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TEXAS REGISTER

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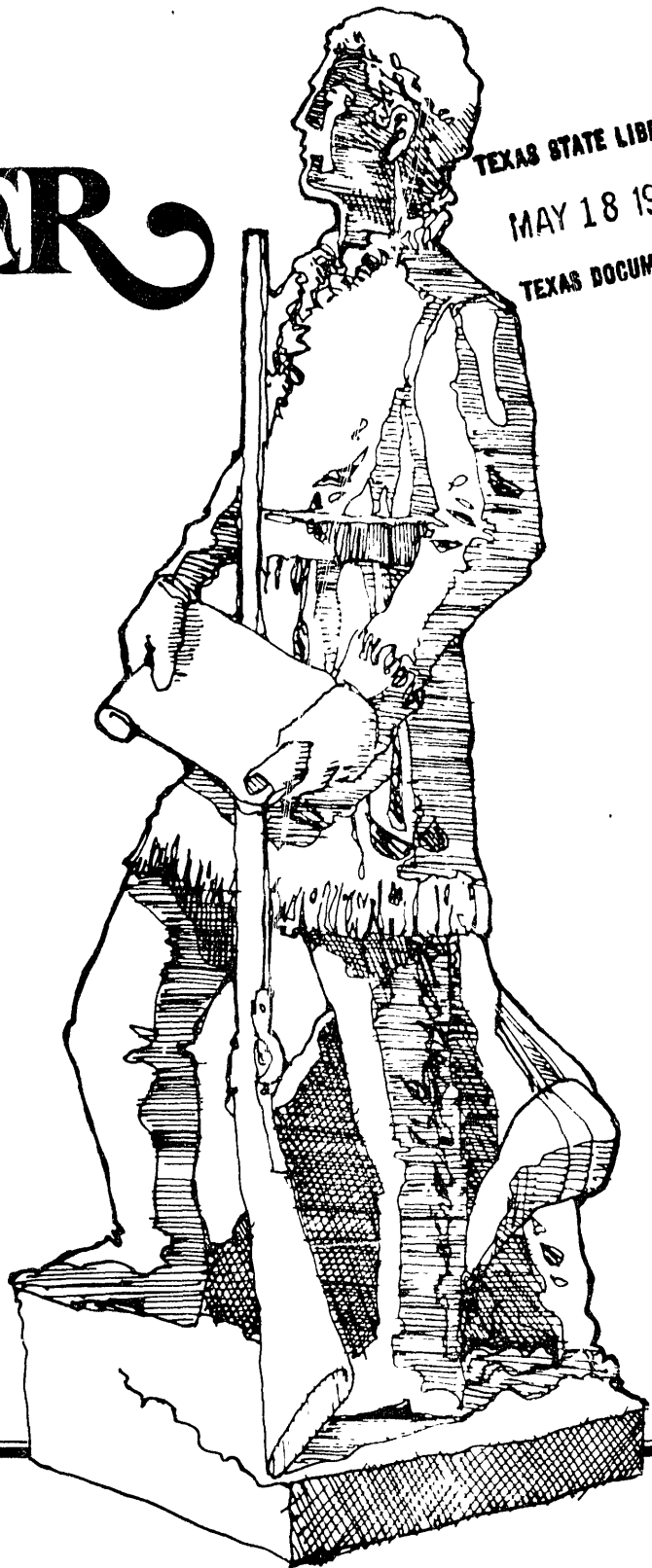
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Office of the Secretary of State

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The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 22, 25, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
 (Master Transmittal Sheet): No. 4, Jan. 81

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Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol

TEXAS REGISTER



George W. Strake, Jr.
Secretary of State

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Lindy Stegnumund

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The Attorney General

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Texas Civil Statutes, Article 4399, requires the Attorney General of Texas to give written opinions to certain public officials. The Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §7, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

Copies of opinion requests may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78711, telephone (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the File Room, Fourth Floor, P.O. Box 12548, Austin, Texas 78711, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

Opinions

Summary of Opinion MW-328 (RQ-525)

Request from Robert O. Viterna, executive director, Texas Commission on Jail Standards, Austin, concerning whether Vernon's Texas Civil Statutes, Article 5115.1, requires the Texas Commission on Law Enforcement Officer Standards and Education to establish minimum standards for persons employed in city jails under contract with counties to house county prisoners.

Summary of Opinion: A city jail holding county prisoners pursuant to contract thereby becomes a county jail for purposes of Vernon's Texas Civil Statutes, Article 5115.1, so that its employees are required to be certified by the Texas Commission on Law Enforcement Officer Standards and Education.

Issued in Austin, Texas, on April 24, 1981.

Doc. No. 812976 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.

Summary of Opinion MW-329 (RQ-518)

Request from Tom O'Connell, criminal district attorney, Collin County, concerning county contribution to nonprofit corporation organized to help the handicapped.

Summary of Opinion: A county lacks authority to make a capital contribution to a nonprofit corporation organized for the purpose of training handicapped adults to acquire job skills.

Issued in Austin, Texas, on April 27, 1981.

Doc. No. 812977 Susan L. Garrison, Chairwoman
Opinion Committee
Office of the Attorney General

For further information, please call (512) 475-5445.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(d), allows an agency to take emergency action on a rule after determining what it considers to be an imminent peril to the public health, safety, or welfare. The rule may become effective immediately on filing with the Texas Register Division, or on a stated date less than 20 days after filing, for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The notice of emergency action must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency action, in compliance with the rules of the Texas Register Division. The certification information, which includes the effective date of the emergency action and the expiration date, follows each published submission of emergency action. A telephone number for further information is also published.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.



CODIFIED

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Fisheries

Gulf Shrimping Season

The executive director of the Texas Parks and Wildlife Department adopts, on an emergency basis, §57.351 relating to an early closure of the shrimping season in gulf (outside) waters of the Texas Territorial Sea (nine nautical miles). Based on sound biological data, the executive director has determined that there will be an earlier than normal migration of undersized brown shrimp from the bays to the Gulf of Mexico.

The purpose of the closed gulf season is to prevent waste of the resource through protection of the small, migrating brown shrimp until they reach the minimum legal harvest size of 39 whole shrimp per pound. The executive director, having found imminent peril to the public welfare, required the closure as an emergency measure to prevent waste of the resource. In April 1978, the Texas Parks and Wildlife Commission delegated to the executive director the duties and responsibilities of opening and closing the shrimping season under this section.

This section is adopted under the authority of the Texas Parks and Wildlife Code, §77.062.

§57.351. Early Closure of the Gulf Shrimping Season. The 1981 general closed season for shrimp as defined in Texas Parks and Wildlife Code, §77.061(1), extends from May 22, 1981, to July 15, 1981 (both dates inclusive).

Issued in Austin, Texas, on May 6, 1981.

Doc. No 813007 Maurine Ray
 Administrative Assistant
 Texas Parks and Wildlife Department

Effective Date. May 22, 1981

Expiration Date. July 16, 1981

For further information, please call (512) 475-4954.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(d), allows an agency to take emergency action on a rule after determining what it considers to be an imminent peril to the public health, safety, or welfare. The rule may become effective immediately on filing with the Texas Register Division, or on a stated date less than 20 days after filing, for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The notice of emergency action must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency action, in compliance with the rules of the Texas Register Division. The certification information, which includes the effective date of the emergency action and the expiration date, follows each published submission of emergency action. A telephone number for further information is also published.

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Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

CODIFIED

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 325. Solid Waste Management

Environmental and Consumer Health Protection Rules on Municipal Solid Waste Management

(Editor's note. The Texas Department of Health proposes the second installment to new sections and amendments concerning municipal solid waste management. The sections affected by this action are §§325.1, 325.4-325.7, 325.12, and 325.22-325.30 (301.82.01.016, 019-.022, .027, and 037-.045). The text of the new sections and amendments, published serially, begin at 6 TexReg 1651. Sections 325.4-325.7 (301.82.01.019-.022) appear below. The proposed date of adoption for the serialized new sections and amendments is June 8, 1981.)

The Texas Department of Health proposes to amend existing sections and adopt new sections concerning municipal solid waste management. These sections will replace and expand

existing sections on municipal solid waste management and are being prepared pursuant to the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7.

These sections will amend and expand the sections on municipal solid waste management adopted in November 1980. The changes are being made mainly to incorporate requirements contained in the United States Environmental Protection Agency's regulations promulgated pursuant to the federal Resource Conservation and Recovery Act of 1976 (RCRA). Specifically, these changes will be made to incorporate EPA hazardous waste regulations for RCRA Phase II authorization from EPA to the state.

Other changes are the result of the department's continuous review and analysis to ensure compliance with new statutory requirements and currency with the advances being accomplished in the techniques and methods of improved management of solid wastes. Some of the significant changes that relate to hazardous waste and hazardous waste management facilities that come under the jurisdiction of the Texas Department of Health are:

- (1) amendment of definitions relating to hazardous waste management regulations;
- (2) addition of a section regarding permitting of hazardous waste management facilities that process (treat) or store hazardous waste;
- (3) amendment of a section regarding financial requirements for hazardous waste management facilities;
- (4) amendment of a section on hazardous waste regulated, exclusions, exceptions, and special requirements for small quantity generators;
- (5) amendment of a section on closure and postclosure requirements;
- (6) amendment of a section on tanks;
- (7) amendment of a section on surface impoundments;
- (8) amendment of a section on waste piles;
- (9) amendment of a section on incinerators;
- (10) addition to a section on appendices.

Proposed rule changes in the nonhazardous waste section of the regulations involve:

- (1) designation of "special waste;"
- (2) requirements for disposal of "special waste;"
- (3) changes in the method of calculating runoff;
- (4) interpreting and use of soils classification;
- (5) changes in requirements on land treatment;
- (6) requirements for applicants who are not owners;
- (7) requirements for ground water monitor wells;
- (8) requirements for area landfills.

Any comments or questions may be sent to Jack C. Carmichael, P.E., director, Division of Solid Waste Management, 1100 West 49th Street, Austin, Texas 78756. Telephone inquiries may be made to Gail McDonald or Wiley Osborne, (512) 458-7271. Public comments are invited and should be submitted in writing no later than 30 days after publication of the proposed sections.

Public hearings will be held in order to afford all interested persons reasonable opportunity to submit data, views, or arguments orally or in writing which are relevant and material to the proposed adoption of the sections on municipal solid waste management. The public hearings are scheduled to be held as follows:

Corpus Christi—May 29, 1981, at 9:30 a.m. in Classroom 20, Corpus Christi-Nueces County Health Department, 1702 Horne Road

Odessa—June 1, 1981, at 10 a.m. in the city council chambers, city hall, 411 West 8th Street

Irving—June 2, 1981, at 9:30 a.m. in the city council chambers, city hall, 825 West Irving Boulevard

Houston—June 3, 1981, at 9:30 a.m. in the large conference room, Houston-Galveston Area Council of Governments, 3701 West Alabama Street

Austin—June 5, 1981, at 9:30 a.m. in the Mental Health-Mental Retardation Auditorium, 909 West 45th Street

These proposed sections are amendments to and expansions of those rules adopted in November 1980. The approximate cost of this entire program for the first five years is as follows:

Fiscal Year	Federal	State
1981/1982	\$1,053,803	\$351,268
1983	\$1,169,255	\$389,752
1984	\$1,169,255	\$389,752
1985	\$1,169,255	\$389,752

There are no fiscal implications for local governments (source: department's budget office and Division of Solid Waste Management).

These sections are proposed under the authority of Texas Civil Statutes, Articles 4477-7, 4418a, and 6252-13a.

§325.4 (301.82.01.019) Classification of Municipal Solid Waste Sites.

(a) (No change.)

(b) Types of municipal solid waste sites. The department has classified all solid waste sites and facilities into seven types which are described in this subsection. The first four types are land disposal sites and each provides for the disposal of solid waste on land without creating nuisances or hazards to public health or safety and without posing a reasonable probability of adverse effects to the environment by utilizing the principles of engineering to confine the solid waste to the smallest practical area; to reduce it to the smallest practical volume, and to periodically cover it with a layer of earth to minimize unhealthy, unsafe, or unsightly conditions. As indicated in this subsection, the department may authorize different frequencies of cover, commensurate with the potential for creating nuisances or hazards to public health or safety. Subject to the limitations in §325.6(b)(5) (301.82.01.021(b)(5)) of this title (relating to Operational Standards for Solid Waste Land Disposal Sites), a municipal solid waste landfill site may also receive mixed wastes, and with the written approval of the department may also receive special wastes including Class I industrial solid waste if properly handled and safeguarded in the landfill site

(1) (3) (No change.)

(4) Municipal solid waste site—Type IV. A Type IV site or operation may be authorized by the department for the disposal of brush and/or construction demolition waste [wastes] and/or trash (rubbish) that are free from other solid waste. A Type IV operation shall not be operated within 300 yards of a public road unless the department, after a site

evaluation, determines that the proposed operation in the proposed location will be acceptable. The minimum operational standards are prescribed in §325.6(c) (301.82.01.021(c)) of this title (relating to Operational Standards for Solid Waste Land Disposal Sites.)

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

§325.5 (301.82.01.021) Permit Procedures and Design Criteria.

(a) (No change.)

(b) Application and data requirements. The department recognizes that some persons desiring to operate municipal solid waste land disposal sites may not be sure of the type classification of their proposed operation and the amount of supporting data that must be submitted with a permit application for their particular site. Accordingly, the permit application form has been designed in two parts as a means of relieving applicants for permits for small facilities, and those who may be uncertain of the type of operational level required, of the need to submit more information than than required to evaluate the characteristics of the facility or site. The first part of the application, Part A, is designed to provide information which is required regardless of the type of site involved. If the applicant is sure of the type classification of the facility and operation for which a permit is desired, he may proceed to complete the second part, Part B and supporting data, to provide the more detailed information and technical data required for evaluation of the particular type of site. If the applicant is not sure of the type classification of the site and amount of supporting data required, he may submit only Part A to the department for evaluation and determination of additional supporting information. The director of the Division of Solid Waste Management, or his representative, shall determine the actual data requirements for a specific site and may waive any requirements not essential to the evaluation of the site. The department strongly recommends that the prospective applicant confer as early as possible with appropriate representatives of the department to discuss the information contained in Part A and to obtain guidance for conducting the soils investigation and preparation of the design for the proposed facility. Discussions at such a conference can result in determining the degree of detail required in the preparation of supporting data or in the identification of data that may not be required for the particular facility

(1) General information required for all sites—permit application, Part A

(A) (No change.)

(B) The following will be submitted, in the number of copies indicated, with Part A of the permit application unless otherwise advised.

(i) (No change.)

(ii) Where the applicant is not the owner of record of the land described in the application, the applicant shall secure a statement from the owner substantially equivalent to Appendix M. An owner-signed statement, witnessed and notarized, shall be submitted in two copies within 30 days after a permit is issued and before the site is opened for receipt of solid waste. Two copies of any lease, rental, or sublease covenant assignment or other agreement will be submitted with the application. [When the applicant is not the owner of the land on which the site is to be located, there shall be submitted with the application a statement in the general format provided in §325.21 (301.82.01.036) of this title (relating to Affidavit to

the Public) signed by the owner of the land acknowledging that he is aware that his land as described in the legal description submitted is to be used for the disposal or processing of solid waste and, that the owner recognizes that notwithstanding and without prejudice to any contractual or other obligations between owner and operator, the department may regard owner and operator as jointly and severally responsible to maintain the site after termination of the permit if after reasonable notice to both owner and operator, and reasonable efforts by the department to compel operator's performance and to forfeit operator's performance bond, if any, the operator fails to take the necessary steps to assure proper site maintenance and payment is not made on the operator's performance bond. (Two copies.)

(2) (No change.)

(3) Technical information required for landfill sites serving 5,000 persons or more—Site Development Plan. For all Type I and IV sites serving 5,000 persons or more, or same population equivalent, the technical information submitted in support of Part A, in lieu of using Part B, shall be prepared in the form of an engineering Site Development Plan as described in this paragraph. In the interest of expediting the development of complete technical data requirements and reducing costs to the applicant, a draft copy of the Site Development Plan shall be submitted to the department for review prior to reproduction in final form. The applicant may propose a phased Site Development Plan where the overall concept is developed; however, the detailed working drawings are limited to an initial Phase I area of approximately five to eight years of estimated life. The department will review the plan and advise of any required changes or additions and, if considered necessary, will request that the design engineer meet with appropriate staff members when clarification of data is necessary. Following this review, the department will advise the applicant, or his design engineer, of the number of copies required of the plan for distribution to review agencies which may need to make a detailed review with respect to matters under their jurisdiction. It is advisable that a copy of the soils reports be submitted to the department for review as soon as it has been prepared so that the department can provide timely guidance if soil conditions will require special considerations. Individual site drawings shall be signed and sealed by the registered professional engineer responsible for their preparation. Bound plans shall be signed and sealed by the engineer, preferably on the first page. The plan shall be prepared in the format and content described as follows:

(A)-(D) (No change.)

(E) Design data will be reflected to the maximum extent possible on the set of attachments described in subparagraph (F), of this paragraph. Information which is to be placed in narrative form in this section of the application should be in a sequence that parallels the sequence of the attachments described in this subparagraph. Applicants will consider criteria that in the selection of a site and design of a facility will provide for the safeguarding of the health, welfare, and physical property of the people through consideration of geology, soil conditions, drainage, land use, zoning, adequacy of access roads and highways, economic haul distances, and other considerations as the specific site dictates. Applicants shall include in the support data for their permit applications information as specified in the design criteria indicated in this subparagraph. Additional information

may be required of the applicant when deemed necessary by the department.

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

(iv) Ground water protection.

(I)-(III) (No change.)

(IV) **Ground water monitor wells shall be installed for surface impoundments, landfills, and land treatment sites used for processing, storage, or disposal of solid waste. A ground water monitoring system will consist of at least one monitoring well hydraulically upgradient of the site to obtain representative background ground water samples and at least two monitoring wells installed hydraulically downgradient of the site to obtain representative ground water samples that may contain contaminants from leachate.**

(-a-) **The department may require or authorize that earth electrical resistivity surveys be used in lieu of or as a supplement to monitor wells. The provision for monitor wells or alternatives shall be in accordance with department guidelines and/or permit special provisions.**

(-b-) **All or part of the ground water monitoring requirements may be waived if it can be demonstrated that there is low potential for the creation and migration of leachate from the site via aquifers to water supply wells or to surface water. Potential for the creation and migration of leachate may be evaluated using the water balance of precipitation, evapotranspiration, runoff and infiltration, and the evaluation of the hydrogeological and physical properties characteristics of the saturated and unsaturated zone, and the proximity of the site to water supply wells or surface water.**

[The need for monitor wells shall be considered. The design engineer should consult with the department during the design of the facility for guidance. If departmental evaluation deems it necessary, monitor wells will be required. Location, construction, and sampling of monitor wells shall be in accordance with departmental guidelines or permit special provisions or both. The department may require that earth electrical resistivity surveys be used in lieu of or as a supplement to monitor wells. Use of these surveys shall be in accordance with departmental guidelines.]

(v) (No change.)

(vi) Surface water protection.

(I)-(II) (No change.)

(III) **Surface drainage controls for a land disposal site shall be designed so as to minimize surface water runoff onto the working area. Dikes, embankments, drainage structures, or diversion channels of adequate size and grade shall be graded for adequate drainage, and the slopes of the sides and toe shall be graded in such a manner so as to minimize the possibility of erosion. Drainage calculations should be based upon the [heaviest 24-hour rainfall in a] 25-year **worst flood conditions** [period] and submitted with the design. Calculations for areas of 200 acres or less should follow the rational method and utilize appropriate surface runoff coefficients, as specified in the State Department of Highways and Public Transportation Bridge Division Hydraulic Manual. "Time of runoff concentration" as defined within the said manual generally shall not be less than 10 minutes for rainfall intensity determination purposes. Discharges from areas greater than 200 acres shall be computed by using USGS/DIT hydrologic equations compiled by the United States Geological Survey and the State Depart-**

ment of Highways and Public Transportation (SDHPT Administrative Circular 80-76); the HEC-1 and HEC-2 computer programs developed through the Hydrologic Engineering Center of the United States Army Corps of Engineers; or an equivalent or better method approved by the department. Designs of all drainage facilities within the site area shall include such features as typical cross-sectional areas, ditch grades, and flow-line elevations. **A minimum of a one-foot freeboard from the 25-year worst flood elevation to the top of all channel backslopes shall be maintained.** Natural drainage patterns shall not be significantly altered.

(IV)-(VI) (No change.)

(vii)-(viii) (No change.)

(ix) Soil data.

(I)-(II) (No change.)

(III) A laboratory report on soil characteristics shall be submitted consisting of a minimum of one sample from each said layer encountered in the total depth of each boring. The soil samples shall be tested by a competent soils laboratory. The soils test shall consist of the following:

(-a-)-(-d-) (No change.)

(-e-) Moisture content—ASTM D2216. **All soils bounded by one or more of the following values shall be tested in a soils laboratory for the coefficient of permeability.**

Plasticity Index	10 to 25
Liquid Limit	15 to 50
Percent Passing	
200 mesh sieve (-200)	15 to 50%

All soils below the range of values stated in this item are very sandy and will require lining while those soils which exceed the range of values are high in clay and do not require additional testing to prove their adequacy for sanitary landfill purposes. The physical parameters stated in this item are to be considered as guidelines for soil sample testing. Engineering judgment must be used on those samples which exhibit some but not all of the boundary limits stated in this item.

[Those soils which can be classified as clayey gravels (GC), clayey sands (SC) and silty soils (GM, SM, ML, and MH) bounded by a liquid limit of 15 and a plasticity index of 10 on the low side and at least 15% of the total sample passes the 200-mesh sieve and low plasticity clays (CL) which have a liquid limit of less than 50 or a plasticity index greater than 25 and at least 50% of the total sample passes the 200-mesh sieve shall be tested for their permeability values. Those soils which fall below the minimum low range are sandy and shall require lining or other protective measures while those soils which exceed the upper limits are clay and shall not require testing to prove their adequacy for ground water protection.]

(IV)-(V) (No change.)

(F) (No change.)

(4) (No change.)

(c) (No change.)

§325.6 (301.82.01.021). Operational Standards for Solid Waste Land Disposal Sites.

(a) (No change.)

(b) Operational standards for Type I, II, and III sites.

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

(5) **Disposal of mixed solid waste and certain sludges** [Special wastes, including Class I industrial non-hazardous solid waste]. **The following described solid**

waste may be processed or disposed of at a municipal solid waste site when the site is operated in accordance with other provisions of §325.6 (301.82.01.021) of this title (relating to Operational Standards for Solid Waste Land Disposal Sites), special permit provisions, and the requirements stated in this section.

(A) **Mixed wastes other than special waste may be accepted for processing or disposal at an appropriate municipal solid waste site.**

(B) **Water treatment plant sludges and stabilized sludges from domestic waste water treatment plants containing a minimum 10% solids may be disposed at a Type I, II, III, or VII municipal solid waste site. Quantities shall be limited to that which can be adequately handled at the site and shall be placed over the working face along with other solid waste and covered with soil or solid waste.**

(C) **Class I industrial nonhazardous solid wastes shall not be accepted for disposal at a Type II or III site without written approval from the department. Prior to such approval, the site operator shall comply with all the requirements prescribed for Type I sites in this paragraph.**

(D) **Type II and III sites are not authorized to accept Class I industrial solid waste for disposal. Authority may be granted by the department where the site meets the operational requirements of a Type I site.**

[Mixed wastes (municipal and industrial) may be accepted for disposal at a municipal solid waste disposal site except that Class I industrial nonhazardous waste, as defined in §325.1(e)(2) (301.82.01.016(e)(2)) of this title (relating to General Information), may be accepted at a municipal solid waste site only if special provisions for such disposal and special handling procedures are approved by the department. Radioactive materials are not authorized for disposal at municipal solid waste disposal sites. Instructions for their disposal will be provided by the department upon request. Mixed and special wastes as defined in §325.1(e)(19) and (48) (301.82.01.016(e)(19) and (48)) of this title (relating to General Information), may be accepted subject to the following provisions:

(A) Water treatment plant sludges and stabilized sludges from secondary waste water treatment plants containing 10% to 100% solids, in such quantities as may adequately handled by the site operator, may be placed on the working face along with municipal solid waste and covered with soil or municipal solid waste. Because vacuum trucks with pumpable liquids containing less than 10% solids cannot be readily inspected to determine the characteristics of the waste or mixtures of waste and since all water from any source contributes to the production of leachate, such vehicles shall not be allowed to discharge at municipal solid waste disposal sites unless it can be shown that there is no reasonable alternative. Grease and sand trap wastes can and should be pretreated to a consistency which would not require vacuum truck transportation. Septic tank sludges should be disposed of in permitted waste water treatment plants where adequate capacity exists. Before any municipal solid waste site accepts vacuum truck wastes, the site operator shall submit a written request to the Texas Department of Health outlining the availability or lack of availability of pretreatment facilities; a quality control program which assures no chemical wastes will be accepted, including the possibilities of such wastes mixed with or masked by grease trap or septic tank

wastes; on-site handling procedures; and quantities of both vacuum truck wastes and available "dry waste" for absorption. Other sludges may be disposed of only if special provisions are made and approved by the department. Any sludges or trap wastes accepted for disposal should be applied at the top of the working face to allow maximum dispersion and absorption and consequently more rapid biochemical degradation.

[(B) Dead animals and slaughterhouse wastes mixed with municipal solid waste shall be covered with a minimum of two feet of earth promptly upon receipt.

[(C) Minor amounts of Class I industrial nonhazardous solid wastes may be accepted at Type I sites which have a permit from or have filed a permit application with the Texas Department of Health without special department approval if all of the following conditions are met:

[(i) The Class I industrial nonhazardous solid waste is routinely collected with municipal solid waste and does not exceed an estimated 5.0% by weight or volume at the source. This exemption does not apply to industrial hazardous waste unless exempted under the rules of the Texas Department of Water Resources.

[(ii) The Class I industrial nonhazardous solid waste will not in itself or in combination with municipal solid waste significantly increase the danger of fire or endanger operating personnel during any phase of collection, storage, transportation, or disposal.

[(iii) The Type I municipal solid waste site accepting the waste is in compliance with the operational requirements contained in this subsection with specific regard to daily coverage and has adequate provisions for the protection of natural waters in the state.

[(D) Significant amounts of Class I industrial nonhazardous solid wastes, which are in excess of an estimated 5.0% by weight or volume of the total combined waste during any phase of collection, handling, storage, transportation, or disposal shall not be accepted by or deposited in a municipal solid waste disposal site unless prior written approval has been obtained from the Texas Department of Health. Requests for approval to accept Class I industrial nonhazardous solid wastes shall be submitted to the Texas Department of Health by the municipal solid waste disposal site operator and must include:

[(i) A letter or certification from the producer or generator of the waste containing a complete description of the chemical and physical characteristics of each waste, a statement that the waste is not a hazardous waste, and the quantity and rate at which they are produced or disposed or both.

[(ii) An operational plan prepared by the site operator outlining in detail the proposed collection, handling, storage, and disposal procedures including:

[(I) Description of collection equipment and the frequency of collections.

[(II) Handling safeguards, personal protective equipment and emergency equipment which will be provided to minimize potential danger to the site operating personnel and the surrounding environment.

[(III) Contingency plans for effective action to minimize danger in the event of accidental spills.

[(IV) Names and technical qualifications of site management and site operating personnel.

[(V) Record keeping and reporting methods necessary to conform with the Texas Department of Water

Resources Rules of the Texas Water Development Board Pertaining to Industrial Solid Waste Management, Subchapter A of Chapter 335 of Title 31 (relating to Industrial Solid Waste Management in General).

[(E) Class I industrial nonhazardous solid wastes shall not be accepted for disposal at a Type II or III site without written approval from the department. Prior to such approval, the site operator shall comply with all the requirements prescribed for Type I sites in this paragraph.]

(6) **Processing or disposal of special wastes** [Hazardous wastes].

(A) Except as provided in subparagraphs E, F, G, and H of this paragraph, special wastes shall not be accepted by nor deposited in a municipal solid waste processing or disposal site unless prior written approval has been obtained from the department. Where written approval is required, the owner or operator of the municipal solid waste processing or disposal site shall submit to the department a written request to receive such waste or the department may on its own issue approval without a written request. In the latter case, the owner/operator is not compelled to accept the waste.

(B) Approval to accept special wastes will be granted only to appropriate Type I, V, or VII municipal solid waste sites that are operating substantially in accordance with these regulations and special permit provisions. Approval to accept special wastes will be granted on a waste-specific basis considering the quantity and characteristics of the wastes, and rate and frequency of disposal.

(C) Requests for approval to accept Class I industrial nonhazardous solid wastes shall be submitted to the department by the municipal solid waste site owner or operator and must include:

(i) A letter or certification from the producer or generator of the waste containing a complete description of the chemical and physical characteristics of each waste, a statement that the waste is not a hazardous waste, and the quantity and rate at which they are produced and/or disposed or both;

(ii) An operational plan, prepared by the site operator, outlining in detail the proposed collection, handling, storage, and disposal procedures including:

(I) description of collection equipment and the frequency of collections;

(II) handling safeguards, personal protective equipment, and emergency equipment which will be provided to minimize potential danger to the site operating personnel and the surrounding environment;

(III) contingency plans for effective action to minimize danger in the event of accidental spills;

(IV) names and technical qualifications of site management and site operating personnel;

(V) record keeping and reporting methods necessary to conform with the Texas Department of Water Resources Rules of the Texas Water Development Board pertaining to industrial solid waste management, Subchapter A of Chapter 335 of Title 31 (relating to Industrial Solid Waste Management in General).

(D) Type I, V, or VII municipal solid waste sites may accept municipal hazardous wastes from small waste quantity generators that are exempt from full controls under §325.12 (301.82.01.027) of this title (relating to Hazardous Waste Management) provided that:

(i) *The site is operating in general compliance with these regulations and special permit provisions.*

(ii) *The generator of such waste certifies in writing to the owner/operator that the wastes offered for disposal do not exceed the quantities exempt from controls under §325.12 (301.82.01.027) of this title (relating to Hazardous Waste Management); and*

(iii) *The owner/operator of the site has written concurrence from the department that the site is approved to receive and dispose of the waste. The department's written approval may be for such terms and conditions as deemed appropriate.*

(E) *Infectious waste that has not been treated from health and veterinary facilities may be received at a Type I municipal solid waste site without further written approval if the waste is delivered in red double-thickness six-mill plastic bags approved for handling such waste and the waste is covered with two feet of other compacted solid waste or a two-foot covering of soil upon receipt.*

(F) *Dead animals and slaughterhouse waste may be disposed at an authorized Type I, II, or III municipal solid waste site operating in general compliance with these regulations and special permit provisions without further approval if the carcass and waste are covered upon receipt by at least two feet of earth.*

(G) *Waste water treatment plant sludges and septic tank pumpings are authorized to be disposed at a Type VII municipal solid waste site under provisions of §325.7(c)(4) (301.82.01.022(c)(4)) of this title (relating to Operational Standards for Solid Waste Processing, Experimental, and Land Application Sites).*

(H) *Unstabilized waste water treatment plant sludges may be disposed at a Type I municipal solid waste site without further written authority where:*

(i) *the sludge is composed of at least 10% solids;*

(ii) *the sludge is placed on a working face along with other municipal solid waste; and*

(iii) *the sludge is covered at the end of the working day by at least six inches of soil.*

(I) *Grease and grit trap waste, septic tank pumpings, and other sludges from vacuum trucks shall not be disposed at a municipal site without written approval from the department. The department may issue its written approval after evaluating controls exercised over waste received at the site, site conditions, and availability of alternative treatment and disposal methods. Owner/operators of municipal solid waste sites requesting approval to dispose of such waste will submit a written request outlining its control program and site data. Of major concern is the unauthorized disposal of hazardous waste via vacuum trucks.*

(J) *Other special wastes as may be identified by the commissioner of health may not be accepted for processing, storage, or disposal at a municipal solid waste site without written approval from the department.*

(K) *Hazardous waste regulated under §325.12 (301.82.01.027) of this title (relating to Hazardous Waste Management) not otherwise provided for in subparagraph D of this paragraph shall not be disposed at a municipal solid waste site unless authorized under §325.12 (301.82.01.027) of this title (relating to Hazardous Waste Management).*

[Hazardous wastes shall not be accepted at a municipal solid waste disposal facility except in accordance with §325.12 (301.82.01.027) of this title (relating to Hazardous Waste Management).]

(7)-(13) (No change.)

(14) *Compaction, intermediate cover, and final cover.*

(A)-(D) (No change.)

(E) *Final side slopes of all above-ground (aerial fill) disposal areas [the final cover] shall not exceed a 25% grade (four-[one] foot horizontal [vertical] to one [four-] foot vertical [horizontal]). Intermediate perimeter horizontal terraces with associated berms shall be included with the design of all fill areas exceeding 20 feet in height above natural ground. These terraces shall be of sufficient width to accommodate equipment operation and shall be constructed at vertical increments of not greater than 20 feet per vertical rise of the aerial fill. In addition, intermediate contour berms shall be constructed and maintained at vertical increments of not more than five feet on the face of such 4:1 side slopes for all areal fill.*

(F) (No change.)

(15)-(16) (No change.)

(c) (No change.)

§325.7 (301.82.01.022). *Operational Standards for Solid Waste Processing, Experimental, and Land Application Sites.*

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

(c) *Operational standards for Type VII sites.*

(1) (No change.)

[(2) *Basic requirements for all land application sites.*

[(A) *Certain practices shall be followed to ensure that the health, safety, and aesthetic aspects of a community are not endangered by the location and operation of sites for the land application of solid waste. Several of the operation standards prescribed for Type I, II, or III sites in §325.6 (301.82.01.021) of this title (relating to Operational Standards for Solid Waste and Disposal Sites) may be applicable and shall be followed if appropriate.*

[(B) *Records shall be maintained to document:*

[(i) *concentrations of cadmium and PCBs in the solid waste applied;*

[(ii) *the annual application rates of cadmium and PCBs from the solid waste applied;*

[(iii) *the pH of the solid waste and soil mixture at the time of each solid waste application and crop planting; and*

[(iv) *that sewage ludge or septic tank pumpings have been stabilized for odor and vector control; treated by a process to significantly reduce pathogens and/or a process to further reduce pathogens prior to application or incorporation.*

[(C) *Future property owners shall be notified by a stipulation in the land record or property deed which states that the property may have received solid wastes containing cadmium and PCBs and, due to possible health hazards, food-chain crops should not be grown without first performing an analysis of soil cadmium and PCB content and other soil properties which may influence the cadmium uptake by crops; and that such analytical results shall conform to the latest Texas Department of Health or United States Environmental Protection Agency guidelines for food chain crop production.]*

(2)[(3)] *Additional requirements for land application sites used for production of food chain crops. The following*

additional operational standards for the control of cadmium and PCBs shall be followed at Type VII sites used for production of food-chain crops:

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

(C) **For control of PCBs at land application sites used for the production of feed for animals whose products are consumed by humans and production of crops for direct human consumption.** Solid waste containing concentrations of PCBs equal to or greater than 10 mg/kg (dry weight) shall be incorporated into the soil when applied to land used for producing animal feed, including pasture crops for animals raised for milk **or crops for direct human consumption.** Incorporation of the solid waste into the soil is not required if it is assured that the PCB content is less than 0.2 mg/kg (actual weight) in the animal feed or less than 1.5 mg/kg (fat basis) in milk.

(3)(4) Additional requirements for land application sites where sewage sludge or septic tank pumpings are applied to land.

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

(4)(5) Processes to significantly reduce pathogens.

(A)-(F) (No change.)

(5)(6) Processes to further reduce pathogens.

(A) The following are independent processes:

(i) Composting. Using the within-vessel composting method, the solid waste is maintained at operating conditions of 55°C or greater for three days. Using the static aerated pile composting method, the solid waste **is maintained at operating conditions of 55°C or greater for three days. Using the windrow composting method, solid waste** attains a temperature of 55° or greater for at least 15 days during the composting period. Also, during the high temperature period, there will be a minimum of five turnings of the windrow.

(ii)-(v) (No change.)

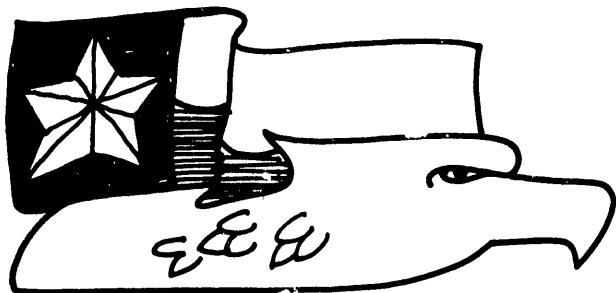
(B) (No change.)

(6)(7) Disposal of hazardous waste. Hazardous wastes shall not be accepted at a Type VII site except in accordance with procedures contained in this subsection and §325.12 (301.82.01.027) of this title (relating to Hazardous Waste Management).

Issued in Austin, Texas, on May 4, 1981.

Doc. No. 812942 G. R. Herzik, Jr., P.E.
Deputy Commissioner for Environmental
and Consumer Health Protection
Texas Department of Health

Proposed Date of Adoption: June 8, 1981
For further information, please call (512) 458-7236.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

(Editor's note: Proposals submitted by the Texas Water Development Board concerning industrial solid waste and waste discharge permits are being published serially beginning in this issue. The chapters, subchapters, and sections affected by this action are listed below. The proposed date of adoption for all the serialized proposals is June 12, 1981. The proposal for Subchapter A appears in this issue.)

Chapter 335. Industrial Solid Waste

Subchapter A. Industrial Solid Waste Management in General

§§335.1-335.15 (156.22.01.101-.115)

§§335.1-335.18 (156.22.02.001-.018)

Subchapter B. Hazardous Industrial Solid Waste Management

§§335.41-335.46 (156.22.04.001-.006)

Subchapter B. Hazardous Industrial Solid Waste Management General Provisions

§§335.41-335.48 (156.22.05.101-.108)

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

§§335.61-335.76 (156.22.06.001-.016)

Subchapter D. Standards Applicable to Carriers of Hazardous Industrial Solid Waste

§§335.91-335.94 (156.22.07.001-.004)

Subchapter H. Shipping Ticket, Record-Keeping, and Reporting Requirements

§§335.171-335.177 (156.22.11.001-.007)

Subchapter J. Closure and Postclosure

§§335.211-335.220 (156.22.13.001-.010)

Subchapter K. Financial Requirements

§§335.231-335.235 (156.22.14.001-.005)

Subchapter L. Use and Management of Containers

§335.244 (156.22.15.004)

Subchapter M. Tanks

§335.266 (156.22.16.006)

Subchapter N. Surface Impoundments

§§335.286, 335.287 (156.22.17.006, .007)

Subchapter Q. Landfills

§335.345 (156.22.20.005)

Subchapter R. Incinerators

§§335.361-335.363 (156.22.21.001-.003)

Subchapter T. Chemical, Physical, and Biological Processing

§335.407 (156.22.23.007)

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

§§335.451-335.455 (156.22.27.001-.005)

Subchapter W. Delisting of Hazardous Waste

§§335.481-335.487 (156.22.30.001-.007)

Chapter 341. Waste Discharge Permits**Emergency Order**

§341.95 (156.25.25.005)

Additional Requirements for an Application for a Solid Waste Permit

§341.180 (156.25.04.030)

Revision of Applications for Hazardous Waste Permits

§341.185 (156.25.04.035)

Amendments, Renewals, Transfers, Revocation, or Suspension

§341.225 (156.25.31.005)

Additional Conditions for Solid Waste Storage, Processing, or Disposal Permits

§§341.341-341.346 (156.25.18.001-.006)

Trial Burn Plans

§§341.361-341.366 (156.25.40.001-.006)

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

The Texas Department of Water Resources proposes to adopt new sections and amendments to Chapter 335 of the Texas Water Development Board rules, which relate to industrial solid waste management regulations, in order to adopt regulations necessary to allow the State of Texas to receive interim authorization for its hazardous waste program pursuant to the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 United States Code 6901 et seq. In order to receive such authorization it is necessary for the Texas Department of Water Resources and the Texas Health Department to have regulations substantially equivalent to the federal program administered by the United States Environmental Protection Agency (EPA).

On January 12, 1981, EPA promulgated hazardous waste management regulations which in pertinent part become effective on July 13, 1981. In addition, on January 23, 1981, EPA promulgated hazardous waste management regulations relating to incinerators which become effective on July 22, 1981. Consistent with the Congressional intent of RCRA that the regulation of the collection and disposal of solid wastes should continue to be primarily the function of state, regional, and local agencies, EPA will suspend its regulatory program in those states with an approved hazardous waste program. Otherwise, EPA is preparing to institute a federal regulatory program which includes the issuance and enforcement of permits on July 13 and July 22, 1981. The department intends to have effective by these dates regulations substantially equivalent to the federal regulations, thereby permitting the state to administer a state hazardous waste permitting program in lieu of EPA.

Proposed Subchapter A provides general regulations applicable to the generation, collection, handling, storage, processing, and disposal of industrial solid waste. These sections are essentially the same as the existing regulations found in proposed repealed Subchapter A. Due to additional definitions and reformatting required to incorporate additional hazardous waste provisions, the department is proposing to adopt a new Subchapter A and cancel existing Subchapter A.

The executive director of the department has determined that the new sections will have no additional fiscal impact to the state or units of local government above those anticipated as a result of the federal regulations previously promulgated by EPA. No local units of government have been consulted in this estimate.

Public comment on the proposed sections is invited. To facilitate public participation, the executive director of the department has scheduled a public meeting to receive any public comments, beginning at 9 a.m., June 3, 1981, Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Persons may also submit their comments in writing to Mary Reagan, attorney, general counsel's office, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711. The department intends that these sections be finally acted upon by the Texas Water Development Board on June 16, 1981, at its regularly scheduled monthly meeting.

These sections are proposed under the authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and Texas Water Code, §5.131 and §5.132, §4(c).

§335.1 (156.22.01.101). *Definitions.* The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Act—The Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7.

Administrator—The Administrator of the United States Environmental Protection Agency or his designee.

Class I wastes—Any industrial solid waste or mixture of industrial solid wastes which because of its concentration, or physical or chemical characteristics, is toxic, corrosive, flammable, a strong sensitizer or irritant, a generator of sudden pressure by decomposition, heat, or other means, and may pose a substantial present or potential danger to human health or the environment when improperly processed, stored, transported, or disposed of or otherwise managed, including hazardous industrial waste.

Class II wastes—Any individual solid waste or combination of industrial solid waste which cannot be described as Class I or Class III as defined in this subchapter.

Class III wastes—Inert and essentially insoluble industrial solid waste usually including but not limited to materials such as rock, brick, glass, dirt, and certain plastics and rubber, etc., that are not readily decomposable.

Discharge—The accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of waste into or on any land or water.

Disposal facility—A facility or part of a facility at which solid waste is intentionally placed into or on any land or water, and at which waste will remain after closure.

Essentially insoluble—Any material which if representatively sampled and placed in static or dynamic contact with ionized water at ambient temperature for seven days will not leach any quantity of any constituent of the material into the water in excess of current United States Public Health Service or United States Environmental Protection Agency limits for drinking water as published in the *Federal Register*.

Facility—Includes all contiguous land and structures, other appurtenances, and improvements on the land for storing, processing, or disposing of industrial solid waste. A facility may consist of several storage, processing, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations thereof).

Generator—Any person by site who produces industrial solid waste; any person who possesses industrial solid waste to be shipped to any other person; or any person whose act first causes the solid waste to become subject to regulation under this chapter. For the purposes of this subchapter a person who generates or possesses Class III wastes shall not be considered a generator.

Hazardous industrial waste—Any industrial solid waste or combination of industrial solid wastes identified or listed as a hazardous waste by the Administrator of the United States Environmental Agency pursuant to §3001 of the Resource Conservation and Recovery Act of 1976. The administrator has identified the characteristics of hazardous wastes and listed certain wastes as hazardous in Title 40 of the Code of Federal Regulations, Part 261, Subparts C and D, respectively. (Note: The executive director will maintain in the offices of the department a current list of hazardous wastes, a current set of characteristics of hazardous waste, and applicable appendices, as promulgated by the administrator.)

Industrial solid waste—Solid waste resulting from or incidental to any process of industry or manufacturing, or mining, or agricultural operation.

Off-site storage, processing, or disposal—Any storage, processing, or disposal of industrial solid waste which cannot be characterized as "on-site storage, processing, or disposal."

On-site storage, processing, or disposal—On-site storage, processing, or disposal occurs when industrial solid waste is:

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

(B) the industrial solid waste is not collected, handled, stored, processed, or disposed of with solid waste from any other source or sources. An industrial plant, manufacturing plant, mining operation, or agricultural operation owned by one person shall not be considered an "other source" with respect to other plants and operations owned by the same person. (Note: Where the on-site storage, processing, or disposal referred to in this chapter is of hazardous industrial solid waste, "on-site storage, processing, or disposal" shall have the meaning given in §335.42 (156.22.05.102) of this title (relating to Definitions).)

Operator—The person responsible for the overall operation of a facility.

Owner—The person who owns a facility or part of a facility.

Permit—A written permit issued by the commission which, by its conditions, may authorize a permittee to construct, install, modify, or operate a specified industrial solid waste storage, processing, or disposal facility in accordance with specified limitations.

Person—Individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association or any other legal entity.

Processing—The extraction of materials, transfer, volume reduction, conversion to energy, or other separation or preparation of solid waste for reuse or disposal including the treatment or neutralization of hazardous waste so as to

render such waste nonhazardous, safer to transport, amenable for recovery, amenable for storage, or reduced volume. The "transfer" of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means.

Shipment—Any action involving the conveyance of industrial solid waste by any means off site.

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

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

Solid waste—All putrescible and nonputrescible discarded or unwanted solid materials including garbage, refuse, sludge from a waste treatment plant or air pollution control facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities but does not include:

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

(B) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or

(C) waste materials which result from activities associated with the exploration, development, or production of oil and gas and are subject to control by the Texas Railroad Commission. For purposes of this section, "solid waste" shall not include the radiation hazard associated with the wastes which are controlled by the Texas Department of Health.

Storage—The holding of solid waste for a temporary period at the end of which the waste is processed, disposed of, or stored elsewhere.

Transporter—Any person who conveys or transports industrial solid waste by truck, ship, pipeline, or other means.

Water (bulk shipment)—The bulk transportation of Class I industrial solid waste which is loaded or carried on board a vessel without containers or labels.

§335.2 (156.22.02.10C). Permit Required.

(a) Except with regard to storage, processing, or disposal to which subsections (c)-(f) of this section apply, no person may cause, suffer, allow, or permit any activity of storage, processing, or disposal of any industrial solid waste unless such activity is authorized by a permit, amended permit, or other authorization from the Texas Department of Water Resources, the Texas Department of Health, or other valid authorization from a Texas state agency. Persons are encouraged to obtain a permit prior to construction of facilities. Persons who construct a solid waste facility without obtaining a permit do so at their own risk. Construction prior to approval shall in no event prescribe the action by the department on the application or the specification of any condition in any permit issued.

(b) In accordance with the requirement of subsection (a) of this section, no generator, transporter, owner or operator of a facility, or any other person may cause, suffer, allow, or permit its wastes to be stored, processed, or disposed of at an unauthorized facility or in violation of a permit. In the event this requirement is violated, the executive director

will seek recourse against not only the person who stored, processed, or disposed of the waste, but also against the generator, transporter, owner, or operator, or other person who caused, suffered, allowed, or permitted its waste to be stored, processed, or disposed.

(c) Any person who has commenced on-site storage, processing, or disposal of a hazardous waste on or before May 19, 1980, who has filed a hazardous waste permit application with the department on or before August 17, 1980, and in accordance with the rules and regulations of the department, may continue the on-site storage, processing, or disposal of hazardous waste until such time as the Texas Department of Water Resources approves or denies the application. In the case of a waste identified or listed after May 19, 1980, persons who commenced the storage, processing, or disposal of such waste on or before the date, of the listing shall file an application within 90 days of that date and in accordance with the rules of the department. Applications filed under this section shall meet the requirements of §335.44 (156.22.05.104) of this title (relating to Application for Existing On-Site Facilities). For purposes of this subsection, a person has commenced the on-site storage, processing, or disposal of hazardous waste if the owner or operator has obtained all necessary federal, state, and local preconstruction approvals or permits; and either:

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

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

(d) No permit shall be required for the on-site storage, processing, or disposal of industrial solid waste unless such waste is hazardous industrial waste. However, any person who intends to conduct such activity shall comply with notification requirements of §335.6 (156.22.01.106) of this title (relating to Notification Requirements).

(e) No permit shall be required for the on-site storage of hazardous waste by a person who is a small quantity generator as defined in §335.61(c) (156.22.06.001(c)) of this title (relating to Purpose, Scope, and Applicability).

(f) No permit shall be required for the storage, processing, or disposal of hazardous waste by a person described in §335.41(c)-(e) (156.22.05.101(c)-(e)) of this title (relating to Purpose, Scope, and Applicability).

§335.3 (156.22.01.103). Technical Guidelines. In order to promote the proper collection, handling, storage, processing, and disposal of industrial solid waste in a manner consistent with the purposes of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, the executive director will make available on request, copies of technical guidelines outlining methods designed to aid in the prevention of the conditions prohibited in these sections. Guidelines should be considered as suggestions only.

§335.4 (156.22.01.104). General Prohibitions. In addition to the requirements of §335.2 (156.22.01.102) of this title (relating to Permit Required), no person may cause, suffer, allow, or permit the collection, handling, storage, processing, or disposal of industrial solid waste in such a manner so as to cause:

(1) the discharge or imminent threat of discharge of industrial solid waste into or adjacent to the waters in the

state without obtaining specific authorization for such a discharge from the Texas Department of Water Resources;

(2) the creation and maintenance of a nuisance; or

(3) the endangerment of the public health and welfare.

§335.5 (156.22.01.105). Deed Recordation.

(a) Recording required. No person may cause, suffer, allow, or permit the disposal of industrial solid waste prior to recording in the county deed records of the county or counties in which the disposal takes place, the following information:

(1) a metes and bounds description of the portion or portions of the tract of land on which disposal of industrial solid waste will take place;

(2) the class or classes of wastes to be disposed of and waste description; and

(3) the name or permanent address of the person or persons operating the facility where more specific information on the waste can be secured.

(b) Proof of recordation. Proof of recordation shall be provided to the executive director in writing prior to instituting disposal operations.

(c) Additional requirements. Owners of property on which facilities for disposal of hazardous waste are located are subject to further requirements of §335.220 (156.22.13.010) of this title (relating to Notice in Deed to Property).

§335.6 (156.22.01.106). Notification Requirements.

(a) A person who intends to conduct the on-site storage, processing, or disposal of industrial solid waste, other than hazardous waste as defined in this subchapter, shall notify the executive director in writing that storage, processing, or disposal activities are planned, at least 90 days prior to engaging in such activities. Such person shall submit to the executive director upon request such information as may reasonably be required to enable the executive director to determine whether such storage, processing, or disposal is compliant with the terms of these sections. Such information may include but is not limited to information concerning waste composition, waste management methods, facility engineering plans and specifications, or the geology where the facility is located.

(b) Any person who stores, processes, or disposes of industrial solid waste shall have the continuing obligation to immediately provide written notice to the executive director of any changes or additional information concerning waste composition, waste management methods, facility engineering plans and specifications, and the geology where the facility is located to that reported in subsection (a) of this section, authorized in any permit or stated in any application filed with the department.

(c) Any person who generates industrial solid waste shall notify the executive director of such activity on forms furnished or approved by the executive director. Any person who notifies pursuant to this subsection shall have the continuing obligation to immediately provide written notice to the executive director of any changes or additional information to that reported previously.

(d) Any person who transports Class I waste shall notify the executive director of such activity on forms furnished or approved by the executive director.

(e) Upon written request of the executive director, any person who ships, stores, processes, or disposes of industrial solid waste other than hazardous waste, as defined in this

subchapter, shall perform a chemical analysis of the industrial solid waste, provide results of the analysis to the executive director, or furnish samples of the waste for analysis in order to assign a waste classification.

§335.7 (156.22.01.107). Bond Required. Authority to store, process, or dispose of industrial solid waste pursuant to a permit issued by the commission is contingent upon the execution and maintenance of a surety bond or other financial assurance acceptable to the executive director, in an amount specified in the permit, which provides for the closing of the industrial solid waste storage, processing, or disposal facility in accordance with the permit issued for the facility and all other rules of the department. (Note: Persons storing, processing or disposing of hazardous waste are subject to further requirements concerning closure and postclosure contained in Subchapter V of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, and Disposal Facilities).)

§335.8 (156.22.01.108). Closing.

(a) Any person who stores, processes, or disposes of industrial solid waste at a facility permitted under §335.2(a) (156.22.01.102(a)) of this title (relating to Permit Required) shall, unless specifically modified by other order of the commission, close the industrial solid waste storage, processing, or disposal facility in accordance with the closing provisions of the permit.

(b) Any person who stores, processes, or disposes of hazardous industrial solid waste is subject to the provisions of Subchapter J of this chapter (relating to Closure and Postclosure).

§335.9 (156.22.01.109). Shipping and Reporting Procedures Applicable to Generators.

(a) Except with regard to the shipments of Class I industrial solid waste to which §335.10 (156.22.01.110) of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste) applies, and except with regard to generators of Class II industrial solid waste with less than 100 employees, each generator shall:

(1) Keep records of all industrial solid waste storage, processing, and disposal activities. Records pertaining to on-site activities shall include, at a minimum, information regarding the waste character, classification and quantity, and the method and location of storage, processing, and disposal. Records regarding off site activities shall include at a minimum the transporter identity, date of shipment and waste character, classification and quantity.

(2) Retain such records required by paragraph (1) of this subsection for a minimum of three years from the date of reporting in paragraph (3) of this subsection.

(3) Submit an annual storage, processing, and disposal summary on forms furnished or approved by the executive director containing such information for the calendar year as is specified in paragraph (1) of this subsection to the Texas Department of Water Resources on or before January 21 of each year; provided, however, upon request by the generator the executive director may authorize a modification in the reporting period.

(4) Any generator who stores, processes, or disposes of hazardous waste on site shall submit an annual report in accordance with the requirements of §335.71 (156.22.06.011) of this title (relating to Annual Reporting).

§335.101 (156.22.01.110). Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste.

(a) No generator of Class I industrial solid waste shall cause, suffer, allow, or permit the shipment of Class I waste to any off-site solid waste, storage, processing, or disposal facility without preparing a Texas Department of Water Resources shipping ticket.

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

(1) a shipping ticket document number;

(2) the generator's name, mailing address, telephone number, and identification number;

(3) the name, mailing address, and identification number of each transporter;

(4) the name, address, telephone number and identification number, of the storage, processing, or disposal facility and an alternate facility if any;

(5) the description of the waste(s) required by regulation of the United States Department of Transportation in 49 Code of Federal Regulations 172.101, 172.202, and 172.203; and

(6) the total quantity of each waste by units of weight or volume, and the type and number of containers as loaded into or onto the transport vehicle.

(7) a certification by the generator stating: "This is to certify that the above-named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation, The Texas Department of Water Resources, and the Texas Department of Health."

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

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

(1) sign the shipping ticket by hand;

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

(3) retain one copy in accordance with §335.13(a) (156.22.01.113(a)) of this title (relating to Record-Keeping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste); and

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

(e) For shipments of Class I waste within the United States solely by water (bulk shipments only), the generator shall send three copies of the shipping ticket dated and signed in accordance with this section to the owner or operator of the designated facility or to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the shipping ticket are not required for each transporter.

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

(1) the next nonrail transporter, if any; or

(2) the designated facility if transported solely by rail; or

(3) the last rail transporter to handle the waste in the United States if exported by rail.

(g) In addition to the requirements of this section, generators of hazardous waste are subject to the shipping requirements of §335.64 (156.22.06.004) of this title (relating to Additional Requirements for Shipping Ticket).

§335.11 (156.22.01.111). Shipping Requirements for Transporters of Class I Industrial Solid Waste.

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

(1) obtains a shipping ticket completed by the generator in accordance with §335.10 (156.22.01.110) of this title (relating to Shipping Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste);

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

(3) returns a signed copy to the generator before leaving generator's property.

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

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

(1) obtains the date of delivery and the handwritten signature of the accepting transporter on the shipping ticket;

(2) retains one copy of the shipping ticket in accordance with §335.14(a) (156.22.01.114(a)) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste); and

(3) gives the remaining copies of the shipping ticket to the accepting transporter.

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

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

(2) retains one copy of the shipping ticket in accordance with §335.14 (156.22.01.114(a)) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste); and

(3) gives the remaining copies of the shipping ticket to the owner or operator of the facility designated on the shipping ticket.

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

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

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

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

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

(5) a copy of the shipping paper or shipping ticket is retained by each water (bulk shipment) transporter in accordance with §335.14(b) (156.22.01.114(b)) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste).

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

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

(A) sign and date the shipping ticket acknowledging acceptance of the waste;

(B) return a copy of the shipping ticket to the non-rail transporter;

(C) forward at least three copies of the shipping ticket to:

(i) the next nonrail transporter, if any;

(ii) the designated facility, if the shipment is delivered to that facility by rail;

(iii) the last rail transporter designated to handle the waste in the United States;

(D) Retain one copy of the shipping ticket and rail shipping paper in accordance with §335.14(c) (156.22.01.114(c)) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste).

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

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

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

(B) retain a copy of the shipping ticket or signed shipping paper in accordance with §335.14(c) (156.22.01.114(c)) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste).

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

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

(B) retain a copy of the shipping ticket in accordance with §335.14(c) (156.22.01.114(c)) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste).

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

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

(1) indicate on the shipping ticket the date the Class I waste left the United States;

(2) sign the shipping ticket and retain one copy in accordance with §335.14(c) (156.22.01.114(c)) of this title (relating to Record-Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste); and

(3) return a signed copy of the shipping ticket to the generator.

(h) If the transporter cannot deliver the waste in accordance with the shipping ticket, the transporter must contact the generator for further directions and must revise the shipping ticket according to the generator's instructions.

§335.12 (156.22.01.112). Shipping Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities.

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

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

(2) the owner or operator signs the shipping ticket and immediately gives at least one copy of the signed shipping ticket to the transporter;

(3) retains one copy of the shipping ticket in accordance with §335.15(a) (156.22.01.115(a)) of this title (relating to Record-Keeping and Reporting Requirements Applicable to Owners and Operators of Storage, Processing, or Disposal Facilities); and

(4) within 30 days after the delivery, sends a copy of the shipping ticket to the generator.

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

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

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

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

(4) retain at the facility a copy of each shipping paper and shipping ticket in accordance with §335.15(a) (156.22.01.115(a)) of this title (relating to Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities).

(c) In addition to the requirements of this section, owners and operators of facilities that store, process, or dispose of hazardous waste are subject to the shipping requirements of §335.172 (156.22.11.002) of this title (relating to Shipping Ticket Discrepancies).

§335.13 (156.22.01.113). Record-Keeping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste.

(a) The generator shall retain a copy of each shipping ticket required by §335.10 (156.22.01.110) of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste) for a minimum of three years from the date of shipment by the generator.

(b) The generator shall prepare a monthly summary from the shipping tickets, regardless of whether shipments

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

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

(d) In addition to the requirements of this section, generators of hazardous waste are subject to the reporting and record-keeping requirements of §335.70 (156.22.06.010) of this title (relating to Record-Keeping), §335.71 (156.22.06.011) of this title (relating to Annual Reporting), and §335.72 (156.22.06.012) of this title (relating to Exception Reporting).

§335.14 (156.22.01.114). Record Keeping Requirements Applicable to Transporters of Class I Industrial Solid Waste.

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

(b) For shipments delivered to the facility designated on the shipping ticket by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of a shipping paper containing all the information required by §335.11(e) (156.22.01.11(e)) of this title (relating to Shipping Requirements for Transporters of Class I Industrial Solid Waste) for a minimum of three years from the date of initial shipment.

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

(1) the initial rail transporter must keep a copy of the shipping ticket and shipping paper with all of the information required in §335.11(f)(2) (156.22.01.111(f)(2)) of this title (relating to Shipping Requirements for Transporters of Class I Industrial Solid Waste) for a period of three years from the date the Class I waste was accepted by the initial transporter; and

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

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

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

§335.15 (156.22.01.115). Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities.

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

(b) The owner or operator shall prepare a monthly summary from his copy of all shipping tickets received during the month, summarizing the quantity and character of each Class I waste shipment received, itemized by shipping ticket number. Such monthly summary report shall be submitted to the Texas Department of Water Resources on the 25th day of each month for wastes or shipping tickets received during the prior month and on monthly summary forms provided or approved by the executive director. (Note: Persons who store, process, or dispose of hazardous waste are subject to the further requirements of §335.175(a) (156.22.11.005(a)) of this title (relating to Reporting Requirements) for the preparation of a monthly summary.)

(c) The owner or operator shall submit a monthly report on forms provided or approved by the executive director summarizing the types and volumes of any Class I waste received without shipping tickets, as in the case of shipments by rail or water (bulk shipments) without shipping papers. (Note: Persons who store, process, or dispose of hazardous waste shall submit a report which includes the information required by §335.176 (156.22.11.006) of this title (relating to Waste Report).)

(d) The owner or operator shall retain a copy of each summary required by subsections (b) and (c) of this section for a minimum of three years from the date of each summary.

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

Issued in Austin, Texas, on May 6, 1981.

Doc. No. 813037 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Proposed Date of Adoption: June 12, 1981
For further information, please call (512) 475-7845.

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Water Development Board, Stephen F. Austin Building, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The Texas Department of Water Resources proposes to repeal §§335.1-335.18 (156.22.02.001-.018) of the Texas Water Development Board, which contain general provisions relating to industrial solid waste management. The proposed repeal of Subchapter A, §§335.1-335.18 (156.22.02.001-.018), has been necessitated because it is proposed that these sec-

tions in substance be incorporated into a proposed new subchapter and proposed Chapter 341 of the rules of the Texas Water Development Board, with major revisions made primarily for organization and clarity.

The executive director of the department has determined that the repeal of these sections will have no fiscal impact to the state or units of local government. No local units of government have been consulted in this estimate.

Public comment on the proposed repeal is invited and may be submitted by telephoning Mary Reagan, (512) 475-7845, or by writing to the general counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

This repeal is proposed under the authority of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), and Texas Water Code, §5.131 and §5.132.

§335.1 (156.22.02.001). *Definitions.*

§335.2 (156.22.02.002). *Permit Required.*

§335.3 (156.22.02.003). *Application Procedures.*

§335.4 (156.22.02.004). *Permit Issuance, Amendment, Revocation, and Suspension.*

§335.5 (156.22.02.005). *Notice and Hearing.*

§335.6 (156.22.02.006). *General Prohibitions.*

§335.7 (156.22.02.007). *Deed Recordation.*

§335.8 (156.22.02.008). *Notification Requirements for Owners and Operators of Certain On-Site Storage, Processing, or Disposal Facilities.*

§335.9 (156.22.02.009). *Bond Required.*

§335.10 (156.22.02.010). *Closing.*

§335.11 (156.22.02.011). *Legal Proceedings.*

§335.12 (156.22.02.012). *Shipping and Reporting Procedures Applicable to Generators.*

§335.13 (156.22.02.013). *Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste.*

§335.14 (156.22.02.014). *Shipping Requirements for Carriers of Class I Industrial Solid Waste.*

§335.15 (156.22.02.015). *Shipping Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities.*

§335.16 (156.22.02.016). *Record-Keeping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste.*

§335.17 (156.22.02.017). *Record-Keeping Requirements Applicable to Carriers of Class I Industrial Solid Waste.*

§335.18 (156.22.02.018). *Record-Keeping and Reporting Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities.*

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General Counsel
Texas Department of Water Resources

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. Sales Tax Division—State Taxes

The Comptroller of Public Accounts proposes to amend §3.302 (026.02.20.022). The section is proposed for amendment to add a subsection on the transfer or sale of accounts receivable and to more clearly outline the sales tax responsibilities of sellers regarding credit sales, bad debts, and repossessions. Additionally, the section is being reformatted to conform to Texas Register Division filing requirements.

There is no fiscal impact (source: revenue estimating staff, Comptroller of Public Accounts).

Public comment is invited. Persons should submit their comments in writing to Jim Phillips, P.O. Box 13528, Austin, Texas 78711.

These amendments are proposed under the authority of Texas Taxation—General Annotated, Article 20.11(A).

§3.302 (026.02.20.022). Accounting Methods, Credit Sales [Generally], Bad Debts, [and] Deductions and Repossessions.

(a) **Accounting methods.** For sales and use tax purposes, retailers may use a cash basis, an accrual basis, or any generally recognized accounting basis which correctly reflects the operation of their business. Retailers who wish to use an accounting system to report tax which is not on a pure cash or accrual basis or that is not a commonly recognized accounting system should obtain prior written approval from the comptroller.

(b) **Credit sales.**

(1) Credit sales include all sales in which the terms of the sale provide for deferred payments of the purchase price. Credit sales include installment sales, conditional sales contracts, and revolving credit accounts.

(2) Sales tax is due on insurance, interest, finance charges, and all other service charges incurred as a part of a credit sale unless these charges are stated separately in the contract to the customer.

(3) Tax is to be reported on a credit sale based upon the accounting method used by the retailer.

(A) If the retailer is on an accrual basis, the entire amount of tax is due and must be reported at the time the sale is made.

(B) If the retailer is on a cash basis of accounting, the payment received from the customer includes a proportionate amount of tax, sales receipts, and may also include finance charges. Tax must be reported based upon the actual cash collected during the reporting period excluding separately stated finance charges.

(c) **Transfer or sale of sale contracts and accounts receivable.** A retailer may sell, factor, or assign to a third party the retailer's right to receive all payments due under a credit sale. At the time the contract or receivable is sold, factored, or assigned, the tax becomes due on all remaining payments. The retailer is responsible for reporting all remaining tax due under the credit sale to the comptroller in the reporting period in which the contract or receivable is sold, factored, or assigned. No reduction in the amount of tax to be reported and paid by the

retailer is allowed if the transfer to the third party is for a discounted amount. This section does not apply to the assignment or pledge of contracts or accounts receivable by a seller to a third party as loan collateral.

(d) **Bad debts.**

(1) Any portion of the sales price of a taxable item which the retailer cannot collect is considered to be a bad debt.

(A) A retailer is not required to report tax on any amount which has been entered in the retailer's books as a bad debt during the reporting period in which the sale was made and which will be taken as a deduction on the next federal income tax return.

(B) A retailer is entitled to a credit for tax reported and paid on an account later determined to be a bad debt. A retailer may take a deduction on the retailer's report form or obtain a refund from the comptroller in the reporting period in which the retailer's books reflect the bad debt. Deductions and refunds due to bad debts are limited to four years from the date the account is entered in the retailer's books as a bad debt.

(2) The amount of the bad debt may include both the sales price of the taxable item and nontaxable charges such as freight or finance charges which were separately billed to the customer. A deduction may only be claimed on that portion of the bad debt which represents the amount reported subject to tax. In determining that amount, all payments and credits to the account may be applied ratably against the various charges comprising the bad debt except as provided by subsection (d)(3) of this section.

(3) A retailer may not deduct from the amount subject to tax to be reported the expense of collecting a bad debt or the amount retained by or paid to a third party for the service of collecting a bad debt.

(4) To claim bad debt deductions, a retailer's records must show:

- (A) date of original sale;
- (B) name and address of purchaser;
- (C) amount purchaser contracted to pay;
- (D) taxable and nontaxable charges;
- (E) amount on which retailer paid tax;
- (F) all payments or other credits applied to the

account of the purchaser;

(G) evidence that the uncollected amount has been designated as a bad debt in the retailer's books and records and has been or will be claimed as a bad debt deduction for income tax purposes.

(5) If a retailer later collects all or part of an account for which a bad debt deduction was claimed, the amount collected must be reported as a taxable sale in the reporting period in which such collection was made.

(6) Credit or installment sales may not be labeled as bad debts merely for the purpose of delaying the payment of the tax.

(e) **Repossessions.**

(1) When taxable items upon which tax has been paid by the retailer are repossessed, the retailer is allowed a credit or deduction for that portion of the actual purchase price remaining unpaid. The deduction must not include any nontaxable charges which were a part of the original sales contract. Any payments made by the purchaser prior to repossession must be applied

ratably against the various charges in the original sales contract.

(2) A retailer may not deduct from the tax to be reported the expense of collecting an account receivable or the amount retained by or paid to a third party for the service of collecting an account or repossessing or selling a repossessed item.

(3) Sales tax is due on the sale of a repossessed item whether sold by a vendor, mortgagee, secured party, assignee, trustee, sheriff, or an officer of the court unless the sale is otherwise exempt. If the vendor, mortgagee, secured party, assignee, trustee, sheriff, or officer of the court does not collect the tax, the purchaser must remit the tax directly to the comptroller.

[(a) Credit sales. If tangible personal property is sold on credit, the entire amount of the contract is taxable, unless the retailer keeps adequate and complete records to show separately the sales price of the tangible personal property and the insurance, interest, finance, carrying, and other charges made in the contract. If such records are kept by the retailer, the insurance, interest, finance, and carrying charges may be excluded from the computation of the tax.

[(1) The method of remittance of the tax collected on a credit sale is governed by the accounting basis employed by the retailer. If the retailer is on the accrual basis of accounting, the entire amount of tax is due at the time the sales contract is executed.

[(2) If the retailer is on the cash basis of accounting, all receipts from taxable sales include a proportionate amount of tax and sales receipts. Tax must be collected and remitted measured by the actual cash collected during the particular reporting period. In fact, the tax may be collected and remitted in accordance with any generally recognized basis which correctly reflects the operation of the business.

[(3) No reduction in the amount of tax payable by the retailer is allowable by reason of his transfer at a discount of a sale or lease contract or other evidence of indebtedness.

[(b) Bad debts. Generally, a retailer is relieved of the responsibility for collecting the sale or use tax if the basis for the tax is represented by accounts which the retailer finds worthless and charges off for income tax purposes.

[(1) If a retailer determines during the same reporting period in which the sale is made that he will be unable to collect the full sales price, the retailer is not required to remit the tax on the amount remaining unpaid if:

[(A) The amount is entered on the retailer's books as a bad debt, and

[(B) The bad debt will be claimed as a deduction for federal income tax purposes. Credit or installment sales may not be labeled as bad debts merely for the purpose of delaying the payment of the tax.

[(2) A retailer who has previously paid the sales or use tax may take as a deduction or seek refund or credit of the amount found worthless and charged off for income tax purposes. The deduction may be taken on the return for the period in which the amount was found worthless and charged off.

[(A) If the amount of an account found to be worthless and charged off for the income tax purposes includes both nontaxable receipts (e.g., interest, carrying charges, etc.) and taxable receipts upon which tax has been paid, a bad debt deduction may be claimed only with respect to the unpaid amount upon which tax has been paid. In determining that amount, all payments and credits to the account may

be applied ratably against the various elements comprising the amount the purchaser contracted to pay.

[(B) In support of claims for such credit or refund, retailers must maintain adequate and complete records showing:

[(i) date of original sale;

[(ii) name and address of purchaser;

[(iii) amount purchaser contracted to pay;

[(iv) amount on which retailer paid tax;

[(v) all payments or other credits applied to account of purchaser; and

[(vi) evidence that the uncollectible portion of gross receipts on which tax was paid actually has been legally charged off as a bad debt for income tax purposes.

[(3) If a retailer collects all or part of the account found worthless and charged off, the amount so collected must be included in the total taxable sales on the return filed after such collection and the proper amount of tax remitted.

[(c) Repossessions. No deduction is allowable for expenses incurred by the retailer in attempting to enforce collections of an account receivable, or for that portion of a debt recovered that is retained by or paid to a third party as a compensation for services rendered in collecting the account, repossessing the item, or selling the repossessed item.

[(1) In the case of a repossession, a bad debt deduction is allowable only to the extent that the retailer sustains a net loss of gross receipts upon which tax has been paid. The amount of such net loss will be computed by deducting from the original sales price upon which tax has been paid the amount of all payments, trade-in allowances, or other credits applicable to such sales price.

[(2) The repossession constitutes a sale from the debtor to the seller, the consideration for which is the amount of debt forgiven. The reposessor may give a resale certificate to the debtor unless the reposessor intends to either use the repossessed item himself or act as agent of the debtor in the later sale of the item.

[(3) A later sale of the repossessed item by the reposessor is a taxable sale without respect to the fact that the seller is a mortgagee, trustee, sheriff, or officer of the court.]

Issued in Austin, Texas, on May 6, 1981.

Doc. No. 813003

Bob Bullock

Comptroller of Public Accounts

Proposed Date of Adoption: June 12, 1981

For further information, please call (512) 475-3825.

Part III. Teacher Retirement System of Texas

Chapter 25. Membership Credit Compensation

The Teacher Retirement System of Texas proposes to amend §25.29 (334.03.03.009) concerning wrongfully denied employment. The current section leaves no possibility for a public school employee to make the Teacher Retirement System

deposits and obtain salary and service credit if any mitigation of damages occurs in the process of compensating the employee for a wrongful denial of employment. The change would allow an employer to certify a settlement of less than full salary if the reduction was in good faith and was for actual earnings or for what would have been earned by the exercise of ordinary diligence concerning other employment.

The TRS staff has determined that there are no fiscal implications for any state or local unit of government that would result from this amendment.

Public comment is invited and may be sent in writing to Bruce Hineman, executive secretary, 1001 Trinity, Austin, Texas 78701.

This amendment is proposed under authority of the Texas Education Code, §3.59(d) and (i).

§25.29 (334.03.03.009). Wrongfully Denied Employment.

(a) A member may make deposits and obtain credit for a period during which an employer wrongfully denied him or her employment if all of the following requirements are satisfied:

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

(3) The employer must certify the amount of annual compensation which the person would have received for service each year if the right to employment had not been violated. That amount of compensation must have been paid in full to the member less only those deductions which are normally made from employees' salaries. The amount paid for the violation must not have been reduced below the certified amount of compensation by any offset or settlement agreement *except for a good faith reduction by so much as the member earned or by the exercise of ordinary diligence could have earned in other employment.* The employer must certify to TRS that an amount was paid to the member which, when added to the deductions permitted by this section, at least equals the certified amount of compensation the employee would have otherwise received.

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

(b)-(e) (No change.)

Issued in Austin, Texas, May 5, 1981.

Doc. No. 812994 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Proposed Date of Adoption: June 12, 1981
For further information, please call (512) 477-9711, ext. 213.

could require a certified copy. These changes would reduce an expense and delay to members who send copies which are clearly copies of an original, but which have not been certified.

The staff of the Teacher Retirement System has determined that there are no fiscal implications for the state or local units of government that would result from these amendments.

Public comment is invited and may be submitted in writing to Bruce Hineman, executive secretary, 1001 Trinity, Austin, Texas 78701.

These amendments are proposed under authority of the Texas Education Code, §3.59(i).

§39.1 (334.10.00.001). Establishment of Date of Birth. Date of birth may be established by any one of the following:

(1) An original birth certificate or a *legible unaltered* [certified] copy thereof.

(2) A delayed birth certificate in accordance with Texas Civil Statutes, Article 4477, Rule 51a, or a *legible unaltered* [A certified] copy provided by the Bureau of Vital Statistics [is required]. Other copies are not acceptable. If birth occurred in the State of Texas, your application should be made to the county clerk of the county in which birth occurred. It is not necessary that the county now have any record of your birth.

(3) A delayed birth certificate issued by the state in which birth occurred or a *legible unaltered* [A] copy provided by the registration agency is required. [Other copies are not acceptable.]

(4) The original baptismal record or parish record wherein the age of the individual at the time of the baptism is given or a *legible unaltered* [certified] copy of such record.

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

(8) *If there is any question concerning a copy of the documents listed in this section, a certified copy may be required.*

Issued in Austin, Texas, on May 5, 1981.

Doc. No. 812995 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Proposed Date of Adoption: June 12, 1981
For further information, please call (512) 477-9711, ext. 213.

Chapter 39. Proof of Age

The Teacher Retirement System of Texas proposes to amend §39.1 (334.10.00.001) concerning the establishment of date of birth by a member. Under the present section, the original document or a certified copy is required. With modern copy machines, excellent copies are generally received with a seal often visible on the copy. The proposed amendments would allow the original document or a legible unaltered copy to be used for proof of age. If there is doubt or question, the system



Part X. Texas Water Development Board

Chapter 313. Financial Provisions

Introductory Provisions

The Texas Water Development Board adopts amendments to §313.1 and §313.2 (156.09.01.001 and .002) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4643).

The amendments are adopted under the authority of the Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813009 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981
Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

The Texas Water Development Board adopts new §313.3 (156.09.01.003) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4644).

The section is adopted under the authority of the Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813010 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981
Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

General Procedures

The Texas Water Development Board adopts the repeal of §§313.11-313.16 (156.09.05.001-.006) without changes to the proposed notice of repeal published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4645). The repeal was proposed because the sections were superfluous, were already covered elsewhere, or were to be re-enacted elsewhere.

The repeal is adopted under the authority of the Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813011 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981
Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

Application to the Board

The Texas Water Development Board adopts the repeal of §313.51 (156.09.20.001) without changes to the proposed notice of repeal published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4647). The repeal was proposed because contents are superfluous or covered in existing or proposed sections.

The repeal is adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813012 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981
Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

The Texas Water Development Board adopts the amendments to §313.52 (156.09.20.002) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4647).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813013 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981
Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

The Texas Water Development Board adopts the amendments to §313.54 (156.09.20.004) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4648).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813014 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981
Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

The Texas Water Development Board adopts the amendments to §313.55 (156.09.20.005) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4648).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813015 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

The Texas Water Development Board adopts the new §313.57 (156.09.20.007) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4650).

The new section is adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813016 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

Formal Action by the Board

The Texas Water Development Board adopts amendments to §313.71 (156.09.25.001) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4650).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813017 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

The Texas Water Development Board adopts amendments to §313.72 (156.09.25.002) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4651).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813018 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

Prerequisites to Release of State Funds

The Texas Water Development Board adopts amendments to §313.83 (156.09.30.003) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4651).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813019 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

Loan Assistance and Water Quality Enhancement Program Final Procedures and Requirements

The Texas Water Development Board adopts amendments to §313.91 (156.09.35.001) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4652).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813020 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

Construction Phase for Loan Assistance Project and Water Quality Enhancement Projects

The Texas Water Development Board adopts the repeal of §313.101 (156.09.40.001) without changes to the proposed notice of repeal published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4653). The repeal was proposed because the information conveyed in the section may be conveyed by direct communication with the department.

The repeal is adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813021 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980
For further information, please call (512) 475-7836.

The Texas Water Development Board adopts amendments to §313.104 (156.09.40.004) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4653).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813022 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

The Texas Water Development Board adopts new §313.105 (156.09.40.005) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4653).

The new section is adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813023 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

The Texas Water Development Board adopts new §313.106 (156.09.40.006) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4654).

The new section is adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813024 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

Water Facilities Acquisition Program Negotiation of Contracts

The Texas Water Development Board adopts the repeal of §313.113 (156.09.45.003) without changes to the proposed notice of repeal published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4655). The repeal was proposed because the provisions of the section already exist in the Texas Water Code.

The repeal is adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813025 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

Water Facilities Acquisition Program Construction Phase

The Texas Water Development Board adopts amendments to §313.121 (156.09.50.001) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4655).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813026 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

The Texas Water Development Board adopts amendments to §313.122 (156.09.50.002) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4655).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813027 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

The Texas Water Development Board adopts amendments to §313.125 (156.09.50.005) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4656).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813028 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

Transfer of State-Acquired Facilities and Sale of Water

The Texas Water Development Board adopts the repeal of §313.151 and §313.152 (156.09.60.001 and .002) without changes to the proposed notice of repeal published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4657). The repeal was proposed because the same requirements already exist in the Texas Water Code.

The repeal is adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813029 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

Application To Acquire State Interests or To Purchase Water

The Texas Water Development Board adopts amendments to §313.161 (156.09.65.001) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4657).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813030 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

The Texas Water Development Board adopts amendments to §313.164 (156.09.65.004) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4657).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813031 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

The Texas Water Development Board adopts amendments to §313.166 (156.09.65.006) without changes to the proposed text published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4658).

The amendments are adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813032 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-836.

The Texas Water Development Board adopts the repeal of §313.182 (156.09.70.002) without changes to the proposed notice of repeal published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4658). The repeal was proposed because the contents of the section are superfluous and do not add meaningfully to the the post construction responsibilities of the parties.

The repeal is adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813033 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

Expiration of Commitments for Financial Assistance

The Texas Water Development Board adopts the repeal of §§313.191-313.194 (156.09.27.001-.004) without changes to the proposed notice of repeal published in the November 18, 1980, issue of the *Texas Register* (5 TexReg 4658). The repeal was proposed because the sections have served their purpose since all past loans that they have applied to have been given expiration dates.

The repeal is adopted under the authority of Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 813034 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: May 27, 1981

Proposal Publication Date: November 18, 1980

For further information, please call (512) 475-7836.

Chapter 341. Waste Discharge Permits

Application for Permit

The Texas Water Development Board has withdrawn from consideration for adoption proposed §341.180 (156.25.04.030) which was entitled Additional Contents for Application for a Solid Waste Permit. The section number was reserved for expansion in the March 20, 1981, issue of the *Texas Register* (5 TexReg 988).

Issued in Austin, Texas, on May 6, 1981.

Doc. No. 813035 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Filed: May 6, 1981, 9:32 a.m.

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

Amendments, Renewals, Transfers, Revocation, or Suspension

The Texas Water Development Board has withdrawn from consideration for adoption proposed new §341.225 (156.25.31.005) concerning amendments. The text of the new rule as proposed was published in the March 20, 1981, issue of the *Texas Register* (5 TexReg 992).

Issued in Austin, Texas, on May 6, 1981.

Doc. No. 813036 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Filed: May 6, 1981, 9:32 a.m.

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



NONCODIFIED

Coordinating Board, Texas College and University System

Student Services

State Student Incentive Grant Program 251.05.06

The Coordinating Board, Texas College and University System has withdrawn from consideration for adoption proposed amendments to Rule 251.05.06.002 concerning exceptions to tuition equalization grant rules. The text of the amended rule as proposed was published in the February 13, 1981, issue of the *Texas Register* (6 TexReg 642).

Issued in Austin, Texas, on May 1, 1981.

Doc. No. 812969 James McWhorter
Secretary to the Board
Coordinating Board, Texas College and
University System

Filed: May 4, 1981, 4:16 p.m.

For further information, please call (512) 475-2033.

The Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. An institution of higher education must have notice posted for at least 72 hours before the scheduled meeting time. Although some notices may be received and filed too late for publication before the meeting is held, all filed notices will be published in the *Register*. Each notice published includes the date, time, and location of the meeting; an agenda or a summary of the agenda as furnished for publication by the agency; where additional information may be obtained; and the date and time of filing.

A political subdivision covering all or part of four or more counties must have notice posted for at least 72 hours before the scheduled meeting time. Each notice published includes the date, time, and location of the meeting and where further information may be obtained. These notices are published under the heading "Regional Agencies," alphabetically by date filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency addition or amendment to an agenda, and the reason for such emergency, posted for at least two hours before the meeting is convened. Emergency notices filed by these entities will be published in the *Register*; however, notices of an emergency addition or amendment to an agenda filed by a regional agency will not be published in the *Register* since the original agendas for these agencies are not published.

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

The Admiral Nimitz Center

Friday, May 22, 1981, 2 p.m. The Fleet Admiral Chester W. Nimitz Memorial Naval Museum of the Admiral Nimitz Center will meet at the corner of East Austin and North Elk, Fredericksburg, to consider restoration work, fund raising, merger with Parks and Wildlife, and to hold a general discussion.

Information may be obtained from Douglass Hubbard, P.O. Box 777, Fredericksburg, Texas 78624, (512) 997-4379.

Filed: May 6, 1981, 9:39 a.m.
Doc. No. 813062

State Banking Board

Wednesday, May 13, 1981, 2 p.m. The State Banking Board will meet at 2601 North Lamar, Austin, to conduct a voting session to include the following: charter application—Traders State Bank, Canton; interim charter applications—Clarksville Street State Bank, Paris; New Fidelity Bank and Trust Company, Houston; and New Farmers Branch Bank, Farmers Branch; domicile changes—Madison Bank, Houston; and First City Bank of Dallas, Dallas; motion for

rehearing—Helotes State Bank, Helotes; and review of applications approved but not yet open.

Information may be obtained from O. A. Cassity, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Filed: May 5, 1981, 12:21 p.m.
Doc. No. 812984

Texas Department of Health

Monday, June 8, 1981, 9 a.m. The Texas Department of Health will conduct a hearing in the Texas Department of Health Auditorium, 1100 West 49th Street, Austin, to consider Application 1447 of Sunset Farms to operate a proposed Type I municipal solid waste disposal site to be located at the intersection of Giles and Blue Goose Roads, immediately south and west, adjacent to the roads, approximately five miles east of the intersection of US 290 and IH 35 North in Austin, Travis County.

Information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas, (512) 458-7271.

Filed: May 5, 1981, 3:55 p.m.
Doc. No. 812998

Texas Health Facilities Commission

Thursday, May 7, 1981, 10 a.m. The Texas Health Facilities Commission made an emergency addition to the agenda of a meeting held in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. The addition concerned approximately 44 petitions for reconsideration filed to the commission's administrative order issued on April 23, 1981, regarding AH80-0515-023—Carrollton General Hospital Authority, Carrollton. The petitions would have been overruled by operation of law if not considered on or prior to May 8, 1981.

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: May 5, 1981, 4:37 p.m.
Doc. No. 812996

Thursday, May 14, 1981, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Exemption Certificate

Westgate Hospital and Medical Center, Denton

AH81-0217-013

Texas Children's Hospital, Houston

AH81-0305-007

Hermann Hospital, Houston

AH81-0306-002

North Plains Hospital, Borger

AH81-0309-023

Valley Community Hospital, Brownsville

AH81-0310-010

St. Luke's Episcopal Hospital and Texas Children's Hospital, Houston
AH81-0316-008

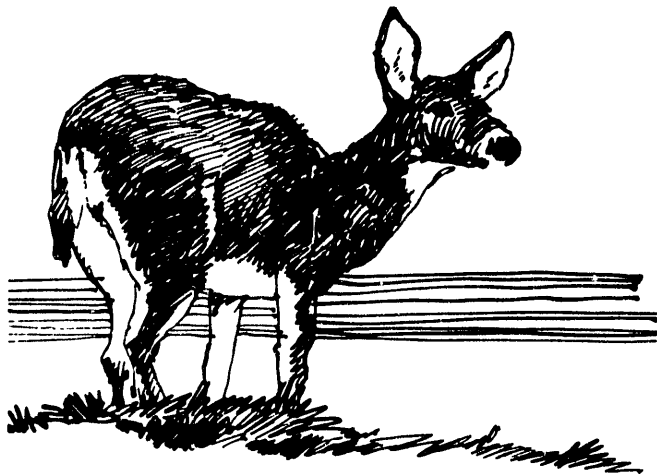
Amendment of Certificate of Need
Stephenville Hospital, Inc., Stephenville
AH78-0110-015A (03/10/81)
Midland Memorial Hospital, Midland
AH79-0328-005A (03/18/81)

Transfer of Certificate of Need
Stephenville Hospital, Inc., Stephenville
AH78-0110-015T (03/19/81)

Certificate of Need
The Methodist Hospital, Houston
AH81-0304-010
Good Shepherd Hospital, Longview
AH80-1201-054
Good Shepherd Hospital, Longview
AH80-1222-006

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: May 6, 1981, 9:45 a.m.
Doc. No. 813060



Texas Department of Mental Health and Mental Retardation

Friday, May 15, 1981, 8:30 a.m. The Personnel Committee of the board of the Texas Department of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin, to consider reappointments of superintendents at Abilene State School, Amarillo State Center for Human Development, Brenham State School, Mexia State School, and Vernon Center, respectively, and to discuss the appointment of a superintendent to Big Spring State Hospital.

Information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: May 6, 1981, 4:41 p.m.
Doc. No. 813076

Friday, May 15, 1981, 10 a.m. The Executive Committee of the board of the Texas Department of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin. According to the agenda the committee will consider the following matters: resolutions of appreciation for former board members; proposed board policy on performance contracts review of implications of recommendations in the appropriations bills—Senate Bill 156 and House Bill 656 concerning ICF/MR Program and TRIMS; Harris County psychiatric facility; Texas Department of Mental Health and Mental Retardation legislative program status; proposed amendment to Rule 302.01.07.004 (concerning appointment; terms of service of heads of institutions) and Subchapter 302.04.35 (concerning comprehensive diagnostic and evaluation centers); duties of the commissioner; and Texas Department of Mental Health and Mental Retardation organization.

Information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: May 6, 1981, 4:42 p.m.
Doc. No. 813077

Friday, May 19, 1981, 2 p.m. The board of the Texas Department of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin. According to the summarized agenda, the board will consider the following matters: San Angelo workshop status report; naming of Fort Worth State School wilderness park; Abilene State School commercial lease; fund transfers between central office central administration program subitems; quarterly budget additions and revisions; reappointment consideration of superintendents at Abilene, Brenham, Mexia State School; Amarillo State Center for Human Development and Vernon Center; Big Spring State Hospital superintendent appointment; resolutions of appreciation for former board members; proposed board policy on performance contracts; implications of recommendations in the appropriations bills—Senate Bill 159 and House Bill 656 concerning ICF/MR Program and TRIMS; Harris County psychiatric facility; Texas Department of Mental Health and Mental Retardation legislative program status; proposed amendment to Rule 302.01.07.004 (concerning appointment; terms of service of heads of institutions) and Chapter 302.04.35 (comprehensive diagnostic and evaluation centers); and duties of the commissioner; and Texas Department of Mental Health and Mental Retardation organization.

Information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: May 6, 1981, 4:42 p.m.
Doc. No. 813078

Friday, May 22, 1981, 9:30 a.m. The Medical Advisory Committee of the Texas Department of Mental Health and Mental Retardation will meet in Room 240, 909 West 45th Street, Austin, to consider the following matters: progress report of meeting with Community Services Division on "Principles and Standards;" final draft of "Mission Statement;" status reports from subcommittees studying research, training, and impact on services to facilities of TRIMS; and report of surveys on pharmacy services conducted through the commissioner's annual administrative and program review.

Information may be obtained from Charles R. Schotz, Box 12668, Austin, Texas 78711, (512) 465-4503.

Filed: May 6, 1981, 4:42 p.m.
Doc. No. 813079

Public Utility Commission of Texas

Friday, May 15, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3871—application of Gulf States Utilities Co., for a water rate increase.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: May 5, 1981, 2:53 p.m.
Doc. No. 812997

Wednesday, June 24, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider the following dockets:

Docket 3620—application of Briarcliff Utilities, Inc., for a rate increase within Travis County.

Docket 3621—Application of Lake Kiowa Utilities, Inc., for a rate increase within Cooke County (water).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: May 6, 1981, 9:38 a.m.
Doc. No. 813061

Wednesday, July 1, 1981, 9:30 a.m. The Public Utility Commission of Texas is rescheduling a hearing to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider Docket 3645—petition of Mobilephone Company to show cause why it should not be ordered to make refunds. The hearing was originally scheduled for May 21, 1981.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: May 6, 1981, 2:21 p.m.
Doc. No. 813065

Texas State Soil and Water Conservation Board

Wednesday, May 21, 1981, 2 p.m., and will reconvene Thursday, May 21, 1981, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 1006 First National Building, Temple. According to the agenda, the board will consider the following matters: district director appointments; PL 83-566 watershed and flood prevention program; 1982-83 biennium budget request; PL 92-500, Section 208;

Resource Conservation Act (state plan); matching funds for 1980-81 fiscal year; 1981-82 annual meetings; and elect of ficers for 1981-82.

Information may be obtained from A. C. Spencer, 1002 First National Building, Temple, Texas 76501, (817) 773-2250 or STS 820-1250.

Filed: May 6, 1981, 9:37 a.m.
Doc. No. 813063

University System of South Texas

Thursday, May 14, 1981, 8:30 a.m. The Building Committee of the University System of South Texas will meet in Conference Room I of the Student Center, Corpus Christi State University, 6300 Ocean Drive, Corpus Christi. According to the agenda, the committee will consider reports on Corpus Christi State University, Texas A&I University, and Laredo State University.

Information may be obtained from William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: May 7, 1981, 9:11 a.m.
Doc. No. 813093

Thursday, May 14, 1981, 9 a.m. The Board of Directors of the University System of South Texas will meet in Conference Room II of the Student Center, Corpus Christi State University, 6300 Ocean Drive, Corpus Christi. According to the summarized agenda, the board will consider the following matters: minutes of March 12, 1981, meeting; gifts and donations; budget changes; fee changes; acquisition of computer equipment at Corpus Christi State University, personnel action; reports from standing committees, Presidents Cowart, Meyer, Sugg, and Chancellor Leach; personnel matters; acquisition of real estate and legal matters within the University System of South Texas; and time and place of next meeting.

Information may be obtained from William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: May 7, 1981, 9:11 a.m.
Doc. No. 813094

Commission on Standards for the Teaching Profession

Thursday, May 14, 1981. The following committees of the State Commission on Standards for the Teaching Profession will meet in the third floor conference room, 158 East Riverside Drive, Austin, at the times indicated below:

9:30 a.m. The Committee on Visiting Teams will discuss procedures for training visiting teams.

11 a.m. The Interim Reports Committee will consider the University of Texas at San Antonio interim report.

2 p.m. The Committee on Certification Programs and Requirements will discuss procedures for reviewing program standards, fees for certificates, consideration of court order, Civil Action 5281 (bilingual education).

Information may be obtained from Elmer Russel, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: May 5, 1981, 12:34 p.m.
Doc. Nos. 812985-812987

Thursday, May 14, 1981, 6 p.m. The Executive Committee of the State Commission on Standards for the Teaching Profession will meet in closed session at the Ramada Inn, 300 East 11th Street, Austin, in accordance with Texas Civil Statutes, Article 6252-17(g). The committee will discuss personnel matters.

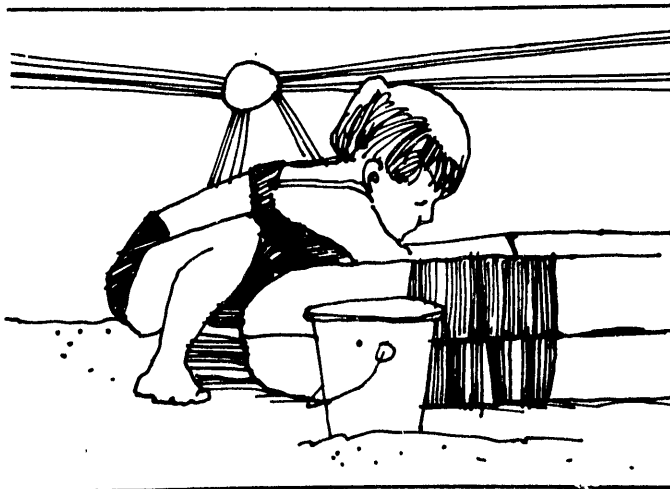
Information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: May 5, 1981, 12:34 p.m.
Doc. No. 812988

Friday, May 15, 1981, 9 a.m. The State Commission on Standards for the Teaching Profession will meet in the fourth floor auditorium of the Teacher Retirement System Building, 1001 Trinity, Austin. According to the agenda summary, the commission will consider the following: college university reports—interim reports, individual programs, visiting team reports; plan for implementing institutional standards; procedures for reviewing program standards; fees for certificates; report of committee on recruiting and training visiting teams; consideration of court order, Civil Action 5281 (bilingual education).

Information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas, (512) 475-0164.

Filed: May 5, 1981, 12:34 p.m.
Doc. No. 812989



Texas State Technical Institute

Wednesday, May 13, 1981, 10 a.m. The Executive Committee of the Texas State Technical Institute Board of Regents will meet at TSTI, Amarillo, to accept the appraisal of the electrical distribution system.

Information may be obtained from Theodore A. Talbot, TSTI-Waco, Waco, Texas 76705, (817) 799-3611, ext. 385.

Filed: May 6, 1981, 10:31 a.m.
Doc. No. 813064

Texas Tech University

Thursday, May 14, 1981, 10 a.m. The Campus and Building Committee of the Texas Tech University Board of Regents will meet in executive session in Committee Room B, board suite, Administration Building, Lubbock, and to consider the following matters: reports and review of administrative actions; award of construction contract for renovation of north wing of Gaston Res Hall; rehabilitation of dry food storage and freezer storage in the university central kitchen; installation of passenger elevator at Journalism Building; utility tunnel to serve petroleum engineering (north tunnel system, Ph. III); Phase I of intercollegiate baseball field; and authorization of president to proceed with planning and bids for installation of passenger elevator in Drane Hall.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:15 a.m.
Doc. No. 813080

Thursday, May 14, 1981, 10 a.m. The Campus and Building Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in executive session in Committee Room B, board suite, Administration Building, Lubbock, and to consider the following matters: reports and review of administrative actions; and granting authority to president and CEO to plan and construct clinical laboratory and teaching area in center section, first floor, Thompson Hall.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161

Filed: May 7, 1981, 9:13 a.m.
Doc. No. 818081

Thursday, May 14, 1981, 11 a.m. The Finance Committee of Texas Tech University Board of Regents will meet in executive session in Committee Room A, board suite, Administration Building, Lubbock, and to consider the following matters: reports and review of administrative actions; upgrading 403(b) Tax Sheltered Annuity Program and Optional Retirement Program; amendment of IAC amount between Texas Tech University and Texas Tech University Health Sciences Center; IAC between Texas Tech University and Texas Tech University Health Sciences Center for services and supplies provided by Health Sciences Center; IAC between Texas Tech University and Texas Tech University for services and supplies provided by Texas Tech University; IAC for use of space in Thompson Hall; negotiation of concession contract with

Coca Cola and B&M Vending; increase in amount of revolving fund; award of campus bus service contract; revise board policy for lease of mineral interest of Texas Tech University; extension of lease agreement with Atchison, Topeka, and Santa Fe; lease of aircraft with option to purchase; residence hall rate for 1981-82; ratification items; delegation officers and administrators to approve expenditure of appropriate funds and sign checks; Jessie W. Thornton Estate oil and gas lease; reports on energy conservation study; contractual arrangement with various support groups; and guidelines for center for professional development.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:16 a.m.
Doc. No. 813082

Thursday, May 14, 1981, 11 a.m. The Finance Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in executive session in Committee Room A, board suite, Administration Building, Lubbock, and to consider the following matters: reports and review of administrative actions; upgrade 403(b) Tax Sheltered Annuity program and Optional Retirement Program; amend amount of IAC (80-81)-0230 between Texas Tech University Health Sciences Center and Texas Tech University; IAC between Texas Tech University and Texas Tech University Health Sciences Center for services and supplies provided by Texas Tech University Health Sciences Center; IAC between Texas Tech University and Texas Tech University Health Sciences Center for services and supplies provided by Texas Tech University; IAC between Texas Tech University and Texas Tech University Health Sciences Center for use of space in Thompson Hall; negotiation of concession contracts with Coca Cola and B&M Vending Company; increase in amount of revolving fund; facilities-use-fee contract with Lubbock General Hospital; revised board policy for lease of mineral interests of Texas Tech University Health Sciences Center; ratification items—delegation of officers and administrators to approve travel, approve expenditures from appropriated funds, and sign checks; reports on tuition proposal for School of Nursing, energy conservation study; and contractual arrangement with various support groups.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:14 a.m.
Doc. No. 813083

Thursday, May 14, 1981, 1 p.m. The Executive Committee of Texas Tech University Board of Regents will meet in Committee Room B, board suite, Administration Building, Lubbock, in executive session, and to consider reports and review of administrative actions, and discuss update on legal actions.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:15 a.m.
Doc. No. 813084

Thursday, May 14, 1981, 1 p.m. The Public Affairs, Development, and University Relations Committee of the Texas Tech University Board of Regents will meet in Committee Room A, board suite, Administration Building, Lubbock, in executive session, and to consider the following matters: reports and review of administrative actions; acceptance of Charles Bates Thornton professorship in engineering, and the George Herman Mahon professorship in law; and report from director of university news and publications.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:15 a.m.
Doc. No. 813085

Thursday, May 14, 1981, 1 p.m. The Executive Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in Committee Room B, board suite, Administration Building, Lubbock, in executive session, and to review administrative actions; and discuss update on legal action.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:13 a.m.
Doc. No. 813086

Thursday, May 14, 1981, 1 p.m. The Public Affairs, Development and University Relations Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in Committee Room A, board suite, Administration Building, Lubbock, in executive session and to consider the following matters: reports and review of administrative actions; report from director of university news and publications; and report on legislative matters.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:14 a.m.
Doc. No. 813087

Thursday, May 14, 1981, 3 p.m. The Academic and Student Affairs Committee of Texas Tech University Board of Regents will meet in Committee Room A, board suite, Administration Building, Lubbock, in executive session, and to consider the following matters: reports and review of administrative actions; granting of academic tenure with appointment; student service fee; designation of horn professors; revision of paragraph three of statement on security clearance for exclusion of certain members of the Board of Regents; ratification items—leaves of absence; student service fee schedule for Summer 1981; and student service fee schedule for Fall 1981.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:15 a.m.
Doc. No. 813088

Thursday, May 14, 1981, 3 p.m. The Academic and Student Affairs Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in Committee Room A, board suite, Administration Building, Lubbock, in executive session, and to consider the following matters: reports and review of administrative actions; granting academic tenure with appointment; student service fee; bulletin of proposed Texas Tech University Health Sciences Center school of nursing; faculty bylaws of proposed Texas Tech University Health Sciences Center school of nursing;

amendment and addition specification for proposed school of nursing to regents' rule on faculty business and professional relations dealing with Texas Tech University Health Sciences Center Tenure Policy; and ratification item concerning conferring of degrees.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:14 a.m.
Doc. No. 813089

Thursday, May 14, 1981, 4 p.m. The Athletic Affairs Committee of Texas Tech University Board of Regents will meet in Committee Room B, board suite, Administration Building, Lubbock, in executive session, and to consider the following matters: personnel matters; evaluation of administrative structure of athletic department; and report on athletic department facilities.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:15 a.m.
Doc. No. 813090

Friday, May 15, 1981, 8:30 a.m. The Texas Tech University Health Sciences Center Board of Regents will meet in the board room, board suite, Administration Building, Lubbock, in executive session, and to consider reports and action of the following: minutes; academic and student affairs; finance; campus and building; public affairs; and development and university relations.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:13 a.m.
Doc. No. 813091

Friday, May 15, 1981, 8:30 a.m. and 11:10 a.m. The Texas Tech University Board of Regents will meet in the board room, Board of Regents Suite, Administration Building, Lubbock, in executive session, and to consider reports and action on the following: minutes academic and student affairs; finance; campus and building; public affairs; development and university relations; and Committee of the Whole.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 7, 1981, 9:14 a.m.
Doc. No. 813092

Texas Water Commission

Thursday, June 4, 1981, 10 a.m. The Texas Water Commission will conduct the following hearings in the Houston-Galveston Area Council Annex 1, 3701 West Alabama, Houston. The summarized agendas are given below:

Pin Oak Village, Inc., % Smith and Murdaugh, Houston, has applied for a permit to authorize a discharge of the following volumes of treated domestic sewage effluent. The applicant proposes to use the proposed waste water

treatment plant to treat domestic waste water from a single family residential development in the proposed Fort Bend Municipal Utility District 37.

Dr. Anil K. Sinha, Pearland, has applied for a permit to authorize a discharge of 8,000 gallons per day of treated domestic sewage effluent. The applicant proposes to treat domestic sewage from a nursing home and a small five-unit apartment complex in Brazoria County.

Affiliated Equities, Inc., Houston, has applied to the Texas Department of Water Resources for a permit to authorize a discharge of 30,000 gallons per day of treated domestic sewage effluent. The applicant proposes to treat the domestic waste water from the Bluewater Country Club in the proposed waste water treatment plant in Montgomery County.

Information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: May 5, 1981, 11:08 a.m.
Doc. Nos. 812978-812980

Thursday, June 11, 1981, 10 a.m. The Texas Water Commission will conduct the following hearings in the Houston-Galveston Area Council Annex 1, 3701 West Alabama, Houston. The summarized agendas are given below:

RJS Development Company, Inc., has applied for a permit to authorize a discharge of 100,000 gallons per day of treated domestic sewage effluent. The applicant proposes to construct waste water treatment facilities to serve the domestic needs of a hotel and an office building complex in Harris County.

Dean Heil Construction Inc., Houston, has applied for a permit to authorize a discharge of 3,000 gallons per day of treated domestic sewage effluent. The applicant proposes to construct waste water treatment facilities to serve the domestic needs of tenants and customers of a warehouse complex in Harris County.

Information may be obtained from David Hume, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711.

Filed: May 5, 1981, 11:07 a.m.
Doc. Nos. 812981 and 812982

Thursday, June 11, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 618 of the Stephen F. Austin Building, Austin, on Application 4120 of Arnold G. Hlavinka and Edward L. Hlavinka for a permit to divert 889 acre-feet directly from Blue Creek, tributary of Colorado River, Colorado River Basin for irrigation purposes in Wharton County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 5, 1981, 3:04 p.m.
Doc. No. 812999

Friday, June 12, 1981, 10 a.m. The Texas Water Commission will conduct hearings in Room 618 of the Stephen F. Austin Building, Austin, on the following applications:

Application 3987A of the United States Department of Energy seeking an amendment to Permit 3681 to increase the total amount of state water authorized to be diverted from the Brazos River, Brazos River Basin, relating to the leaching and displacement phases of the Bryan Mound Salt Dome Project, Brazoria.

Application 4121 of Benito D. Cabriales and wife, Maria A. Cabriales seeking a permit to divert and use 38 acre-feet of water from the San Antonio River, San Antonio River Basin, for irrigation purposes in Wilson County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 5, 1981, 3:05
Doc. Nos. 813000 and 813001

Tuesday, June 16, 1981, 10 a.m. The Texas Water Commission will conduct a public hearing in the Houston-Galveston Area Council Annex 1, 3701 West Alabama, Houston. According to the agenda summary, the commission will consider the application of Force, Inc., Houston, for a permit to operate a commercial Class I, II, and III wastes storage and processing facility in Houston. The proposed permit authorizes the receipt, storage, and processing of certain Class I, II, and III wastes in Harris County.

Information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: May 5, 1981, 11:09 a.m.
Doc. No. 812983

Wednesday, June 17, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin, on petition of Medina County Water Control and Improvement District 3 for waste disposal and flood prevention authority.

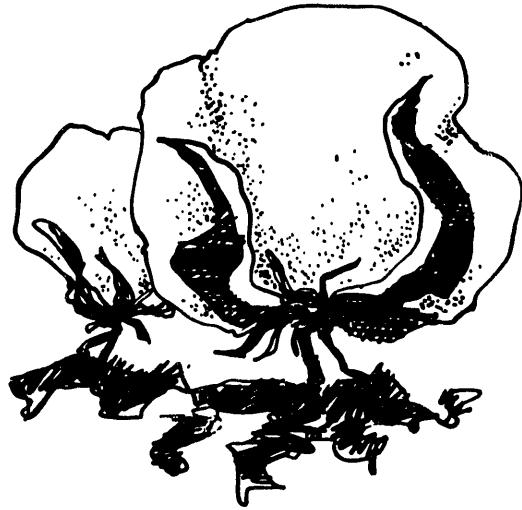
Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 6, 1981, 3:11 p.m.
Doc. No. 813070

Thursday, June 18, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin, on application of Texas Utilities Services, Inc., (RE-0166) seeking approval of preliminary plans for construction of certain improvements on Walnut Creek, tributary of Little Brazos River, in Robertson County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 5, 1981, 3:04 p.m.
Doc. No. 813002



Regional Agencies

Meetings Filed May 5, 1981

The Central Appraisal District of Taylor County, Board of Directors, will meet in the commissioners courtroom, second floor, Taylor County Courthouse, on May 14, 1981, at 7:30 p.m. Information may be obtained from Richard Petree, P.O. Box 3738, Abilene, Texas 79604, (915) 677-1711, ext. 222.

The Education Service Center, Region XVI, Board of Directors, will meet at 1601 South Cleveland, Amarillo, on May 21, 1981, at 1 p.m. Information may be obtained from Dr. Kenneth M. Laycock, Box 30600, Amarillo, Texas 79120, (806) 376-5521.

The Tri-Region Health Systems Agency, Nortex Subarea Advisory Council, will meet in Room 101 of the Memorial Auditorium, 1300 7th Street, Wichita Falls, on May 14, 1981, at 7 p.m. Information may be obtained from Susan Bennett, 2642 Post Oak Road, Abilene, Texas, (915) 698-9481.

Doc. No. 812992

Meetings Filed May 6, 1981

The Concho Valley Council of Governments, Executive Committee, will meet at 5002 Knickerbocker Road, San Angelo, on May 13, 1981, at 7 p.m. Information may be obtained from Robert R. Weaver, 5002 Knickerbocker Road, San Angelo, Texas 76901, (915) 944-9666.

The Education Service Center, Region I, Board of Directors, will meet at 1906 West Schunior, Edinburg, on May 12, 1981, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

The Education Service Center, Region III, Board of Directors, met at 1905 Leary Lane, Victoria, on May 11, 1981, at 1

p.m. Information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731.

The Education Service Center, Region X, Board of Directors, will meet at the Region 10 board room, 400 East Spring Valley, Richardson, on May 13, 1981, at 10 a.m. Information may be obtained from H. W. Goodgion, 400 East Spring Valley, Richardson, Texas, (214) 231-6301.

The Education Service Center, Region XIII, Board of Directors and Joint Committee, will meet in Conference Room 101 of the Education Service Center, Region XIII, 7703 North Lamar, on May 18, 1981, at 7 p.m. Information may be obtained from Dr. Joe Parks, 7703 North Lamar, Austin, Texas, (512) 458-9131.

Doc. No. 813066

Meetings Filed May 7, 1981

The Education Service Center, Region IX, Board of Directors, will meet at 301 Loop 11, Wichita Falls, on May 14, 1981, at 9 a.m. Information may be obtained from H. M. Fullerton, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

The Education Service Center, Region XII, Administrative—Board of Directors, will meet at 401 Franklin Avenue, Waco, on May 21, 1981, at 7:30 p.m. Information may be obtained from Mack W. Mullins, 401 Franklin Avenue, P.O. Box 1249, Waco, Texas 76703.

Doc. No. 813095

The following documents are required to be published in the *Register*: applications to purchase control of state banks filed by the Banking Commissioner of Texas pursuant to Texas Civil Statutes, Article 342-401a(B)(6); changes in interest rate filed by the Savings and Loan Commissioner of Texas pursuant to Texas Civil Statutes, Article 5069-1.07; and consultant proposal requests and awards filed by state agencies, regional councils of government, and the Texas State Library pursuant to Texas Civil Statutes, Article 6252-11c. In order to allow agencies to communicate information quickly and effectively, other information of general interest to the public of Texas is published as space allows.

Texas Air Control Board

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of April 27, through May 1, 1981.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Week Ending May 1, 1981

Lone Star Industries, Inc., Dallas; shop property ready-mix plant; 1946 California Crossing; 639A; source unavailable

Tarrant Concrete, Co., Inc., Alvarado; concrete batch plant; IH 30 bypass; 6611A; new source

City Rendering Co., Devine; rendering; 8423 Quintana Road; 8776; new source

Farrell-Cooper Mining Co., Corpus Christi; unloading and stockpiling of coal; location unavailable; 8777; new source

Champlin Petroleum Co., Corpus Christi; coker complex; 1801 Nueces Bay Boulevard; 8778; new source

U. S. Intec, Inc., Port Arthur; App compound and roofing membranes manufacturing; West Port Arthur Road; 8779; new source

J. M. Huber Corp., Borger; furnace carbon black and thermal carbon black; Borger Carbon Black Plant; 8780; new source

Keown Supply Co., Conroe; production of asphaltic concrete; Keown Conroe; 8781; new source

Texas City Refining, Inc., Texas City; steam boiler; Loop 197 East; 8782; new source

Cabot Corp., Pampa; unit 5 carbon black manufacturing; U.S. Highway 60; 8783; new source

Exxon Co., U.S.A., Refugio; cryogenic gas plant; Tomoconner Gas Plant; 8784; new source

Issued in Austin, Texas, on May 4, 1981.

Doc. No. 812975 Ramon Dasch
 Director of Hearings
 Texas Air Control Board

Filed: May 5, 1981, 9:23 a.m.

For further information, please call (512) 451-5711, ext. 354.

Request for Proposal

Impact Assessment of Emissions from Designated §111(d) Processes

The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide professional engineering services to the agency concerning assessment of public health and welfare impact of emissions from designated §111(d) processes. (This request for proposals is not filed under the provisions of Article 6252-11c.)

Description of Services. The purpose of this contract is to determine if, in Texas, public health and welfare are being affected adversely by certain specified pollutant emissions from processes covered by EPA guidelines for control documents as directed by the Federal Clean Air Act, §111(d), as amended. If so, and if significant air quality benefits would result, control strategies should be recommended to reduce ambient pollutant concentrations. This assessment and recommendation will be based on:

(1) site specific determinations of current levels of and evaluations of impact of fluoride emissions from phosphate fertilizer plants and primary aluminum plants, total reduced sulfur emissions from Kraft pulp mills, and sulfuric acid mist emissions from primary sulfuric acid plants located in Texas;

(2) comparison of results of these site-specific analyses to published information on levels at which adverse health or welfare impacts may be anticipated;

(3) comparison of existing control levels and requirements for each site with available controls including an assessment of technical practicality and estimated net capital and annual operating costs of each and estimated impact of each control technique on air quality and the economic viability of each site; and

(4) determination of the probability that additional control on the designated process will improve air quality.

Procedure for Selecting Consultant. The TACB shall select and award such contracts and engage such services on the basis of demonstrated competence and qualifications for the type of professional services to be performed and at fair and reasonable prices. This contract is to be funded by a grant from the EPA and execution will be dependent on timely receipt of funds by the TACB from that agency.

Due Date for Offers; Effective Date of Contract; Amount of Contract. The last day for receipt of offers shall be May 29, 1981. The contract shall become effective after being signed by the executive director of the TACB and the selected firm. It shall terminate on December 31, 1981. Funds expended under this contract for these services will not exceed \$70,000.

Contact Person. Any private consultant interested in providing the described services should obtain a copy of the statement of work by contacting Jim McCausland, Control Strategy Division, TACB, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Issued in Austin, Texas, on May 5, 1981.

Doc. No. 813004 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: May 6, 1981, 9:03 a.m.

For further information, please call (512) 451-5711, ext. 354

Seminar on the Federal Clean Air Act Transportation/Air Quality Planning Process

The Texas Air Control Board, in conjunction with the Houston-Galveston Area Council (H-GAC), is sponsoring a seminar on the Federal Clean Air Act Transportation/Air Quality Planning Process on Thursday, May 21, 1981. The meeting will be in the Houston-Galveston Area Council Annex 1 at 3701 West Alabama, Houston, Texas 77027. Focus of the seminar will be transportation planning policy, which is related to development of State Implementation Plan revisions in Harris County.

During the morning of May 21, representatives from the Texas Air Control Board, City of Houston Health Department, the Houston Metropolitan Transit Authority, the U.S. Environmental Protection Agency, and the Houston-Galveston Area Council will discuss federal transportation/air quality policy issues.

On the afternoon of May 21, the seminar will hear reports from Houston-Galveston Area Council consultants on analyses of measures to reduce transportation-related pollutant emissions.

Information may be obtained from Jim Reed, control programs development section, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Issued in Austin, Texas, on May 5, 1981.

Doc. No. 813006 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: May 6, 1981, 9:26 a.m.

For further information, please call (512) 451-5711, ext. 354.

Banking Department of Texas Applications To Purchase Control of State Banks

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

On May 4, 1981, the banking commissioner received an application to acquire control of Western State Bank in Midland, by B. G. Barton, Lee Caldwell, E. Allen Daigle, D. Truitt Davis, Eddie W. Dunn, Don Earney, Edward R. Goode, Walter V. Rinehart, Harold Loyd Shaw, and John R. Thompson—all of Abilene; John B. Billingsley, Jr., G. Art Donnelly III, Thomas O. Harrell, Jr., W. Goodrich Hejl, Ray Johnson, William H. Jowell, Roy E. Kimsey, Jr., Jack E. Nini, Homer Pace, Jr., Joe Bill Pierce, George Thomas, and Jack W. Young—all of Midland; J. W. Campbell of Pampa; Michael M. Fowler and James U. King of Houston; John Luciani of Allendale, New Jersey; Eugene R. Sanders of Dallas; John E. Musselman, Jr. of Austin; and Cloyce A. Talbott of Snyder.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on May 6, 1981.

Doc. No. 813005 O. A. Cassity
Assistant General Counsel
Banking Department of Texas

Filed: May 6, 1981, 9:27 a.m.

For further information, please call (512) 475-4451.



Texas Health Facilities Commission Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of May 5-6, 1981.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the applica-

tion. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in §511.5 (315.20.01.050). Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Texas Civil Statutes, Article 4418(h), §3.02 or §3.03, and §§505.81 and §505.82 (315.17.04.010 and .030), §§505.91-505.93 (315.17.05.010, .020, and .030), §§507.81-507.83 (315.18.04.010, .020, and .030), and §§507.91-507.93 (315.18.05.010, .020, and .030).

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

Lavaca Hospital District for Lavaca Medical Center,
Hallettsville (5/5/81)

AH81-0428-008

EC—Request to expand physical therapy services presently provided by the acquisition of various items of new equipment

Fort Bend Community Hospital, Sugarland (5/5/81)
AH75-1010-007A (042781)

AMD/EC—Request to amend Exemption Certificate AH75-1010-007 by extending the deadline for commencement of construction and project completion (the exemption certificate authorized a 42-bed replacement hospital in Sugarland, with no new services to be provided)

Scott and White Memorial Hospital and Scott,
Sherwood, and Brindley Foundation, Temple
(5/5/81)

AH79-1219-011A (042381)

AMD/CN—Request to extend the completion deadline in Certificate of Need AH79-1219-011, which authorized the acquisition of additional data processing equipment

Southwest Texas Methodist Hospital, San Antonio
(5/6/81)

AH81-0501-003

EC—Request to equip an existing operating room at Methodist Hospital to perform open heart surgery, as an expansion of services presently provided, and also as backup for various cardiovascular emergencies

Malone-Hogan Hospital, Inc., Big Spring (5/5/81)
AH81-0429-015

EC—Request to purchase an automated chemistry analyzer for the hospital laboratory

St. Luke's Episcopal Hospital and Texas Children's
Hospital, Houston (5/5/81)

AH81-0429-009

EC—Request to lease an additional 581 square feet of space on the eighth floor of the Medical Towers Building for use by the photographic services and creative arts department

Livingston Memorial Hospital, Livingston (5/5/81)

AH81-0429-017

EC—Request to construct a free-standing modular building on site in order to expand and house the central supply, housekeeping, and maintenance functions, and also provide in-house laundry as an expansion of housekeeping

Issued in Austin, Texas, on May 6, 1981.

Doc. No. 8*3008

Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities Commission

Filed: May 6, 1981, 9:45 a.m.

For further information, please call (512) 475-6940.

Legislative Information System of Texas

Toll-Free Telephone Number

The Texas Senate and House of Representatives are providing information on the activities of the 67th Legislature through a toll-free statewide WATS line to the Legislative Information System of Texas (LIST).

Information available includes bill status, schedules and agendas of committee meetings and hearings, and lists of bills by author, committee, and subject.

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

Texas Savings and Loan Department Applications To Establish Remote Service Units

Notice is hereby given that applications have been filed with the savings and loan commissioner of Texas for approval to establish and operate remote service units.

Application has been filed by Longview Savings and Loan Association, Longview, Gregg County, for a remote service unit to be located 100 feet west of entrance to Longview Mall, Longview, Gregg County.

Application has also been filed by Hardin Savings and Loan Association, Silsbee, Hardin County, for a remote service unit to be located at Highway 96, Lumberton, Hardin County.

The applicants' associations assert that security of the association's funds and that of its account holders will be maintained; and the proposed service will be a substantial convenience to the public.

Anyone desiring to protest the above application must file a written protest with the commissioner within 10 days following this notice. The commissioner may dispense with a hearing.

These applications are filed pursuant to §§53.11-53.15 (056.02.00.011-.016) of the rules and regulations for savings and loan associations. Such rules are on file with the Office of the Secretary of State, Texas Register Division, or may be seen at the department's offices at 1004 Lavaca, Austin.

Issued in Austin, Texas, on May 4, 1981.

Doc. No. 812990 & L. Alvis Vandygriff
812991 Commissioner
Texas Savings and Loan Department

Filed: May 5, 1981, 1:14 p.m.
For further information, please call (512) 475-7991.

Office of the Secretary of State Texas Register

Implementation of Senate Bill 193

Senate Bill 193, sponsored by Senator Ray Farabee, was signed into law by Governor Clements on April 30, 1981, to be effective on that date. Portions of the bill relate to information contained in the *Texas Register* and the *Texas Adminis-*

trative Code and provide for the following amendments to the Administrative Procedure and Texas Register Act (APTRA) and to the Texas Administrative Code Act (ACA).

The APTRA, Texas Civil Statutes, Article 6252-13a, §4, is amended by adding subsection (c) as follows:

(c) The contents of the *Texas Register* are to be judicially noticed and constitute prima facie evidence of the text of the documents and of the fact that they are in effect on and after the date of the notation. Without prejudice to any other mode of citation, the contents of the *Texas Register* may be cited by volume and page number.

The ACA, Texas Civil Statutes, Article 6252-13b, §4, is amended as follows:

Section 4. The codified rules of the agencies published in the *Texas Administrative Code*, as approved by the secretary of state and as amended by documents subsequently filed with the office of the secretary of state, are to be judicially noticed and constitute prima facie evidence of the text of the documents and of the fact that they are in effect on and after the date of the notation

The effect of the amendments to §4 of the APTRA and ACA will eliminate official certification of documents by the Office of the Secretary of State since material contained in the *Texas Register* and the *Texas Administrative Code* will hereafter be admissible in court as evidence.

Questions regarding the amendment of Senate Bill 193 may be directed to Charlotte Scroggins, director, Texas Register Division, fifth floor, Sam Houston Building, Austin, Texas 78711, (512) 475 7886.



Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System

Noncodified (251.05.06.002) 1696

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §1.30 (301.01.02.010) 1691
25 TAC §§325.4-325.7 (301.82.01.019-.022) 1674

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

31 TAC §§51.8, 51.9 (127.01.01.008) 1691
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Part X. Texas Water Development Board

31 TAC §§313.1, 313.2 (156.09.01.001, .002) 1692
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TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

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Part III. Teacher Retirement System of Texas

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