including shoreline erosion along the coast), submergence, subsidence, faulting, karst formation, flooding in alluvial flood wash zones, meandering river bank cutting, and earthquakes. For purposes of this definition, active means occurring within Holocene or Pleistocene time.

**Area subject to active shoreline erosion**—A coastal area where shoreline erosion has been documented within historic time.

**Areas of direct drainage**—Those land areas from which surface water runoff could flow into a lake used to supply public drinking water.

**Critical habitat of an endangered species**—An area that is determined by the United States Fish and Wildlife Service to be a critical habitat for an endangered species.

**Erosion**—The group of natural processes, including weathering, deterioration, detachment, dissolution, abrasion, corrosion, wearing away, and transportation, by which earthen or rock material is removed from any part of the earth's surface.

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

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

**Public water system**—A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly services an average of at least 25 individuals daily at least 60 days out of the year.

**§335.204. Unsuitable Site Characteristics.**

(a) Storage or processing facilities (excluding storage surface impoundments).

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

(6) A storage or processing facility (excluding storage surface impoundments) may not be located in areas of direct drainage within one mile of a lake at its maximum conservation pool level, if the lake is used to supply public drinking water through a public water system, unless the design, construction, and operational features of the facility will prevent adverse effects resulting from a release in such areas.

(7) A storage or processing facility (excluding storage surface impoundments) may not be located in areas of active geologic processes unless the design, construction, and operational features of the facility will prevent adverse effects resulting from the geologic processes.

(8) A storage or processing facility may not be located in the critical habitat of an endangered species of plant or animal unless the design, construction, and operational features of the facility will prevent adverse effects on the critical habitat of the endangered species.

(9) A storage or processing facility may not be located within 200 feet of the zone of surface deformation or the inferred surface expression of a geologic fault, unless the design, construction, and operational features of the facility will prevent adverse

effects resulting from fault deformation.

(b) Land treatment facilities.

(1)-(6) (No change.)

(7) A land treatment facility may not be located in areas of direct drainage within one mile of a lake at its maximum conservation pool level, if the lake is used to supply public drinking water through a public water system, unless the design, construction, and operational features of the facility will prevent adverse effects resulting from a release in such areas.

(8) A land treatment facility may not be located in areas of active geologic processes unless the design, construction, and operational features of the facility will prevent adverse effects resulting from the geologic processes.

(9) A land treatment facility may not be located within 1,000 feet of an area subject to active coastal shoreline erosion if the area is protected by a barrier island or peninsula unless the design, construction, and operational features of the facility will prevent adverse effects resulting from storm surge and erosion or scouring by water. On coastal shorelines which are subject to active shoreline erosion and which are unprotected by a barrier island or peninsula, a separation distance from the shoreline to the facility must be at least 5,000 feet unless the design, construction, and operational features of the facility will prevent adverse effects resulting from storm surge and erosion or scouring by water.

(10) A land treatment facility may not be located in the critical habitat of an endangered species of plant or animal unless the design, construction, and operational features of the facility will prevent adverse effects on the critical habitat of the endangered species.

(11) A land treatment facility may not be located on a barrier island or peninsula.

(12) A land treatment facility may not be located within 200 feet of the zone of surface deformation or the inferred surface expression of a geologic fault, unless the design, construction, and operational features of the facility will prevent adverse effects resulting from fault deformation.

(c) Waste piles.

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

(6) A waste pile may not be located in areas of direct drainage within one mile of a lake at its maximum conservation pool level, if the lake is used to supply public drinking water through a public water system, unless the design, construction, and operational features of the facility will prevent adverse effects resulting from a release in such areas.

(7) A waste pile may not be located in areas of active geologic processes unless the design, construction, and operational features of the facility will prevent adverse effects resulting from the geologic processes.

(8) A waste pile may not be located within 1,000 feet of an area subject to ac-

tive coastal shoreline erosion if the area is protected by a barrier island or peninsula unless the design, construction, and operational features of the facility will prevent adverse effects resulting from storm surge and erosion or scouring by water. On coastal shorelines which are subject to active shoreline erosion and which are unprotected by a barrier island or peninsula, a separation distance from the shoreline to the facility must be at least 5,000 feet unless the design, construction, and operational features of the facility will prevent adverse effects resulting from storm surge and erosion or scouring by water.

(9) A waste pile may not be located in the critical habitat of an endangered species of plant or animal unless the design, construction, and operational features of the facility will prevent adverse effects on the critical habitat of the endangered species.

(10) A waste pile may not be located on a barrier island or peninsula.

(11) A waste pile may not be located within 200 feet of the zone of surface deformation or the inferred surface expression of a geologic fault unless the design, construction, and operational features of the facility will prevent adverse effects resulting from fault deformation.

(d) Storage surface impoundments.

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

(6) A storage surface impoundment may not be located in areas of direct drainage within one mile of a lake at its maximum conservation pool level, if the lake is used to supply public drinking water through a public water system, unless the design, construction, and operational features of the facility will prevent adverse effects resulting from a release in such areas.

(7) A storage surface impoundment may not be located in areas of active geologic processes unless the design, construction, and operational features of the facility will prevent adverse effects resulting from the geologic processes.

(8) A storage surface impoundment may not be located within 1,000 feet of an area of active coastal shoreline erosion if the area is protected by a barrier island or peninsula, unless the design, construction, and operational features of the facility will prevent adverse effects resulting from storm surge and erosion or scouring by water. On coastal shorelines which are subject to active shoreline erosion and which are unprotected by a barrier island or peninsula, a separation distance from the shoreline to the facility must be at least 5,000 feet unless the design, construction, and operational features of the facility will prevent adverse effects resulting from storm surge and erosion or scouring by water.

(9) A storage surface impoundment may not be located in the critical habitat of an endangered species of plant or animal unless the design, construction, and operational features of the facility will prevent adverse effects on the critical habitat of the

endangered species.

(10) A storage surface impoundment may not be located on a barrier island or peninsula.

(11) A storage surface impoundment may not be located within 200 feet of the zone of surface deformation or the inferred surface expression of a geologic fault, unless the design, construction, and operational features of the facility will prevent adverse effects resulting from fault deformation.

(e) Landfills. Any surface impoundment to be closed as a landfill (where wastes will remain after closure of the impoundment) is subject to the requirements for landfills.

(1)-(7) (No change.)

(8) A landfill may not be located in areas of direct drainage within one mile of a lake at its maximum conservation pool level, if the lake is used to supply public drinking water through a public water system, unless the design, construction, and operational features of the facility will prevent adverse effects resulting from a release in such areas.

(9) A landfill may not be located in areas of active geologic processes unless the design, construction, and operational features of the facility will prevent adverse effects resulting from the geologic processes.

(10) A landfill may not be located within 1,000 feet of an area subject to active coastal shoreline erosion, if the area is protected by a barrier island or peninsula, unless the design, construction, and operational features of the facility will prevent adverse effects resulting from storm surge and erosion or scouring by water. On coastal shorelines which are subject to active shoreline erosion and which are unprotected by a barrier island or peninsula, a separation distance from the shoreline to the facility must be at least 5,000 feet unless the design, construction, and operational features of the facility will prevent adverse effects resulting from storm surge and erosion or scouring by water.

(11) A landfill may not be located in the critical habitat of an endangered species of plant or animal unless the design, construction, and operational features of the facility will prevent adverse effects on the critical habitat of the endangered species.

(12) A landfill may not be located on a barrier island or peninsula.

(13) A landfill may not be located within 200 feet of the zone of surface deformation or the inferred surface expression of a geologic fault unless the design, construction, and operational features of the facility will prevent adverse effects resulting from the fault deformation.

(f) (No change.)

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

Issued in Austin, Texas, on October 7, 1987.

TRD-8708667

J. D. Head  
Director  
Legal Division  
Texas Water Commission

Earliest possible date of adoption:

November 13, 1987

For further information, please call  
(512) 463-8069.



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part XII. Texas Advisory Board of Occupational Therapy

#### Chapter 375. Fees

##### ★ 40 TAC §375.1

The Texas Advisory Board of Occupational Therapy proposes an amendment

to §375.1, concerning fees. The amendment encourages OTR's and COTA's on inactive status to notify the Texas Advisory Board of Occupational Therapy by their renewal date, of their intent to remain on inactive status as required by Texas Civil Statutes, Article 8851.

Cary Westhouse, 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. Westhouse 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 greater protection for the consumer by preventing OTR's and COTA's

from practicing while on inactive status. 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 Cary Westhouse, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendment is proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with the Act and to carry out its duties in administering the Act.

**§375.1. Fees.** The following fees are prescribed by the board and required to be paid before a license is issued. The application fee will be submitted with the application in the form of a check and/or money order and is nonrefundable.



<u>Application Fees:</u>	<u>OTR</u>	<u>COTA</u>
Regular License	\$10	\$10
Temporary License pending:		
Passage of Examination	\$10	\$10
Endorsement or Unlicensed State Inquiry	\$15	\$15
Active to Inactive Status	\$25	\$25
Inactive to Active Status	\$50	\$25
<u>License Fees - Regular:</u>		
Prorated	\$7/month	\$5/month
Annual	\$70/year	\$50/year
<u>License Fees - Temporary:</u>		
Pending passage of examination	\$7/month	\$5/month
Pending endorsement inquiry	\$7/month	\$5/month
<u>License Fees - Renewal:</u>		
Regular (on-time)	\$70/year	\$50/year
Late - 90 days or less	Regular plus late fee which is one-half of license fee	Regular plus late fee which is one-half of license fee
Late - More than 90 days but less than 2 years	All unpaid fees plus late fee that is equal to license fee	All unpaid fees plus late fee that is equal to license fee
INACTIVE (ON-TIME)	NO CHARGE	NO CHARGE
LATE - 90 DAYS OR LESS	\$12	\$12
LATE - MORE THAN 90 DAYS BUT LESS THAN 2 YEARS	\$25	\$25
Practitioners submitting an initial application will have total cost prorated to their next birthday.	\$7/month	\$5/month

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-8708651

Charles W. Schiesser  
Assistant Commissioner  
Texas Rehabilitation  
Commission

Earliest possible date of adoption:

November 13, 1987

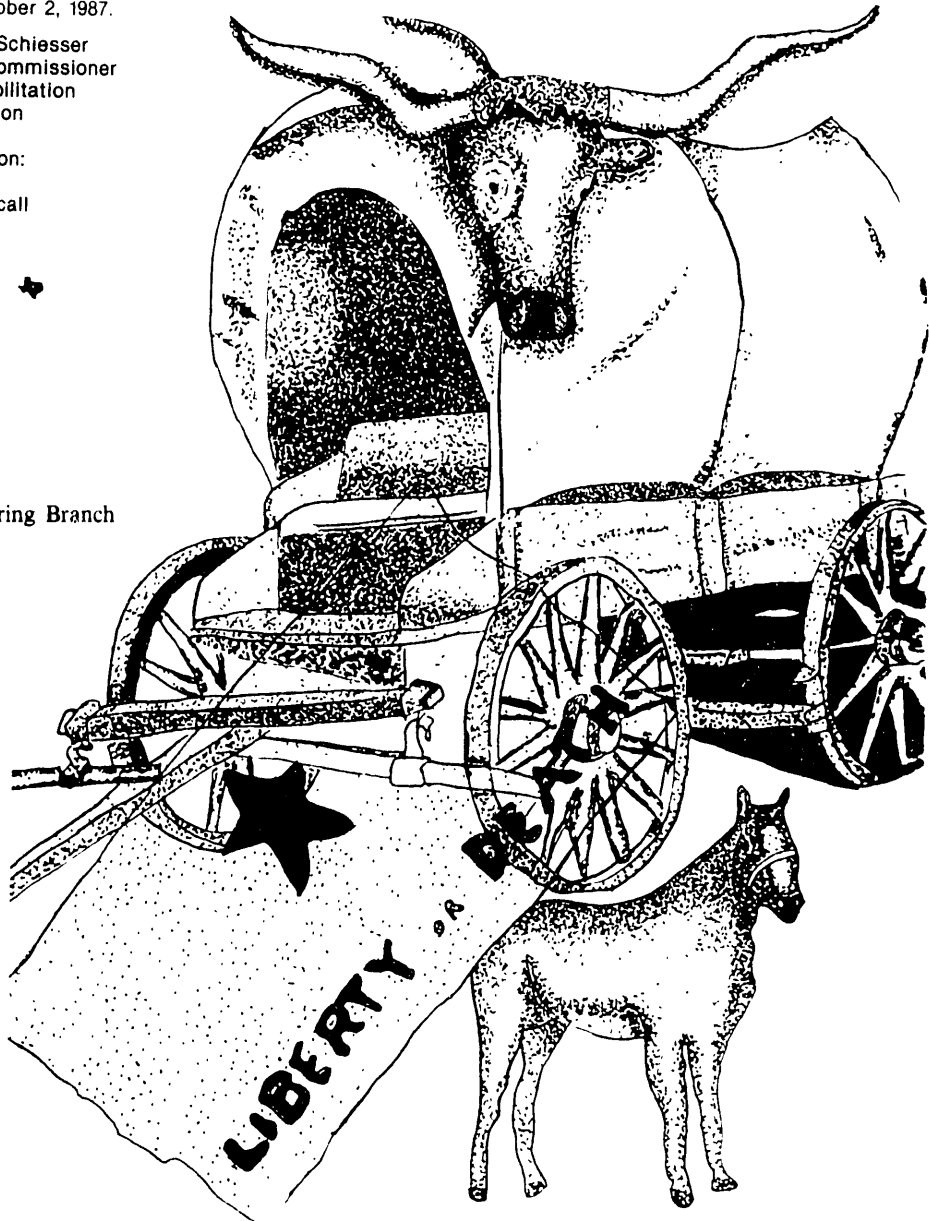
For further information, please call  
(512) 445-8368.



Name: Darren Goedrich

Grade: 11

School: Northbrook High, Spring Branch



# Adopted Rules

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

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

## TITLE 22. EXAMINING BOARDS

### Part XXIII. Texas Real Estate Commission

#### Chapter 535. Provisions of the Real Estate License Act

##### Education, Experience, Educational Programs, Time Periods, and Type of License

###### ★ 22 TAC §535.61

The Texas Real Estate Commission adopts an amendment to §535.61 with changes in the proposed text published in the July 28, 1987, issue of the *Texas Register* (12 TexReg 2501). The amendment enhances the educational process for prospective real estate licenses. The amendment limits the number of classroom hours per calendar day, and limits the acceptance of correspondence courses in real estate.

Comments were received regarding adoption of the amendment. In response to written comment or testimony before the agency, the maximum classroom hours for real estate course presentation was increased from 8 to 10 hours per day. Although several comments suggested no daily limit, the agency determined that a limit of 10 hours was appropriate.

The amendment is adopted under Texas Civil Statutes, Article 6573a, §5(e), which provide the Texas Real Estate Commission with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

###### §535.61. Competency: Examinations.

(a)-(o) (No change.)

(p) Educational programs or courses of study in real estate offered after the effective date of this section by schools accredited by the commission or by accredited colleges and universities, as defined by these sections, shall be accepted as meeting the requirements of the Act for the successful completion of educational prerequisites for licensure upon a determination by the commission that:

(1) the content of the program or course, as presented to the applicant, has complied with the course content requirements of the Act and any applicable com-

mission rule relating thereto, and that the course presentation did not exceed 10 classroom hours per calendar day, provided, however, that a course which predominantly deals with techniques or procedures utilized by particular brokerages or organizations shall not be considered a real estate course for the purposes of the Act;

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

(5) if the program or course was conducted by correspondence, it was conducted by an accredited college or university which offers correspondence programs, whether credit or noncredit, in other disciplines, it complies with the requirements of this section with the exception of paragraphs (2)-(4) of this subsection, and the applicant has passed a written examination which was administered on the campus of a college or university by an official of the college or university under controlled conditions to positively identified students, or at a location and by an official approved by the college or university.

(q)-(ff) (No change.)

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

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

TRD-8708656

Mark A. Moseley  
Legal Counsel  
Texas Real Estate  
Commission

Effective date: October 27, 1987

Proposal publication date: July 31, 1987

For further information, please call  
(512) 463-3960.



## Part XXV. Structural Pest Control Board

### Chapter 591. Definitions of Terms

#### ★ 22 TAC §591.21

The Structural Pest Control Board adopts an amendment to §591.21 without changes to the proposed text published in the August 11, 1987, issue of the *Texas Register* (12 TexReg 2611).

The amendment sets out a new definition for the term "trainee" which needed to implement House Bill 625, 70th Legislature, 1987. The amendment defines the term "trainee" as any person employed by a business licensee who is in training to perform the duties of a technician but who is not a licensed technician nor a certified applicator.

The board staff will conduct investigations to determine if licensees are in compliance.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 135b-6, which provide Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

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

Issued in Austin, Texas, on October 6, 1987.

TRD-8708648

David A. Ivie  
Executive Director  
Structural Pest Control  
Board

Effective date: January 1, 1988

Proposal publication date: August 11, 1987

For further information, please call  
(512) 835-4066.



## Chapter 593. Licenses

#### ★ 22 TAC §§593.1-593.3, 593.5-593.7, 593.21

The Structural Pest Control Board adopts amendments to §§593.1-593.3, and 593.5-593.7, and new §593.21, with changes to the proposed text published in the August 11, 1987, issue of the *Texas Register* (12 TexReg 2611). Sections 593.1, 593.3, 593.7, and 593.21 are adopted with changes. Sections 593.2, 593.5, and 593.6 are adopted without changes to the proposed text and will not be republished.

The amendments and new section establish clear rules concerning the need of licenses, set adequate limits of liability insurance, eliminate employee iden-

tification cards and create technician licenses, and establish training and supervision standards for technicians.

Each business licensee will be required to furnish documentation to the board concerning insurance coverage, and technician training and supervision. The board field staff will inspect businesses for compliance. Licenses will be issued beginning January 1, 1988. The enforcement of §593.21 will begin on July 1, 1988, to provide employers time to begin training programs and administering them to employees.

Comments regarding adoption of the amendments and new section were received from 18 commenters. Only one commenter was against all proposals. The others were generally in favor of the sections but had different opinions about the final requirements. Cypress Creek Pest Control, ChemLawn Services, McAllen Pest Control, Greenkeeper, Getz Services, Big State Pest Control, Orkin Exterminating Company, Sierra Club, Alatex Pest Control, Texas Pest Control Association, Desert Pest Control, Als Pest Control, Albo Pest Control, Texas Center for Policy Studies, and Crisal Enterprises commented in favor of the amendments and new section. Commenting against certain sections were ChemLawn Services (593.21(a)(2)), Greenkeeper (593.21(a)(2)), Alltex Pest Control (593.21(a)(2)), Arlington Pest Control Association (593.21(a)(2)), Getz Services (593.21(a)(2) and (3)), Orkin Exterminating Company (593.21(a)(1) and (2), and (c)), International Exterminators (593.7), American Services (against all proposals), Texas Pest Control Association (593.7 and 593.21(a)(2)), Albo Pest Control (593.21 and 593.7), and Crisal Enterprises (593.21(a)(2)). Regarding §593.3, two commenters wanted an increase in the limits of liability and the board did raise the limits from \$50,000 aggregate to \$100,000 aggregate. Regarding §593.7(4), three commenters wanted the board to eliminate the fee for trainee-employee identification card. The board did eliminate this requirement. Regarding §593.21(a)(1), the board disagreed with the need for increased age for technicians. They felt that at 16 years a person may obtain a drivers license and they may become a full time employee. There is also a standard industry practice for children of licensees to start helping in the business at this age or younger. Regarding §593.21(a)(2), in response to training requirements, the board adopted sections to require 60 hours on the job training and 10 hours classroom training for each category of work to be performed. This is in addition to 20 hours of general training in the general areas of pest control knowledge and safety. The board determined that sales personnel should be as knowledgeable as other technicians about pest control procedures. Regarding §593.21(d), several commenters wanted to eliminated the requirement for previous employers to fur-

nish technician with training record. Board disagreed because training record is important to employees and should be made available

The amendments and new section are adopted under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, regulate, and to develop standards for the structural pest control industry.

#### §593.1. *Persons Required to Secure License.*

(a) Business license. Any person engaged in the structural pest control business must secure a business license from the board for each business location, including branch offices, in accordance with the Act and the regulations. Each business license holder shall have a certified applicator who is not also serving as a certified applicator for another business licensee. No person shall advertise in any manner to render services or solicit business within the meaning of the Act without first obtaining a business license and having an applicator certified in each license category in which business is conducted.

(b) Certified applicator. The person primarily responsible to provide training and direct supervision for pest inspections, identifications, and control measures of a licensed business must be a certified applicator.

(c) Technician. Individuals who perform pest control services under the direct supervision of a certified applicator must obtain a technician license by meeting the standards prescribed by the board in §593.21 of this title (relating to Technician License Standards). The technician licensee shall include his license number on each application for employment with a pest control business.

#### §593.3. *Insurance Requirement.*

(a) Each business license applicant must submit with the application an insurance policy or certificate of coverage in the amount of not less than \$25,000 for bodily injury and property damage coverage with a minimum total aggregate of \$100,000 for all occurrences insuring him against liability for damage to persons or property occurring as a result of operations performed in the course of the business of structural pest control to premises or any other property under his care, custody, or control. No new business license will be issued until insurance requirements are met. Businesses with 1987 licenses shall obtain coverage to meet the minimum amounts when existing insurance policies are renewed in 1988. Policies shall contain a cancellation provision whereby notification of cancellation is received by the board not less than 30 days prior to cancellation.

(b) If payment of claims results in reducing the total aggregate of coverage below \$50,000 the insurance carrier shall notify the board and the licensee within 30

days. The licensee shall obtain additional coverage to meet the minimum requirements.

§593.7. *Fees.* Applicants and licensees will be charged the following fees for board services:

- (1) (No change.)
- (2) \$25 for an original or renewal of certified applicators license;
- (3) \$15 for an original, renewal, or duplicate technician license;
- (4) \$20 for a duplicate business or certified applicators license when the original has been lost or destroyed;
- (5) \$20 for reissuing a business license or certified applicators license due to a name change in the license or a change of address;
- (6) \$25 for administering exams in each category;
- (7) \$37.50 for late renewal fee for up to 30 days late;
- (8) \$75 for late renewal fee for 31-60 days late.

#### §593.21. *Technician License Standards.*

(a) In order to qualify for a technician's license, a trainee must:

- (1) be at least 16 years of age;
- (2) receive general training of at least 20 hours of verifiable classroom training that shall include at least two hours in each of the following subject areas:
  - (A) federal and state laws regulating structural pest control and pesticide application;
  - (B) recognition of pest and pest damage;
  - (C) pesticide labels and label comprehension;
  - (D) pesticide safety;
  - (E) environmental protection;
  - (F) application equipment and techniques;
  - (G) pesticide formulations and actions; and
  - (H) emergency procedures and pesticide cleanup;
- (3) receive 60 hours of verifiable on the job training and 10 hours of classroom training in each category in which the technician is to operate as a licensed technician. The on the job training means work performed for education and training and should include but not be limited to the subject areas listed in paragraph (2)(A)-(H) of this subsection.

(b) the business license holder and certified applicator shall certify to the board on each technician license application submitted that the applicant has satisfactorily completed the required training and demonstrated competency in each of the subject areas in subsection (a)(2) and (3) of this section.

(c) The business licensee shall maintain the training records for each trainee in the company files for at least one year after termination of employment. The training records shall be kept on a form prescribed by the board and shall include, but not be



limited to, date of training, number of hours, subject, trainer, type of training as to whether on job training or classroom training, and competency evaluation by the certified applicator.

(d) When a licensed technician changes employers, the employer who provided the verifiable training shall make the training record available to the technician or the new employer upon written request.

(e) It shall be a violation of this section for a business licensee to allow a technician or trainee to perform unsupervised work in a category in which he has not been properly trained.

(f) Persons who have continuous employment and who have been properly registered with the Texas Structural Pest Control Board for the entire 1987 license year shall be eligible for a technician license if they can furnish proof that they have received the 20 hours of required general training.

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

Issued in Austin, Texas, on October 6, 1987.

TRD-8708649 David A. Ivie  
Executive Director  
Structural Pest Control  
Board

Effective date: January 1, 1988  
Proposal publication date: August 11, 1987  
For further information, please call  
(512) 835-4066.

## Chapter 595. Compliance and Enforcement

### ★ 22 TAC §595.2, §595.3

The Structural Pest Control Board adopts amendments to §595.2 and §595.3 with changes to the proposed text published in the August 11, 1987, issue of the *Texas Register* (12 TexReg 2613).

The amendments implement House Bill 625, 70th Legislature, 1987, by setting out registration and employee supervision requirements.

Business licensees will register new service employees. Structural Pest Control Board field staff will inspect company records to verify compliance.

Two comments were received by regarding adoption of the amendments. The commenters were generally in favor of the amendments but had different opinions about the final requirements.

International Exterminators wanted the elimination of personal contact three days per week, allowing telephone contact to be adequate. The board feels that personal contact is necessary for proper supervision.

Citizens Against Pesticides wanted the requirement of a certified applicator on site at each job. The board felt this was not needed since technicians will be better trained.

The amendments are adopted under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

#### §595.2. Employee Registration.

(a) It shall be the duty of the business licensee to inform the board in writing of the employment of all technicians and trainees.

(b) Such notice shall be furnished on the date of employment and shall include the full name and home address of the technician or trainee, the date of employment, and, if applicable, the branch office at which he will be employed, and other information as may be required.

(c) Within 30 days of such employment, the business licensee shall obtain from the board a license for such technician. It shall be the responsibility of every business licensee to collect all licenses from terminated technicians and mail them to the Structural Pest Control Board within 10 days after termination of employment. If, for any reason, such documents cannot be collected, the Structural Pest Control Board shall be so notified in writing. Any registration or license fees paid for technicians shall not be refundable or transferred to another technician.

#### §595.3. Employee Supervision.

(a) (No change.)

(b) In order to provide adequate supervision, the certified applicator must have personal contact at least three days per week with the technicians or trainees being supervised. The technician or trainee must reside within the normally accepted commuting area of the licensed business office in order to personally report at least three days per week to receive instructions.

(c) (No change.)

(d) Trainees shall not perform pest control services unless a licensed technician or certified applicator is present on the job site to provide supervision.

(e) The business license holder is responsible for actions of employees when they are performing pest control services.

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

Issued in Austin, Texas, on October 6, 1987.

TRD-8708650 David A. Ivie  
Executive Director  
Structural Pest Control  
Board

Effective date: January 1, 1988  
Proposal publication date: August 11, 1987  
For further information, please call  
(512) 835-4066.

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration Subchapter I. Motor Fuels Tax

##### ★ 34 TAC §3.175

The Comptroller of Public Accounts adopts an amendment to §3.175 without changes to the proposed text published in the August 21, 1987, issue of the *Texas Register* (12 TexReg 2793).

The amendment brings the section into conformity with recent legislative changes. The liquefied gas decal rate structure changed because of the motor fuels tax rate increase.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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 to the Tax Code, Title 2.

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

Issued in Austin, Texas, on October 7, 1987.

TRD-8708677 Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 28, 1987  
Proposal publication date: August 21, 1987  
For further information, please call  
(512) 463-4004.

#### Subchapter L. Motor Fuels Tax

##### ★ 34 TAC §3.185

The Comptroller of Public Accounts adopts an amendment to §3.185 without changes to the proposed text published in the August 21, 1987, issue of the *Texas Register* (12 TexReg 2794).

The amendment brings the section into conformity with recent legislative changes. The diesel tax prepaid user permit rate structure changed because of the motor fuels tax rate increase.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on October 7, 1987

TRD-8708678      Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 28, 1987  
Proposal publication date: August 21, 1987  
For further information, please call  
(512) 463-4004.



### ★ 34 TAC §3.191

The Comptroller of Public Accounts adopts an amendment to §3.191 without changes to the proposed text published in the August 21, 1987, issue of the *Texas Register* (12 TexReg 2795).

The amendment brings the section into conformity with recent legislative changes. The changes relate to ethanol that is eligible for gasoline and alcohol mixture credit in the State of Texas.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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.

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

Issued in Austin, Texas, on October 7, 1987.

TRD-8708679      Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 28, 1987  
Proposal publication date: August 21, 1987  
For further information, please call  
(512) 463-4004.



## Subchapter V. Bingo Regulation and Tax

### ★ 34 TAC §3.544

The Comptroller of Public Accounts adopts an amendment to §3.544 without changes to the proposed text published in the August 14, 1987, issue of the *Texas Register* (12 TexReg 2672). The amendment defines the word location and other related terms, so as to prohibit the issuance of more than one license to lease bingo premises which are parts of one structure or are contiguous structures. The amendment clarifies the meaning of the term "place" as used in the Bingo Enabling Act, §18, Texas Civil Statutes, Article 179d, §18, and the terms "location" and "premises," as they are used through-

out the Act. The amendment also updates the definition of bingo equipment and supplies to exclude certain items generally provided in the rental of a hall, whether or not bingo is conducted. The amendment is adopted to prevent the commercialization of bingo by preventing circumvention of the limitation in the Bingo Enabling Act, §18, that no more than two organizations may conduct a game of bingo in one place on one day. The amendment implements the statement of legislative purpose expressed in the Bingo Enabling Act, §13(f), of discouraging the commercialization of bingo and maximizing the availability of bingo proceeds for charitable purposes.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

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

Issued in Austin, Texas, on October 5, 1987

TRD-8708626      Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 26, 1987  
Proposal publication date: August 14, 1987  
For further information, please call  
(512) 463-4004.



### ★ 34 TAC §3.545

The Comptroller of Public Accounts adopts an amendment to §3.545 without changes to the proposed text published in the August 14, 1987, issue of the *Texas Register* (12 TexReg 2673). The amendment adds references to newly defined terms in subsections (a)(3)(B) and (b)(1) and (3)(B). The references are intended to clearly inform applicants of terms and restrictions to which they may be subject. The amendment also adds subsection (b)(3)(C), prohibiting the comptroller from issuing more than one lessor's license for any one location. The amendment is adopted in connection with adoption of a new definition in §3.544 of this title. The changes are intended to prevent the commercialization of bingo by preventing circumvention of the limitation in the Bingo Enabling Act, §18, that no more than two organizations may conduct a game of bingo in one place on one day. The amendment implements the statement of legislative purpose expressed in the Bingo Enabling Act, §13(f), of discouraging the commercialization of bingo and maximizing the availability of bingo proceeds for charitable purposes.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

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

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

TRD-8708628      Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 26, 1987  
Proposal publication date: August 14, 1987  
For further information, please call  
(512) 463-4004.



### ★ 34 TAC §3.548

The Comptroller of Public Accounts adopts an amendment to §3.548 without changes to the proposed text published in the August 14, 1987, issue of the *Texas Register* (12 TexReg 2674). The amendment adds references to newly defined terms in subsections (b), (c), (f), (g), and (i), and amends subsection (g) to prohibit excessive bingo occasions within a given time period at bingo halls. The references are intended to clearly inform applicants of terms and restrictions to which they may be subject. The changes are intended to prevent the commercialization of bingo by preventing circumvention of the limitation in the Bingo Enabling Act, §18, that no more than two organizations may conduct a game of bingo in one place on one day; and the prize limitations contained in the Bingo Enabling Act, §11(f), by preventing a succession of up to four consecutive bingo occasions at one location immediately before and after midnight. The amendment implements the statement of legislative purpose expressed in the Bingo Enabling Act, §13(f), of discouraging the commercialization of bingo and maximizing the availability of bingo proceeds for charitable purposes.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179d, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

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

Issued in Austin, Texas, on October 5, 1987

TRD-8708627 Bob Bullock  
Comptroller of Public  
Accounts

Effective date: October 26, 1987  
Proposal publication date: August 14, 1987  
For further information, please call  
(512) 463-4004.



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 33. Early Periodic Screening, Diagnosis, and Treatment

The Texas Department of Human Services (DHS) adopts amendments to §§33.112, 33.122, 33.306, 33.317, and 33.402, without changes to the proposed text published in the August 28, 1987, issue of the *Texas Register* (12 TexReg 2918).

The amendments reinstate EPSDT coverage for Medicaid recipients who are 18-20 years old.

The amendments change the specified age limit from 17 to 20 years of age.

No comments were received regarding adoption of the amendments.

#### Subchapter H. Eligibility

##### ★ 40 TAC §33.112

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

This agency hereby certifies that the rule

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

Issued in Austin, Texas, on October 7, 1987

TRD-8708669 Marlin W. Johnston  
Commissioner  
Texas Department  
of Human Services

Effective date: October 28, 1987  
Proposal publication date: August 28, 1987  
For further information, please call  
(512) 450-3765.



#### Subchapter I. Periodicity

##### ★ 40 TAC §33.122

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on October 7, 1987.

TRD-8708670 Marlin W. Johnston  
Commissioner  
Texas Department  
of Human Services

Effective date: October 28, 1987  
Proposal publication date: August 28, 1987  
For further information, please call  
(512) 450-3765.



#### Subchapter R. Dental Services

##### ★ 40 TAC §33.306, §33.317

The amendments are adopted under the Human Resources Code, Title 2, Chapters

22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on October 7, 1987.

TRD-8708671 Marlin W. Johnston  
Commissioner  
Texas Department  
of Human Services

Effective date: October 28, 1987  
Proposal publication date: August 28, 1987  
For further information, please call  
(512) 450-3765.



#### Subchapter T. EPSDT Eyeglass Program

##### ★ 40 TAC §33.402

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on October 7, 1987.

TRD-8708672 Marlin W. Johnston  
Commissioner  
Texas Department  
of Human Services

Effective date: October 28, 1987  
Proposal publication date: August 28, 1987  
For further information, please call  
(512) 450-3765.



# 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*.

## State Bar of Texas

**Thursday, October 15, 1987, 9 a.m.** The Executive Committee of the State Bar of Texas will meet in Room 206-207, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear reports of the board chairman, president, executive director, general counsel, president-elect, Board Committee on Rules of Professional Conduct, TYLA president, immediate past president, and supreme court liaison; and considerations as listed under reports.

**Contact:** Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

**Filed:** October 7, 1987, 4:18 p.m.  
TRD-8708714



## Texas Bond Review Board

**Friday, October 9, 1987, 10 a.m.** A Planning Meeting for the Texas Bond Review Board was scheduled in emergency session in Room 215, Sergeants Committee Room, State Capitol, Austin. According to the agenda, the board continued the October 5, 1987, meeting, receiving information on proposed bond issues. The emergency status was necessary because all the information requested by the board was not available on October 5, 1987.

**Contact:** Tom Adams, Governor's Office, Sam Houston Building, Austin, Texas 78701, (512) 463-1777.

**Filed:** October 6, 1987, 11:20 a.m.  
TRD-8708644



## Texas School for the Deaf

**Friday, October 16, 1987, 1 p.m.** The Governing Board of the Texas School for the Deaf will meet in the Boardroom, Suite 506, 1102 South Congress Avenue, Austin. According to the agenda summary, the board will approve minutes of the August 21, 1987, meet-

ing; consider business requiring board action and business for information purposes; and hear reports and discussion from board members.

**Contact:** Susan R. Nixon, P.O. Box 3538, Austin, Texas 78764, (512) 440-5335.

**Filed:** October 7, 1987, 2:13 p.m.  
TRD-8708710



## Texas State Board of Dental Examiners

**Thursday-Saturday, November 5-7, 1987, 8:30 a.m. daily.** The Texas State Board of Dental Examiners will meet in the Embassy Suites Hotel, 5901 North IH-35, Austin. According to the agenda summary, the board will hold disciplinary hearings; review examination and registration fees, forms, and schedules; discuss proposed rule 115.2, concerning supervision of hygienists; approval of anesthesia applications; discuss amendments to anesthesia rules; consider requests for reinstatement of licenses; discuss legislation; consider permanent adoption of the repeal of rule 101.33 concerning the critiques report on the Dental Laboratory Certification Council; discuss infection control in dental offices; request for exception to rules; approval of honorary retired dentists and hygienists; request for reinstatement of controlled substances permits and Dr. William Stone to address the board; consider miscellaneous matters, appearances by members of the public and profession; and discuss AADE meeting. The board will also meet in executive session to discuss litigation matters and personnel matters. If agenda items are not completed on Saturday, November 7, the board will meet on Sunday, November 8.

**Contact:** William S. Nail, 8317 Cross Park Drive, Suite 400, Austin, Texas 78754, (512) 834-6021.

**Filed:** October 8, 1987, 9:05 a.m.  
TRD-8708722



## Texas Employment Commission

**Wednesday, October 14, 1987, 8:30 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the commission will discuss prior meeting notes; consider internal procedures of the Office of Commission Appeals; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 41; and set the date for the next meeting. The commission also will meet in executive session to discuss developments in the *Texaco v. TEC*, et al. case, with the attorney general's office.

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

**Filed:** October 6, 1987, 2:36 p.m.  
TRD-8708657



## Texas Department of Health

**Thursday, October 15, 1987, 10 a.m.** The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve minutes of the previous meeting; hear subcommittee report and Bureau of Long Term Care reports; consider memorandums of understanding concerning long term care services (input from advocacy and consumer groups is invited), update on budget, state legislation, and/or new rules, nursing home licensing standards, controlled substances in emergency drug kit rules, computer projects, Texas Department of Human Services case mix reimbursement demonstration project, and subcommittee on office of chairman elect; and topic for future meetings.

**Contact:** Howard Allen, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

**Filed:** October 7, 1987, 4:45 p.m.  
TRD-8708717



## Health and Human Services Coordinating Council

Friday, October 16, 1987, 1:30 p.m. The Immigration Work Group of the Health and Human Services Coordinating Council will meet in the Fourth Floor Conference Room, Sam Houston Building, Austin. According to the agenda, the council will introduce attendees, hear an update on the last meeting, discuss agency estimated costs of service, conduct local services, and consider federal regulations, the allocation formula, and new business.

**Contact:** Jane Huffines, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

**Filed:** October 6, 1987, 4:07 p.m.  
TRD-8708661



## Texas Department of Human Services

Thursday, October 15, 1987, 9 a.m. The Texas Board of Human Services of the Texas Department of Human Services will meet in City Hall, City Council Chambers, 901 Bagby, Houston. According to the agenda, the board will consider fiscal year 1988 operating plan; discuss AIDS related issues and the Texas Family Planning Program's joint policy on AIDS prevention; consider adjustments to the moratorium rules on applications for Medicaid ICF/SNF beds, and an amendment on Medicaid payment of Medicare Part A SNF coinsurance; consider proposed pilot for case mix reimbursement in a select sample of ICF/MR; discuss proposed rules for OBRA and the IRCA of 1986, the Texas Interagency Council on Adolescent Pregnancy and Parenthood, contracted child day care services (rules and parent advisory committees); discuss the level of care system for CPS foster care, the children's trust fund grant renewals, and adopted rules on HEAP for winter 1988; consider the Homeless Assistance Act, proposed rules on civil monetary penalties provisions for Title XIX providers, and fiscal year 1988 premiums for NHIC; and discuss the expanded coverage of organ transplant services, single audit cost, and advisory committees.

**Contact:** Bill Woods, P.O. Box 2960, Austin, Texas, (512) 450-3047.

**Filed:** October 7, 1987, 9:09 a.m.  
TRD-8708666



## State Board of Insurance

Thursday, October 15, 1987, 10 a.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will hold public hearing to consider an appeal by Maccabees Mutual Life Insurance Company from Commissioner's Order

87-0022, disapproving policy forms PP 33085, PP/A 3085-1, GA 3000, and PPC 3085.

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

**Filed:** October 6, 1987, 1:43 p.m.  
TRD-8708655



## Texas Department of Labor and Standards

Various committees for the Texas Department of Labor and Standards will meet in the John H. Reagan Building, 105 West 15th Street, Austin. Dates, times, and agendas follow.

Thursday, October 22, 1987, 10 a.m. The Industrialized Building Code Council will meet in Room 103 to review minutes of the last meeting; consider a department update; and discuss new business, including a review of council procedures for disapproval of an approved third party agency; review of Design Review Agency's performance; reconsider model code organizations as design review agencies; consider adoption of 1987 National Electrical Code; discuss use of electrical nonmetallic tubing (ENT) in poured concrete; consider the possible impact on redlining procedure resulting from changes in the engineer's board rule of practice and procedure; and approve third party inspectors and public comments.

**Contact:** Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7352.

**Filed:** October 6, 1987, 2:10 p.m.  
TRD-8708652

Thursday, November 4, 1987, 9 a.m. The Manufactured Housing Division will meet in Room 105 to consider suspension or revocation of the manufactured housing registration of Hanszen-Jones 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 6, 1987, 2:11 p.m.  
TRD-8708653

Monday, November 30, 1987, 9 a.m. The Labor/Licensing and Enforcement Division will meet in Room 105 to consider suspension or revocation of the auctioneer license of James Warren Davis, for alleged violation of the department's auctioneer rules and regulations.

**Contact:** Orlando S. Mate, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

**Filed:** October 6, 1987, 2:11 p.m.  
TRD-8708654



## Texas State Board of Medical Examiners

Thursday-Saturday, October 15-17, 1987, 3 p.m. on Thursday, and 8 a.m. on Friday and Saturday. The Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the revised agenda, the board will discuss agreed settlements and approve board orders.

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

**Filed:** October 7, 1987, 10:45 a.m.  
TRD-8708680



## State Board of Plumbing Examiners

Wednesday, October 21, 1987, 9:30 a.m. The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. According to the agenda, the board will approve minutes of the previous meeting; hear financial report, report on examination study by William R. Koch; discuss hardship cases; consider proposal by J. Byron Smith, landlord, to sell building; consider copy of board's letter to Legislative Budget Board; consider chairman, Senate Finance Committee and chairman, House Appropriations Committee; consider letters from Raymond L. Brown; discuss proposed roster format; hear report on study guide; consider progress on new license card, activity generated by September 1 amendments to license law, examination data, status of plumbing inspector training course and discussion of our present plumbing inspector examination, rule to include license number on advertising, and changes in board members travel expenses; discuss inclusion of isometric drawing in the master examination, addition of fixtures to drain sizing chart, and inclusion of a vent sizing chart; and consider election of officers.

**Contact:** Lynn Brown, P.O. Box 4200, Austin, Texas 78765, (512) 458-2145.

**Filed:** October 7, 1987, 1:38 p.m.  
TRD-8708698



## Texas State Board of Public Accountancy

Thursday, October 15, 1987, 1 p.m. The Examination Committee of the Texas State Board of Public Accountancy will meet in emergency session in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committee will review information relating to the November 1987, examination, non-routine applications, board and staff assignments, exam site candidate assignments, and proctor availability; hear report on the Houston exam site arrangements; review successful bid for storage and security of exam questions and successful bid for temporary employees at the exam

sites, discuss arrangements for the El Paso examination site, review information relating to future examinations; consider booking sites for the May 1988 exam; discuss proposed contract and related processing procedure for the hiring of proctors for the May 1988, examination; review other pertinent topics and hear the 1986 NASBA characteristic report; consider correspondence; and reveal action on panel hearings relating to the May 1987, exam and other matters coming before the committee. The emergency status is necessary because of lost opportunity for the Examination Committee to meet prior to the administration of the uniform CPA examination on November 4-6, 1987.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** October 8, 1987, 9:03 a.m.  
TRD-8708724

**Friday, October 16, 1987, 8:30 a.m.** The Enforcement Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committee will review the status report for July and August; consider recommendations regarding the following specific complaints: 87-08-151, 87-08-11L, 87-07-12L, 87-07-60L, 87-07-581, 87-07-31L, 87-08-02L, 87-07-08L, 87-07-591, 87-07-03L, 87-07-17L, 87-07-10L, 87-07-15L, 87-07-06L, 87-07-07L, 87-07-13L, 87-08-04L, 87-07-22L, 87-07-35L, and 87-07-161, recommendations regarding specific complaints of nonlicensee; and discuss items and standard agenda items.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** October 8, 1987, 9:08 a.m.  
TRD-8708723

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### Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

**Thursday, October 22, 1987, 10 a.m.** The Hearings Division will consider Docket 7598—Application of Tri-County Telephone Company, to implement mandatory service upgrade, unbundle service connection charges, detariff CPE and inside wire, and effect miscellaneous tariff revisions.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 7, 1987, 1:41 p.m.  
TRD-8708696

**Monday, November 9, 1987, 10 a.m.** The Hearings Division will consider Docket 7623—Application of EDC One, Inc. and Texas Utilities Electric Company for certification of cogeneration agreement.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 6, 1987, 2:47 p.m.  
TRD-8708658

**Monday, November 16, 1987, 10 a.m.** The Hearings Division will consider Docket 7490—Application of West Texas Utilities Company for certificate of convenience and necessity for a proposed transmission line within Brewster and Jeff Davis Counties.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 6, 1987, 2:46 p.m.  
TRD-8708659

**Monday, December 14, 1987, 10 a.m.** The Hearings Division will consider Docket 7708—Application of General Telephone Company of the Southwest, Inc. for waiver of PUC substantive rule 23.68(c) and for extended amortization of embedded CPE.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 7, 1987, 1:41 p.m.  
TRD-8708697

**Monday, February 15, 1988, 10 a.m.** The Hearings Division will consider Docket 7661—Application of City of Fredericksburg to amend certificated service area boundaries within Gillespie.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 6, 1987, 2:46  
TRD-8708660

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### Stephen F. Austin State University

**Monday-Tuesday, October 19-20, 1987, 1:30 p.m. and 9 a.m., respectively.** The Board of Regents of Stephen F. Austin State University will meet in Room 307, Austin Building, Stephen F. Austin State University Campus, Nacogdoches. According to the agenda summary, the board will approve minutes; consider personnel items; approve faculty workload report; approve enrollment report; underenrolled class report; curriculum; name change for major in computer information systems; revision of policy on faculty development leaves; authorize grant faculty development leaves; approve revision of guidelines for awarding short-term loans; policy on suspension for possession of illegal drugs; budget adjustment; contract with bond counsel; contract on sale of bonds; authorize to take bids on management of staff benefits; approve fiscal regulations; final budget position for fiscal year 1987; authorize to accept bids on replacement roof for agriculture; grant easement to city; approve bid for replacement chillers in power

plant II; authorize to contract for installation of chillers in power plant II; and approve bid for construction of sidewalks. The executive committee will hold a meeting in closed session.

**Contact:** William R. Johnson, P.O. Box 6078, Stephen F. Austin State University, Nacogdoches, Texas 75962, (409) 568-2201.

**Filed:** October 7, 1987, 9:07 a.m.  
TRD-8708719  
TRD-8708720

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### Texas Sunset Advisory Commission

**Thursday-Friday, October 15-16, 1987, 9 a.m.** The Texas Sunset Advisory Commission will meet in Room 101, John H. Reagan Building, Austin. According to the agenda, the commission will approve minutes of the previous meeting; hear agency testimony from the Texas Animal Health Commission, Human Rights Commission, Texas Indian Commission, Texas Department of Agriculture, State Property Tax Board, Office of the Commissioner of Labor and Standards, Texas Education Agency, Texas Guaranteed Student Loan Corporation, Texas Higher Education Coordinating Board, Metropolitan Rapid Transit of Corpus Christi, and Metropolitan Rapid Transit of Houston.

**Contact:** Jeri Kramer, John H. Reagan Building, Room 305, Austin, Texas 78711, (512) 463-1300.

**Filed:** October 7, 1987, 1:32 p.m.  
TRD-8708693

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### Texas Water Development Board

**Wednesday, October 14, 1987, 11 a.m.** The Texas Water Development Board will meet in Room 513, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will discuss waste disposal methods which might be financed under the water quality enhancement fund of the Water Development account. Because a quorum of the board may attend the discussion, this action is posted, however, no formal action will be taken.

**Contact:** Sue M. Clabaugh, P.O. Box 13231, Austin, Texas 78701, (512) 463-8415.

**Filed:** October 6, 1987, 4:10 p.m.  
TRD-8708662

**Thursday, October 15, 1987, 9:30 a.m.** The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider minutes for the Water Development Board and the Water Resources Finance Authority; hear a briefing on development funds and proposed bond sale; select printer and pay agent/registrar; consider extensions for Angelina-Neches River Authori-

ty, Cities of Bertram, Olney, and Brookshire municipal water districts; discuss change in scope for the Town of Fulton; gain financial assistance for Fort Bend Flood Control WSC, the City of Jacksboro, South Texas Water Authority (Ricardo WSC), Greater Texoma Utility District (Cities of Tom Bean and Howe), and the Brazos River Authority (action MUD); hold a briefing on the water pollution control revolving fund and consider filing an application with EPA on fiscal year 1987 funds; consider the emergency repeal of 31 TAC §§355.101-355.110; and adoption of 31 TAC §§355.1 and 355.10-355.19, relating to research and planning funds; select members for the Regional Management Advisory Committee for Critical Groundwater Area 1; conduct two appointments to the San Jacinto River Authority; and hear a resolution honoring Homer Tanner.

**Contact:** M. Reginald Arnold II, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

**Filed:** October 6, 1987, 4:11 p.m.  
TRD-8708663



### Texas Water Commission

**Wednesday, October 7, 1987, 10 a.m.** The Texas Water Commission met for an emergency agenda revision in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered a motion for rehearing filed by the U.S. Department of Energy relating to a request by the applicant for Emergency Order 87-11E. The emergency status was necessary in order for the Department of Energy to remain on schedule and meet their congressional mandate, thus requiring discharge at this time.

**Contact:** Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 6, 1987, 11:38 a.m.  
TRD-8708646

**Monday, October 19, 1987, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the executive director's report on agency administration, policy, budget, procedures, and personnel matters.

**Contact:** Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 7, 1987, 11:17 a.m.  
TRD-8708686

**Tuesday, November 10, 1987, 10 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 105, Building 277, Hemisfair Plaza, Texas A&M University System, San Antonio. According to the agenda, the examiners office will consider a permit (Proposed Permit HW-50118-000) from Standard Industries, Inc., P.O.

Box 27500, San Antonio, Texas 78277, to continue operation of an existing Class I hazardous industrial solid waste storage, processing, and disposal facility and to authorize construction and operation of additional disposal facilities for Class I hazardous industrial solid waste at its lead-acid battery manufacturing and reclamation plant. Proposed Permit HW-50118-000 also requires compliance monitoring and corrective action to be undertaken concurrent with the storage processing and disposal operations authorized by this permit. The hazardous industrial solid waste management facility is located on a 253.523-acre tract of land in Bexar County, approximately 4,000 feet west and 3,750 feet north of the intersection of Nelson Road and Pearsall Road, southwest of the City of San Antonio, in the drainage area of Segment 1912 of the San Antonio River Basin.

**Contact:** Douglas P. Roberts, P.O. Box 13087, Capitol Station, Austin, Texas 78701, (512) 463-7875.

**Filed:** October 6, 1987, 11:39 a.m.  
TRD-8708645

**Wednesday, November 18, 1987, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a notice of hearing for the petition for creation of Aldine Municipal Utility District Number 1, containing 1,594.70 acres of land.

**Contact:** Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 7, 1987, 11:18 a.m.  
TRD-8708684

**Monday, November 30, 1987, 10 a.m.** The Office of the Hearings Examiner of the Texas Water Commission will meet in Room 1149A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the examiners office will conduct a public hearing on a rate increase of W-W Services Utilities, Docket 7360-G.

**Contact:** James Murphy, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7875.

**Filed:** October 7, 1987, 11:18 a.m.  
TRD-8708685



### Regional Agencies

#### Meetings Filed October 6

**The Carson County Appraisal District,** Board of Directors, will meet at 102 Main, Panhandle, on October 12, 1987, at 9 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068, (806) 537-3569.

**The Region VII Education Service Center,** Board of Directors, will meet in the Holiday Inn, Henderson, on October 15, 1987, at 7 p.m. Information may be obtained from

Don J. Peters, 818 East Main, Kilgore, Texas 75662, (214) 984-3071.

**The Hamilton County Appraisal District,** will meet in the Hamilton County Appraisal District Boardroom, 119 East Henry, Hamilton, on October 20, 1987, at 7 p.m. and again at 7:15 p.m. Information may be obtained from Doyle Roberts, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945.

**The Hunt County Tax Appraisal District,** Board of Directors, will meet in the Hunt County Tax Appraisal District Boardroom, 4801 King Street, Greenville, on October 15, 1987, at 7 p.m. Information may be obtained from Joe Pat Davis, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

TRD-8708643



#### Meetings Filed October 7

**Bastrop County Appraisal District,** Board of Directors, will meet at 1200 Cedar Street, Bastrop, on October 15, 1987, at 7:30 p.m. Information may be obtained from Iorraine Perry, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925.

**The Burnet County Appraisal District,** Appraisal Review Board, will meet at 215 South Pierce Street, Burnet, on October 13, 1987, at 9 a.m. Information may be obtained from Alvin C. Williams, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

**The Cherokee County Appraisal District,** Board of Directors, will meet at 107 East Sixth Street, Rusk, on October 15, 1987, at 2:30 p.m. Information may be obtained from S.R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

**The Education Service Center, Region VI,** Board of Directors, will meet in the College Station Hilton, College Station, on October 15, 1987, at 5 p.m. Information may be obtained from M.W. Schlotter, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

**The Education Service Center, Region XII,** Board of Directors, will meet at 401 IH-35, Waco, on October 15, 1987, at 7:30 p.m. Information may be obtained from Weldon O. Mills, P.O. Box 1249, Waco, Texas 76703, (817) 756-7494.

**The Golden Crescent Service Delivery Area,** Private Industry County, Inc., will meet at 1301 East Rio Grande, Victoria, on October 14, 1987, at 6:30 p.m. Information may be obtained from Cleve Schoener, P.O. Box 2149, Victoria, Texas 77902, (512) 578-1587.

**The Guadalupe-Blanco River Authority,** Board of Directors, will meet at 933 East Court Street, Seguin, on October 15, 1987.

at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822

**The Hays County Central Appraisal District, Board of Directors,** will meet on the First Floor, Hays County Courthouse Annex, 102 LBJ Drive, San Marcos, on October 13, 1987, at 5 p.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777

**The Lamb County Appraisal District, Board of Directors,** will meet at 330 Phelps Avenue, Littlefield, on October 13, 1987, at 7 p.m. Information may be obtained from Murlene J. Milbrey, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

**The Mills County Appraisal District, Board of Directors,** will meet in the Jury Room, Mills County Courthouse, Goldthwaite, on October 15, 1987, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

**The Nolan County Central Appraisal District, Board of Directors,** will meet in the

Sunflower Room, Holiday Inn Restaurant, Sweetwater, on October 13, 1987, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421

**The Northeast Texas Municipal Water District, Board of Directors,** will meet at Highway 250 South, Hughes Springs, on October 22, 1987, at 1:30 p.m. Information may be obtained from Homer Tanner, P.O. Box 955, Hughes Springs, Texas 75656, (214) 639-7538.

**The Wood County Appraisal District, Board of Directors,** will meet in the Conference Room of the Wood County Appraisal District, 217 North Main, Quitman, on October 15, 1987, at 1:30 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946. TRD-8708682



### Meetings Filed October 8

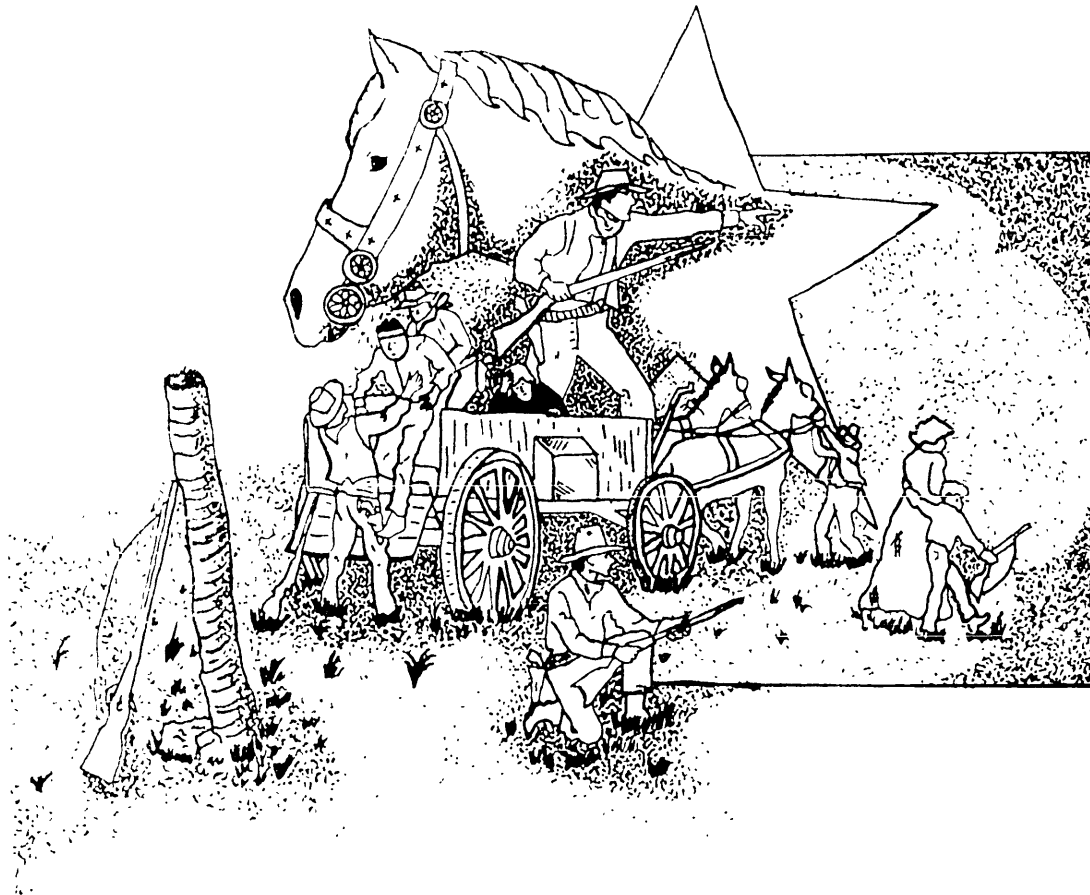
**The Cass County Appraisal District, Board of Directors,** met at 400 North Main, Linden, on October 12, 1987, at 6:30 p.m. Information may be obtained from Janelle

Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

**The Education Service Center, Region V, Board of Directors,** will meet at 2295 Delaware Street, Beaumont, on October 15, 1987, at 1:15 p.m. Information may be obtained from Fred J. Waddell, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

**The Central Appraisal District of Rockwall County, Board of Directors,** will meet at 106 North San Jacinto, Rockwall, on October 13, 1987, at 7:30 p.m. Information may be obtained from Ray Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

**The South Plains Association of Governments, Executive Committee,** will meet at 1323 58th Street, Lubbock, on October 13, 1987, at 9 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452, (806) 762-8721. TRD-8708721



Name: Wade O'Gilvie  
Grade: 12  
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 Commission on Alcohol and Drug Abuse Request for Proposals

The Texas Commission on Alcohol and Drug Abuse, under the Texas Alcohol and Drug Abuse Services Act, Texas Civil Statutes, Article 5561c-2, published a notice of requests for proposals (RFP) on May 26, 1987. The closing date for receipt of applications by the commission has been extended to 5 p.m. on October 23, 1987. The closing date for review under the Texas Review and Comment System has also been extended to October 23, 1987.

The RFP invites applications for a methadone outpatient program for opiate users in Harris County. The program must have a therapeutic counseling component and may also offer naltrexone treatment. Preference will be given to programs that target services to individuals who have a criminal history.

To be eligible for funding, applicants must be either a public entity or a private nonprofit corporation. If awarded, the program must obtain a license from the commission for outpatient treatment services prior to admitting clients.

Applicants are to submit a 12-month budget, however, the first award period is December 1, 1987-August 31, 1988. There is a total of \$300,000 available to fund approximately 150 treatment slots for the RFP. Funding of applications under this RFP is contingent on appropriations received by the commission.

The commission will review applications in accordance with the requirements contained in the RFP. The commission's grant and contract review committee, comprised of commission members and statewide advisory council members, will make final funding decisions.

To request a copy of the RFP, contact the Texas Commission on Alcohol and Drug Abuse, Grant Management, 1705 Guadalupe, Austin, Texas 78701-1214, (512) 463-5510.

Issued in Austin, Texas, on September 25, 1987.

TRD-8708607      Bob Dickson  
Executive Director  
Texas Commission on Alcohol and  
Drug Abuse

Filed: October 5, 1987  
For further information, please call (512) 463-5510.



## Texas Department of Commerce Private Activity Bond Allocation Report

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1987 is \$1,227,750,000.

State legislation, 70th Legislature, Senate Bill 1382, was passed, effective June 20, 1987, to establish the allocation process. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation. On and after October 1, that portion of the state ceiling available for reservations shall become available to any issuer for any bonds requiring an allocation.

Generally, the state ceiling will be allocated on a first-come, first-served basis within the applicable subceiling, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a summary report of the allocation activity for the period September 28, 1987-October 2, 1987.

### Weekly Report on the 1987 Allocation of the State Ceiling on Certain Private Activity Bonds as Pursuant to Senate Bill 1382

Total amount of the \$1,227,750,000 state ceiling remaining unreserved as of October 2, 1987: \$49,179,925. Comprehensive listing of bond issues which have received a reservation date per Senate Bill 1382 from September 28, 1987-October 2, 1987:

North Texas Higher Education Authority, Inc., Eligible borrowers, Qualified student loans, \$98,000,000; Brazos Higher Education Authority, Inc., Eligible Borrowers, Qualified Student Loans, \$100,000,000; Texas Housing Agency, Eligible Borrowers, Qualified Mortgage Bonds, \$100,000,000; Capital Area Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$21,000,000; Housing Finance Corporation, Borrowers, Mortgage Bonds; Gulf Coast Waste Disposal Authority, Environmental Protection Resources of Lubbock, Inc., Solid Waste Disposal Facility, \$22,000,000; Gulf Coast Waste Disposal Authority, Environmental Protection Resources of Galveston, Inc., Solid Waste Disposal Facility, \$22,500,000; Travis County Housing Finance Corporation, Eligible Borrowers, Qualified Mortgage Bonds, \$15,000,000; Housing Finance Corporation, Borrowers, Mortgage Bonds; Texas Housing Agency, Del Norte Apartments, Inc., Multi-Family Housing, \$3,750,000;

Texas Housing Agency, Eligible Borrowers, Qualified Mortgage Bonds (MCC's) \$200,000,000; Brazos River Authority, Texas Utilities Electric Company (Comanche Peak), Water Pollution Control and Solid Waste Disposal, \$100,000,000; Brazos River Authority, Texas Utilities Electric Company (Twin Oak), Water Pollution Control and Solid Waste Disposal, \$12,000,000

Issued in Austin, Texas, on October 6, 1987

TRD-8708668 J. W. Lauderback  
Executive Director  
Texas Department of Commerce

Filed October 7, 1987

For further information, please call (512) 472-5059



## Texas Department of Community Affairs

### Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, and in accordance with the Job Training Partnership Act (JTPA), Public Law 97-300, the Texas Department of Community Affairs (TDCA) invites consultant proposals from Texas-based organizations to provide research services for Project RIO (re-integration for offenders).

Detailed information regarding the project and the proposal submission process will be provided in the request for proposal (RFP) instructions which will be available on or about October 19, 1987, at the Texas Department of Community Affairs, Training and Employment Development Division, 8317 Cross Park Drive, P.O. Box 13166, Austin, Texas 78711.

The deadline for submission of proposals in response to this request will be 4 p.m. on November 9, 1987. Proposals, and any subsequent modifications, must be received by the deadline to be eligible for consideration.

TDCA intends to use the response due November 9, 1987, as a basis for selecting a bidder or bidders who will be invited to participate in further discussions and negotiations in response to detailed project specifications. The projected start date for the project(s) is on or about December 1, 1987.

Bidders will be invited to submit proposals for one or both of two research tasks associated with Project RIO: process evaluation and survey research. Selection will be based on demonstrated competence, bidder qualifications, quality and cost effectiveness of the proposed approach, and evidence of conformity with proposal criteria. In addition to detailed information regarding a proposed plan of work, bidders will be asked to provide information related to key staff qualifications related to multiple-site survey research and associated sampling strategies; general organizational capability to coordinate, manage, and staff a large-scale, on-going survey project; availability of bilingual interviewers and qualified data processing staff; demonstrated effectiveness on prior efforts of a similar nature, especially those related to collection of data from ex-offenders or participants in employment and training or other human resource-related programs; conduct of process evaluation studies for similar programs; and other information as specified in the request for proposals instructions. Special information requirements may differ for each of the research tasks.

As the agency responsible for the JTPA program ad-

ministration, and as one of the sponsoring agencies of Project RIO, TDCA reserves the right to accept or reject any or all proposals submitted. TDCA is under no legal requirement to execute a resulting contract on the basis of this advertisement; the material provided may be used only as a means of identifying the various contractor alternatives. The RFP does not commit TDCA to pay any costs incurred prior to the execution of a contract. Issuance of the material in no way obligates TDCA to award a contract or to pay any costs incurred in the preparation of a response. In addition, TDCA reserves the right to vary all provisions set forth at any time prior to the execution of a contract when deemed to be in the best interest of the State of Texas.

For further information regarding this notice, please contact Enrique Barrera, Texas Department of Community Affairs, 8317 Cross Park Drive, P.O. Box 13166, Austin, Texas 78711, (512) 834-6351, or (800) 252-9642.

Issued in Austin, Texas, on October 6, 1987

TRD-8708665 Bruce W. Anderson  
General Counsel  
Texas Department of Community Affairs

Filed October 7, 1987

For further information, please call (512) 834-6060



## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

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

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer <sup>(3)</sup> Agricultural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 10/12/87-10/18/87	18.00%	18.00%
Monthly Rate— Article 1.04(c) <sup>(1)</sup> 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 <sup>(3)</sup> 10/01/87-12/31/87	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) <sup>(3)</sup> 10/01/87-12/31/87	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) <sup>(2)</sup> 10/01/87-12/31/87	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 <sup>(3)</sup> 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 9069.1 (11)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas on October 5, 1987

TRD-8708676 Al Endsley  
Consumer Credit  
Commissioner

Filed October 7, 1987

For further information, please call (512) 479-1280



## Office of the Governor, Texas Crime Victim Clearinghouse Victim Impact Statement

Pursuant to House Bill 1552, 70th Legislature, 1987, The Texas Crime Victim Clearinghouse, with the participation of the Texas Adult Probation Commission and the Board of Pardons and Paroles, is developing a revised form for a victim impact statement. The Crime Victims' Rights Act, Code of Criminal Procedures, Article 56.03(a), effective September 1, 1985, provides that the form is to be used by law enforcement agencies, prosecutors, and other participants in the criminal justice system to record the impact of an offense on a victim of the offense, guardian of a victim, or a close relative of a deceased victim, and to provide the agencies, prosecutors, and participants with information needed to contact the victim, guardian, or relative if needed at any stage of a prosecution of a person charged with the offense.

The final version of the form will be ready no later than December 1, 1987 (House Bill 1552, §3). A draft version of the form is available to anyone who has an interest in this matter for review and comment. The participating agencies want to receive as many comments and suggestions as possible from all other concerned agencies and members of the public. Comments should be received no later than November 1, 1987, to be considered in the drafting of the final form. To obtain a copy of the current draft, contact Suzanne McDaniel, Director, Texas Crime Victim Clearinghouse, P.O. Box 12428, Austin, Texas 78711, (512) 463-1886.

Issued in Austin, Texas, on October 5, 1987

TRD-8708633 Pete Wassdorf  
Deputy General Counsel  
Office of the Governor

Filed October 6, 1987

For further information, please call (512) 463-1788



## Texas Department of Health Guidelines for the AZT Program

The Texas Department of Health (TDH) has received a

grant from the Health Resources and Services Administration, Texas Department of Health and Human Services, to help offset the cost of the drug AZT (azidothymidine, zidovudine, or Retrovir) for eligible persons with AIDS or AIDS-related complex. The amount of the grant is expected to purchase a nine-month supply of the drug for approximately 300 persons.

**Congressional Intent.** The funds were appropriated by congress for a one-time-only, nationwide program with the intention of supplementing state, local, and other non-federal resources that would, in the absence of this appropriation, be made available to purchase AZT. This appropriation would not in any event supplant such state, local, and other nonfederal resources except where local funds are used to subsidize public hospitals or public benefit corporations that are mandated to serve all patients regardless of ability to pay.

**Eligible Persons.** Any Texas resident who has AIDS or AIDS-related complexes, i.e., symptomatic infections with human immunodeficiency virus; is under the care of a licensed physician who prescribes the drug; and meets the financial eligibility criteria of the program.

**Criteria for Financial Eligibility.** A person is financially eligible if he or she: is not covered for the drug under the Texas Medicaid Program now or at any time in the future while the program is in operation; is not covered for the drug by any other third-party payor; and has an income, when combined with the income of any family members living in the same household as the person and related by blood or adoption or is the person's legal spouse, that does not exceed the federal poverty income guidelines in effect September 1, 1987, and shown as follows. The TDH will determine if the person satisfies this criterion from information provided by the person on a form developed by the TDH.

The federal poverty income guidelines for a size of a family unit for a certain income is as follows: one may not exceed \$ 5,500; two may not exceed 7,400; three may not exceed 9,300; four may not exceed 11,200; five may not exceed 13,100; six may not exceed 15,000; seven may not exceed 16,900; eight may not exceed 18,800.

**Application for Assistance.** An application is made by the person by submitting completed financial eligibility and medical certification forms and, if not a resident of one of the counties listed in the section titled Participating Pharmacy, two copies of a completed memorandum of agreement form signed by the owner or manager of a participating pharmacy. If the person wishes to be given priority consideration for admission to the program, he or she must also submit with the other application documents a reprographic (xerox) copy of the letter from the Burroughs Wellcome Company that provides a unique Retrovir patient identification number. Application documents must be mailed to the Bureau of Licensure and Certification, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, with an attention line on the envelope as follows: ATTENTION: MSJA.

**Confidentiality.** The TDH regards the information in the application as part of the applicant's medical record and confidential by law. No information that could identify an individual applicant will be released except as authorized by law. Within the TDH, physical security and administrative controls will be implemented to safeguard the confidentiality of the applications and other means of identifying the individual. Applicants should realize that, in addition to the TDH, their physicians and pharmacists will be aware of diagnosis of symptomatic human im-

munodeficiency virus infection.

**Obtaining the Application Materials.** An application packet, containing instructions and all necessary forms, may be requested by writing to the Bureau of Licensure and Certification at the previously cited address or by telephoning toll-free 1-800-255-1090. The letter from the Burroughs Wellcome Company containing the unique Retrovir patient identification number will have been sent to the office of the physician prescribing AZT prior to September 15, 1987 when the company closed the Retrovir Center. The person applying for the TDH assistance program is responsible for obtaining a reprographic copy of the letter.

**Selection Of Applicants For Financial Assistance.** The conditions of the federal grant require that priority be given to eligible persons who received AZT under the treatment investigational new drug (IND) program; these individuals can be identified from their Retrovir identification numbers, and the only action required on their part is provision of the reprographic copy of the Burroughs Wellcome letter assigning the identification number. The TDH will select applicants for AZT program financial assistance by the following.

For a 30-day period following publication of these guidelines in the *Texas Register*, the TDH will provide application materials and receive completed applications. Simultaneously with official notice in the *Texas Register*, the TDH will publicize the information by notifying appropriate statewide agencies and organizations, major AIDS service organizations, persons who have previously requested these guidelines, and news media. If it is possible to obtain from the manufacturer a list of physicians in Texas who are prescribing AZT, an attempt will be made to notify them by mail. During the 30-day period, each applicant will be assigned a unique TDH code number in the order that the applications are received. Applicants whose Retrovir identification number indicates that they received the drug during the treatment IND program will be placed in Class I. All other applicants will be placed in Class II. Medical and financial qualifications will be validated for both classes of applicants. Eligible persons in Class I will be listed in order of their TDH code number and this will constitute a priority list. Beginning with the first name on the priority list, the TDH will reserve sufficient AZT grant funds to purchase a nine-month supply of AZT for each person on the list until either the number of persons on the list or the funds are exhausted, whichever occurs first. Although the TDH anticipates that there will be sufficient funds for all those on the priority list, the TDH will reassess this estimate approximately 20 days following publication of these guidelines. If there is no change in the estimate, then the TDH will issue a letter to each person on the priority list indicating that fact, authorizing a participating pharmacy to notify the contracting wholesaler to bill the TDH for the cost of the drug, and advising the applicant of the required \$5.00 co-payment. If the new estimate indicates that there will be insufficient funds for all those on the priority list, then applicants will be selected at random by their TDH code number until funds are exhausted; no selection will be made until the 30-day period has expired. If sufficient funds remain after providing for those in Class I, the TDH will proceed to applicants in Class II. At the expiration of the 30-day period, the TDH will select applicants randomly by their TDH code number and make a list by order of selection. Beginning with the first name on the list, the TDH will reserve sufficient AZT grant funds to purchase a nine-month supply of AZT for each person on the list, until the grant fund balance falls below the cost of a nine-

month supply. As funds are reserved for an applicant, the TDH will issue that person a letter similar to that mentioned previously. If an application is received after the 30-day period from an eligible person, it will be considered in the order received. The person will be placed on the list as follows: a person in Class I will be placed just before the person in Class II next in line for a reserve of grant funds; and a person in Class II will be placed just after the last name on the list.

**Payment for the Drug.** Using specifications developed by the TDH, the Texas State Purchasing and General Services Commission will enter into a contract with a drug wholesaler in accordance with applicable state law and rules. The TDH will pay the contract wholesaler for AZT dispensed to a person by a participating pharmacy in accordance with the terms of the contract. The TDH will not pay for more than a nine-month supply of the drug. If a person is withdrawn from the program for any reason, the TDH will cease payment as of that date. The TDH will not pay for more than one month's issue of the drug during the month, e.g. will not pay to replace any drug lost, stolen, or damaged. If the attending physician prescribes a daily dose of less than 200 mg every four hours, then the TDH will only pay for amount prescribed, and not for more than a nine-month supply at the reduced dosage.

**Payment of a Fee by the Patient.** Persons who have been approved by the TDH for AZT program financial assistance must pay a \$5.00 prescription fee (co-payment) to the participating pharmacy for each month's supply of AZT, at the time the drug is dispensed.

**Participating Pharmacy.** In the counties listed below, the TDH has designated a single public hospital pharmacy as the participating pharmacy under this program. In order to obtain optimal physical security of the drug and administrative control of the program, persons approved for the program and living in these counties must obtain their AZT from the participating pharmacy. Persons living in other counties may receive their AZT from any other pharmacy, if that pharmacy becomes a participating pharmacy by completing and signing an AZT Program memorandum of agreement with the TDH and agrees to make no charge other than the \$5.00 prescription fee paid by the patient. In exceptional circumstances, and on a case-by-case basis, the TDH may authorize persons in one of the counties listed below to use a different pharmacy if an extreme hardship exists and may arrange another means for a patient in an isolated area to receive a steady supply of the drug. The designated county and participating pharmacy are as follows: Bexar, Medical Center Hospital, San Antonio; Cameron South Texas Hospital, Harlingen; Dallas, Parkland Memorial Hospital, Dallas; El Paso, R.E. Thomeson Hospital, El Paso; Galveston, John Sealy Hospital, Galveston; Harris, Jefferson Davis Hospital, Houston; Hidalgo, South Texas Hospital, Harlingen; Lubbock, Lubbock General Hospital, Lubbock; Willacy, South Texas Hospital, Harlingen.

**Adjustment Of Financial Eligibility Criteria.** The TDH may change the financial eligibility criteria at any time by publishing a notice in the *Texas Register*; the change will become effective on publication. Such a change might be made, for example, if AZT were added to the list of drugs authorized by the Texas Department of Human Resources for persons receiving Medicaid benefits.

**Change Of Guidelines.** The TDH may change any of these guidelines at any time, but will do so only by publishing a notice in the *Texas Register*; the change will

become effective on publication. For example, such a change might be made if there were an increase in available grant funds through redistribution of state surpluses from other states or extension or expansion of the program by the congress.

Issued in Austin, Texas, on October 6, 1987

TRD-8708699 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department  
of Health

Filed October 6, 1987

For further information, please call (512) 458-7304.



## Hazard Communication

The contact person for any comments or questions concerning the Department's Hazard Communication sections (25 TAC §§295.1-295.8) is William R. Elliott, Ph.D., Occupational Health Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7410.

Issued in Austin, Texas, on October 7, 1987.

TRD-8708674 Robert A. MacLean, M.D.  
Commissioner  
Texas Department  
of Health

Filed: October 7, 1987

For further information, please call (512) 458-7410.



## Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

### NEW LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Throughout Texas	P & M Wireline Services	L04116	Odessa	0	09/18/87

### AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Austin	Radian Corporation	L01692	Austin	21	09/09/87
Bruni	Malapai Resources Company	8-2436	Bruni	20	09/11/87
Conroe	Conroe Radiology Associates	L04083	Conroe	2	09/10/87
Conroe	Medical Center Hospital	L02421	Conroe	8	09/25/87
Corpus Christi	Spohn Hospital	L02495	Corpus Christi	17	09/03/87
Corpus Christi	National Medical Enterprises Hospital, Inc.	L03827	Corpus Christi	3	09/25/87
Corpus Christi	Koch Refining Company	L00322	Corpus Christi	15	09/21/87
Dallas	University of Texas	L00777	Dallas	15	09/14/87
Dallas	Lafarge Corporation	L02900	Dallas	3	09/23/87

Dallas	Baylor University Medical Center	L01290	Dallas	17	09/21/87
Denton	North Texas State University	L00101	Denton	28	09/17/87
Denton	North Texas State University	L00099	Denton	24	09/21/87
Denton	Texas Woman's University	L00304	Denton	28	09/25/87
Denton	Denton Community Hospital	L04003	Denton	1	09/18/87
Fort Worth	City of Fort Worth	5-1928	Fort Worth	9	08/28/87
Fort Worth	Moncrief Radiation Center	L00047	Fort Worth	22	09/17/87
Fort Worth	Moncrief Radiation Center	L00696	Fort Worth	13	09/17/87
Freeport	BASF Corporation	L01021	Freeport	31	09/15/87
Hobson	Chevron Resources Company	L02402	Hobson	16	09/23/87
Houston	Houston Northwest Medical Center	L02253	Houston	27	09/11/87
New Braunfels	Lafarge Corporation	L02809	New Braunfels	9	09/10/87
Orange	Cain Chemical, Inc	L04090	Orange	1	09/04/87
Orange	E I DuPont de Nemours & Company	10-5	Orange	52	09/04/87
Pampa	HCA Coronado Hospital	L03123	Pampa	6	09/14/87
Paris	St Joseph's Hospital and Health Center	L03199	Paris	2	09/04/87
San Angelo	Angelo Community Hospital	L02487	San Antonio	16	09/17/87
San Angelo	Shannon West Texas Memorial Hospital	L02174	San Antonio	17	09/14/87

### AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Location	Name	License #	City	Amend- ment #	Date of Action
San Antonio	Humana Hospital San Antonio	L02266	San Antonio	16	09/17/87
San Antonio	San Antonio Imaging Center	L04098	San Antonio	1	09/21/87
Taylor	Johns Community Hospital	L03657	Taylor	8	09/11/87
Texarkana	Wadley Regional Medical Center	L01437	Texarkana	12	09/25/87
Three Rivers	Intercontinental Energy Corporation	L02238	Three Rivers	16	09/25/87
Throughout Texas	Artic Pipe Inspection, Inc.	L02858	Lone Star	5	09/07/87
Throughout Texas	Hanco International	L04050	Midland	2	09/04/87
Throughout Texas	Southwestern Public Service Company	1-1981	Amarillo	21	08/27/87
Throughout Texas	Western Atlas International, Inc	L00446	Houston	85	09/04/87
Throughout Texas	Syncor International Corporation	L01999	El Paso	58	09/11/87
Throughout Texas	Cotton Houston, Inc.	11-3920	Houston	7	09/04/87
Throughout Texas	D Arrow Inspection, Inc	L03816	Houston	13	09/16/87
Throughout Texas	Winston Manufacturing Corporation	L02832	Longview	13	09/16/87
Throughout Texas	RK Company	L03555	Elgin	3	09/10/87
Throughout Texas	The Atchinson, Topeka and Santa Fe Railway Company	L01760	Amarillo	15	09/11/87
Throughout Texas	Mesquite Wireline Service, Inc	L03911	Andrews	1	09/11/87
Throughout Texas	GEO Associates	L03942	Stafford	2	09/11/87
Throughout Texas	City of Brownwood	L02552	Brownwood	5	09/09/87
Throughout Texas	State Dept. of Highways and Public Transportation	L00197	Austin	50	09/15/87
Throughout Texas	Moncrief Radiation Center	L00940	Fort Worth	12	09/17/87
Throughout Texas	MRA/Materials Engineers, Inc	L03018	Houston	6	09/15/87

Throughout Texas	Well Analysis Company, Inc.	103682	Tyler	10	09 18 87
Throughout Texas	The Dow Chemical Company	100451	Freeport	42	09 23 87
Throughout Texas	Consolidated X-Ray Service Corporation	100062	Dallas	46	09 28 87
Throughout Texas	Sunbelt Laboratories, Inc.	103926	El Paso	2	09 18 87
Throughout Texas	Kenneth E. Tand and Associates, Inc.	103129	Houston	4	09 16 87
Throughout Texas	Maxim Engineers	102653	Dallas	9	09 18 87
Throughout Texas	J & I Perforators	103534	Abilene	3	09 18 87

**RENEWALS OF EXISTING LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Caldwell	Burleson County Hospital	6-3260	Caldwell	4	09 25 87
Cameron	Milam Regional Medical Center	103249	Cameron	8	09 10 87
Deer Park	Rohm and Haas Texas, Inc.	100237	Deer Park	29	09 18 87
El Paso	PATH Lab, P.A.	102267	El Paso	8	09 25 87
Fort Worth	Texas Christian University	101065	Fort Worth	18	09 26 87
Galena Park	Gulf Materials Recycling Corporation	102734	Galena Park	5	09 15 87
Houston	Gulf Coast Regional Blood Center	102252	Houston	5	09 11 87
Pasadena	G. E. Smith and Associates	100991	Pasadena	20	09 18 87
Throughout Texas	Mobil Research and Development Corporation	100194	Dallas	27	09 11 87
Throughout Texas	Catch-A-Fault	102725	Houston	7	09 28 87
Throughout Texas	Amber Well Completion Rentals Inc.	103267	Austin	5	09 18 87
Weslaco	Knapp Medical Center	103290	Weslaco	5	09 25 87

**TERMINATIONS OF LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Amarillo	Amarillo Laboratory of Pathology	101249	Amarillo	12	09 05 87
Dallas	Maxwell Thomas, M.D. and Tom M. McCrory, M.D.	100226	Dallas	8	09 24 87
Fort Worth	The Western Company of North America	101325	Fort Worth	10	09 09 87
Freeport	Dow Chemical Company	101848	Freeport	19	09 23 87
Houston	Harlan J. Borchering, D.O. and Associates	103951	Houston	1	09 25 87
Littlefield	Littlefield Medical Center	103241	Littlefield	6	09 05 87
Pasadena	Occidental Chemical Corporation	102231	Pasadena	4	09 15 87
Throughout Texas	Puffer-Sweiven, Inc.	103884	Stafford	2	09 11 87
Throughout Texas	NOWSCO Services	103280	Houston	3	09 14 87

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control*

*of Radiation.*

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on October 6, 1987

TRD-8708647 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: October 6, 1987  
For further information, please call (512) 835-7000



**Texas Department of Human Services  
Notice of Public Hearing**

The Texas Department of Human Services will conduct a hearing to accept comments on proposed amendments concerning physician assistants (PAs) in intermediate-care and skilled-nursing facilities (ICF/SNF). The proposed amendments were published in the September 18, 1987, issue of the *Texas Register* (12 TexReg 3261). The hearing will begin at 9 a.m., Monday, October 19, 1987, in the department's public hearing room, first floor, East Tower, 701 West 51st Street, Austin.

Issued in Austin, Texas, on October 7, 1987

TRD-8708673 Marlin W. Johnston  
Commissioner  
Texas Department  
of Human Services

Filed: October 7, 1987  
For further information, please call (512) 450-3765



**Board of Nurse Examiners  
Correction of Error**

Amendments submitted by the Board of Nurse Examiners

contained errors as published in the October 2, 1987, issue of the *Texas Register* (12 TexReg 3519)

The heading to the amended sections should read "★22 TAC §§218.1, 218.5-218.2"

The renumbering of §218.8 should read: "§218.10/§218.8/ Patient/Client Health Teaching and Health Counseling. (No change.)"



## Texas Parks and Wildlife Department Joint ASMFC/GSMFC Fall Meeting

The Gulf States Marine Fisheries Commission will hold its 38th Annual Fall Meeting October 19-22, 1987. The meeting will be held jointly between the Atlantic and Gulf States Marine Fisheries Commissions. Florida is the host state and arrangements have been made to convene at the Marriott's CASA Marina Resort, Reynolds Street, Key West, Florida 33040, (305) 296-3535.

All persons interested in the Gulf States Marine Fisheries Commission are invited to attend. For additional information, contact Virginia K. Herring at (601) 875-5912.

Issued in Austin, Texas, on October 5, 1987

TRD-8708616 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife Department

Filed: October 5, 1987  
For further information, please call (512) 389-4863



## Texas Department of Public Safety Consultant Contract Award

The Texas Department of Public Safety (DPS), in accordance with Texas Civil Statutes, Article 6252-11c, announces the awarding of a personal service contract to Walter Roberts to evaluate and develop plans for the implementation of provisions mandated by Title XII, Public Law 99-570, Commercial Motor Vehicle Safety Act of 1986 (CMVSA-86).

The request for proposals was published in the *Texas Register*, August 10, 1987, (12 TexReg 2734).

The consultant will advise the project director on technical and practical matters concerning driver testing, driver records, and license issuance. The consultant will assist the project director in the design and development of an implementation plan for CMVSA-86 that will allow the DPS to meet the mandates of the law in a prudent and timely manner, including the receipt of federal grants available for planning and implementing the provisions of CMVSA-86.

Only one bid was received in response to this request for proposals. The bid was from Walter Roberts, former inspector for driver licensing for the Department of Public Safety, retired. This individual is eminently qualified to perform the tasks required.

The consultant awarded the contract is Walter Roberts, 2303 East Riviera, Cedar Park, Texas 78613.

The consultant contract will begin October 1, 1987, and end September 30, 1988. The total value of the contract

is an amount not to exceed \$25,000, including travel reimbursement

The contract is to design a plan and assist the DPS in implementation of the plan to meet the mandates and time constraints of the Commercial Motor Vehicle Safety Act of 1986. A formal final report or work product by the contractor is not required.

Issued in Austin, Texas, on October 2, 1987

TRD-8708636 Leo E. Gossett  
Director  
Texas Department of Public Safety

Filed October 6, 1987  
For further information, please call (512) 465-2000



## Railroad Commission of Texas Public Notice

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

Filed October 2, 1987  
For further information, please call (512) 463-7149



## Texas Water Commission Enforcement Orders

Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to City of Grapeland on September 25, 1987, assessing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting William W. Thompson, III, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on October 5, 1987  
TRD-8708620 Karen A. Phillips  
Chief Clerk  
Texas Water Commission

Filed: October 5, 1987  
For further information, please call (512) 463-7898



Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Groff's of Texas, Inc. on September 25, 1987, assessing \$7,718 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Andrew N. Barrett, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on October 5, 1987  
TRD-8708625 Karen A. Phillips  
Chief Clerk  
Texas Water Commission

Filed: October 5, 1987  
For further information, please call (512) 463-7898



Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to City of Ladonia on September 25, 1987, assessing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Ann Bjork, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on October 5, 1987  
TRD-8708623 Karen A. Phillips  
Chief Clerk  
Texas Water Commission

Filed: October 5, 1987  
For further information, please call (512) 463-7898



Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to City of Dayton on October 1, 1987, assessing stipulated penalties.

Information concerning any aspect of this order may be

obtained by contacting Michelle McFaddin, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on October 5, 1987.  
TRD-8708619 Karen A. Phillips  
Chief Clerk  
Texas Water Commission

Filed: October 5, 1987  
For further information, please call (512) 463-7898.



Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to City of Linden on September 25, 1987, assessing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Ramon Dasch, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on October 5, 1987.  
TRD-8708621 Karen A. Phillips  
Chief Clerk  
Texas Water Commission

Filed: October 5, 1987  
For further information, please call (512) 463-7898.



Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Right Away Foods Corporation on September 25, 1987, assessing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting Andrew N. Barrett, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on October 5, 1987.  
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Pursuant to the Texas Water Code which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Crosby Municipal



Utility District on September 25, 1987, assessing stipulated penalties.

Information concerning any aspect of this order may be obtained by contacting William Thompson, III, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued In Austin, Texas, on October 5, 1987

TRD-8708624      Karen A. Phillips  
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Filed. October 5, 1987  
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Name: Edwin Zeledon  
Grade: 9  
School: Northbrook High, Spring Branch



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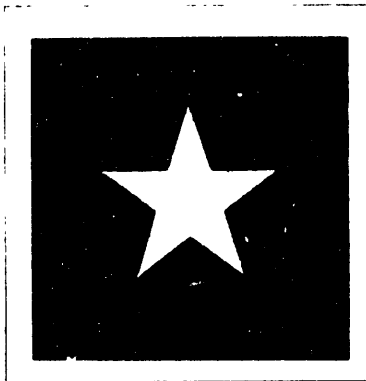


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