

TEXAS REGISTER

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TEXAS DOCUMENTS

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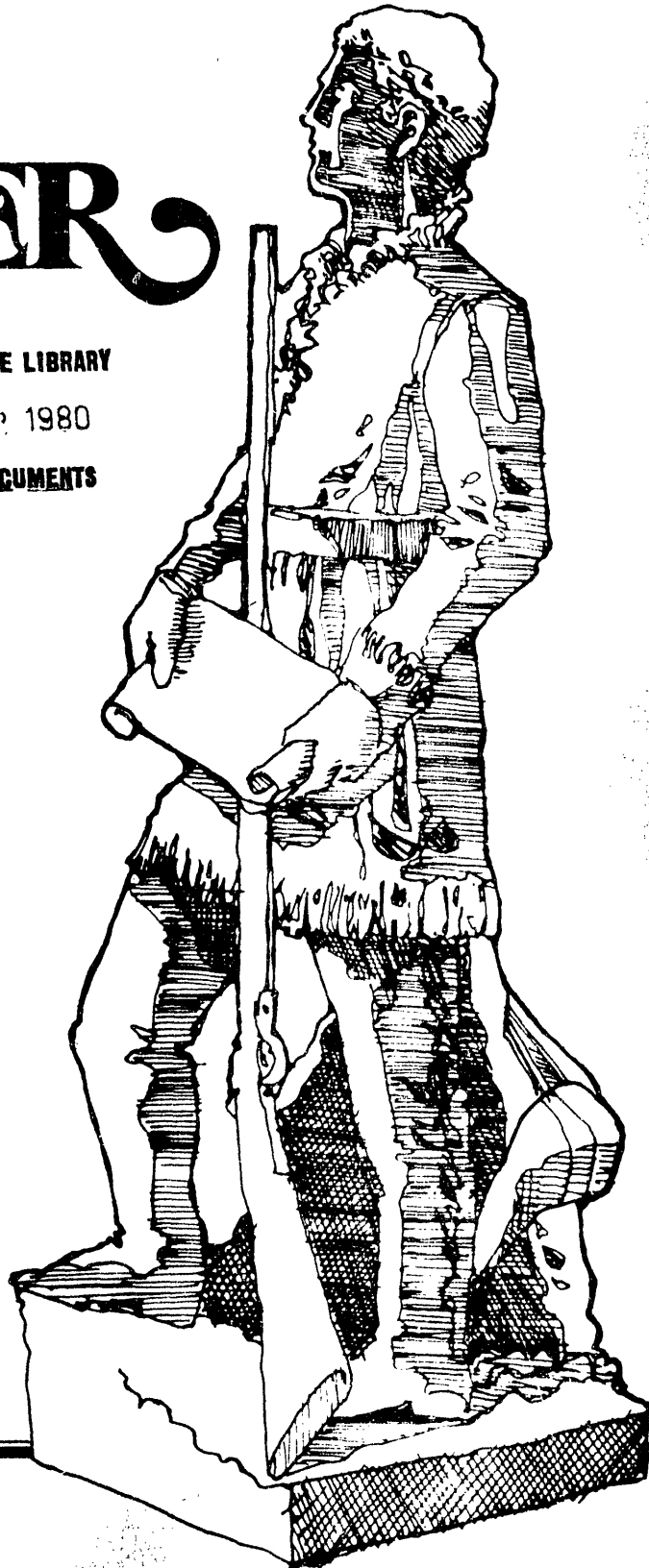
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Office of the Secretary of State

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, 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. 3, Aug. 80

HOW TO CITE: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

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

TEXAS REGISTER

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George W. Strake, Jr.
Secretary of State

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Article 4399, Vernon's Texas Civil Statutes, requires the attorney general to give written opinions to certain public officials. The Texas Open Records Act, Article 6252-17a, Section 7, Vernon's Texas Civil Statutes, 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 requests, opinions, and open records decisions may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78701, telephone (512) 475-5445.



Opinions

Summary of Opinion MW-259 (RQ-353)

Request from Ben Z. Grant, chairman, Judiciary Committee, Texas House of Representatives, Austin, concerning failure to timely apply for residence homestead exemptions and related matters.

Summary of Opinion: A legislatively designated cutoff date for homestead exemption claims under Article VIII, Section 1-b, of the Texas Constitution, will not alone operate to deprive a taxpayer of an exemption, but the taxpayer may become estopped to claim the exemption if his delay makes its recognition administratively impracticable.

Doc. No. 808348

Open Records Decisions

Summary of Open Records Decision ORD-257 (RQ-323 & RQ-385)

Request from Robert K. Nordhaus, city attorney, Plano, and William H. Bingham, McGinnis, Lockridge, and Kilgore, Austin, concerning whether the identity of a person applying for a position with a governmental agency constitutes public information under the Open Records Act.

Summary of Decision: An open records request was made of the appropriate governmental body for the names of unsuccessful applicants for the position of school superintendent in the Austin Independent School District and for the list of finalists for the position of chief of police of the City of Plano.

It was determined that these names were not excepted from disclosure under any provision of the Open Records Act and should be disclosed. Neither a constitutional nor common-law right of privacy protected these names from disclosure. Nor did release of this information constitute a clearly unwarranted invasion of personal privacy under Section 3(a)(2) of the Open Records Act. Open Records Decision 223 (1979), which held that the names of applicants for the position of superintendent of schools could be withheld from public disclosure, is overruled.

Doc. No. 808418

Summary of Open Records Decision ORD-258 (RQ-387)

Request from Brent P. Burford, assistant city attorney, Irving, concerning whether records relating to transportation of patients by a city operated emergency medical service are public under the Open Records Act.

Summary of Decision: A request was made of the City of Irving under the Open Records Act for records relating to transportation of patients by a city operated emergency medical service. The records in question, which identified the patient and described the treatment administered, provided relatively little detail about his condition. It was determined that the reports must be disclosed unless they revealed information excepted by a constitutional or common law right of privacy. Although the reports provided little detail, it seemed unlikely that a common law privacy interest could be demonstrated. Nonetheless, the city should routinely determine whether any incident report revealed highly intimate or embarrassing facts about a person or whether it contained information within the protection of the constitutional right of privacy.

Issued in Austin, Texas, on October 30, 1980.

Doc. No. 808419

Susan Garrison, Acting Chairwoman
Opinion Committee
Attorney General's Office

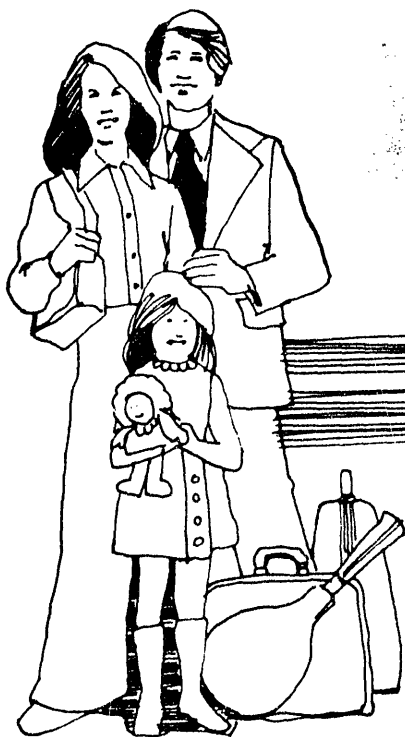
For further information, please call (512) 475-5445.

An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state 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 the emergency adoption of rules.

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 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter B. Operating Certificates, Permits, and Licenses

On October 10, 1980, the Railroad Commission of Texas received a complaint from American Magnesium Company of Snyder, a joint venture, that its plant had a dangerously low supply of carbide lime hydrate residue used by its plant in Snyder to neutralize a chlorine waste stream. Without a supply of this product, the plant conceivably could emit excessive toxic chlorine gas into the atmosphere, thereby endangering the health of the plant workers and local populace, or forcing a shutdown of this facility with an accompanying lay-off of plant employees. The present supply of this product is expected to last only through October or early November. There are no suitable substitutes for this product other than caustic soda which would require some engineering redesign of the plant, an expensive and time-consuming undertaking. The commission is satisfied that emergency temporary authority is required because no existing carriers possess the proper commodity authority, therefore, the adoption of this section is necessary to avoid imminent peril to the public health, safety, and welfare. This emergency section will be in effect for a period of 120 days, unless further extended by the commission.

This section is promulgated under Section 5(d) of the Administrative Procedure and Texas Register Act (Texas Revised Civil Statutes Annotated, Article 6252-13a, Section 5(d), Vernon Supplement 1978), as well as the jurisdiction granted the commission under the Texas Motor Carrier Act (Texas Revised Civil Statutes Annotated, Article 911b (Vernon 1964)).

§5.37 (051.03.02.024). *Emergency Temporary Authority To Transport Carbide Lime Hydrate Residue.*

(a) Beginning on October 31, 1980, and for 120 days thereafter, unless extended by the commission, Ray Harris Trucking Company, Certificate 26175, is authorized to transport carbide lime hydrate residue from the plant site of Union Carbide at or near Odessa, Texas, to the plant site of American Magnesium, a joint venture, at or near Snyder, Texas.

(b) Ray Harris Trucking Company in providing service pursuant to this section shall comply with all applicable commission rules, tariffs, and orders.

(c) This section shall take effect immediately upon filing with the Texas Register Division.

Issued in Austin, Texas, on October 27, 1980.

Doc. No. 808341 John H. Poerner, Chairman
James E. (Jim) Nugent and
Mack Wallace, Commissioners
Railroad Commission of Texas

Effective Date: October 31, 1980

Expiration Date: February 28, 1981

For further information, please call (512) 445-1340.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

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 22. EXAMINING BOARDS

Part XXIV. State Board of Veterinary Medical Examiners

Chapter 571. Licensing Examinations

The State Board of Veterinary Medical Examiners is proposing to amend §571.3 (405.01.01.003) of this title (relating to licensing examinations eligibility). The proposed amendments to §571.3 (003) of this title amend the existing section to extend the required number of days within graduation in order for applicants to be eligible for participation in the licensing examination.

The agency has determined that the proposed amendments have no fiscal implications for the state or for any units of local government.

Written comments are invited and may be sent to Judy C. Smith, acting executive secretary, State Board of Veterinary Medical Examiners, 603 Capital National Bank Building, Austin, Texas 78701, within 30 days of publication of this *Register*.

These amendments are proposed under authority contained in Section 7 of Article 7465a, Vernon's Annotated Texas Statutes.

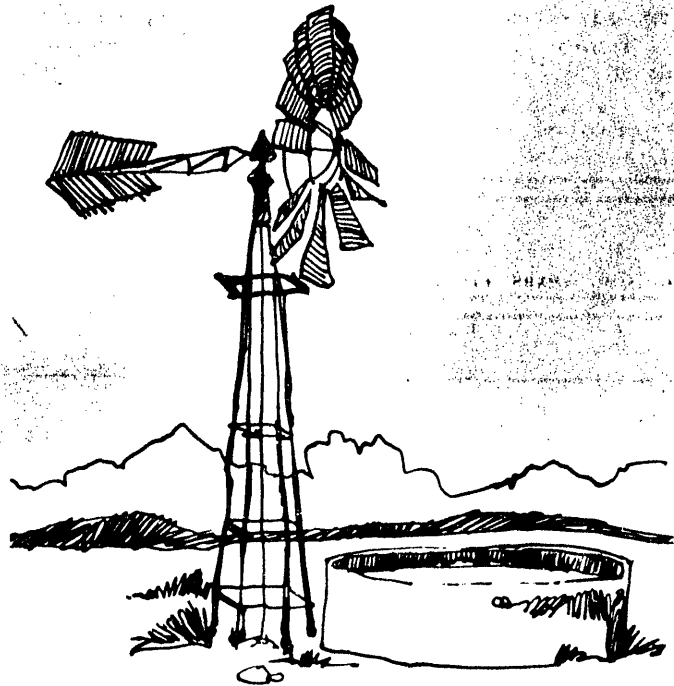
§571.3 (405.01.01.003). **Licensing Examinations Eligibility.** To be eligible to participate in licensing examinations to be

conducted by the board, an applicant must be certified by the dean of the college from which he is expected to graduate that he is in the last 120 [90] days of his veterinary college education and expected to graduate. The dean must submit a letter stating the applicant did in fact graduate and obtain his diploma before the applicant is eligible to obtain his license if he has satisfied all other requirements.

Issued in Austin, Texas, on November 3, 1980.

Doc. No. 808382 Judy C. Smith
Acting Executive Secretary
State Board of Veterinary Medical
Examiners

Proposed Date of Adoption: December 12, 1980
For further information, please call (512) 475-3933.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 101. General

The Texas Air Control Board proposes to revise its general rules, Chapter 101 (131.01), to (1) define "potential to emit" as used in "major stationary source" and "major modification," (2) add a definition for vapor-mounted seal as used in Regulation V, Chapter 115 (131.07), (3) reword §101.22 (131.01.00.023) of this title for clarity of intent, and (4) add a section concerning the use of the "bubble" concept.

Section 101.22 (023) of this title is proposed for revision to correct any possible misinterpretation that the procedural rules are affected by the general rules.

A new section, §101.23, that would incorporate the "bubble" concept of alternative emissions control also is being proposed. This section would allow any person, when required by TACB rules or regulations to add air pollution controls on a certain specified facility, to reduce emissions from another facility (which may be more economical to control) by a like or greater amount in lieu of controlling the specified facility. If this alternate emissions reduction is allowed, the originally specified process would be exempt from further control unless or until such further control is later needed to meet requirements of the Texas Clean Air Act.

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

The board has scheduled public hearings on the proposal for December 11, 1980, at 7 p.m., at the following places:

Chamber of Commerce
Board of Directors Room
400 West 4th
Odessa, Texas 76761

Texas Air Control Board Auditorium
6330 Highway 290 East
Austin, Texas

Houston Public Library
Concourse Level Meeting Room
500 McKinney
Houston, Texas 77002

Copies of the proposal are available at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposal is invited at the hearings. Specifically, should a public hearing be required prior to approval of each "bubble" arrangement. Written testimony submitted by December 22, 1980, will be included in the hearing record. The Texas Air Control Board would appreciate receiving 20 copies of testimony prior to the hearings, where possible. Written comments should be sent to the hearing examiner, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

These amendments and new section are proposed under the authority of Article 4477.5, Vernon's Texas Civil Statutes.

§101.1 (131.01.00.001 and .002). *Definitions.*

(a) In addition to the terms which are defined by the Texas Clean Air Act (Article 4477.5, Vernon's Annotated Civil Statutes), the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

Major facility/stationary source—Any facility/stationary source which (1) emits, or has the potential to emit, 100 tons per year [2,000 pounds per day, 200 pounds per hour or more, and (2) which has or will have actual or allowable emissions of 50 tons per year, 1,000 pounds per day, or 100 pounds per hour] or more of any air contaminant (including volatile organic compounds) for which a national ambient air quality standard has been issued.

Major modification—Any modification to an existing facility/stationary source which increases the facility/stationary source's potential to emit (1) potential emissions] by 100 tons per year [2,000 pounds per day, 200 pounds per hour or more, and (2) actual or allowable emis-

sions by 50 tons per year, 1,000 pounds per day, or 100 pounds per hour] or more of any air contaminant (including volatile organic compounds) for which a national ambient air quality standard has been issued.

Potential to emit—The maximum design or operational capacity of a facility/stationary source to emit a pollutant. Any physical or enforceable operational limitation on the capacity of the facility/stationary source to emit a pollutant may be treated as part of its design. Limitations may include special operating limitations, and/or restrictions on hours of operation or on the type of material combusted, stored, or processed.

Vapor-mounted seal—A primary seal mounted so there is an annular space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof or cover.

(b) (No change.)

§101.22 (131.01.00.023). *Effective Date*—The general rules contained herein shall be in force immediately and shall supersede all previous general [provisions and procedural] rules of the Texas Air Control Board.

§101.23. *Alternate Emission Reduction ("Bubble") Policy*—An owner or operator of any facility that is affected by any control requirement of TACB Regulations I, II, III, V, VII, and IX adopted on or after March 30, 1979, may, prior to compliance with such requirement, request the executive director to approve control of emissions from an alternate facility or from alternate facilities located on the affected property and owned or operated by or under the control of the owner or operator of the affected facility in lieu of compliance with the requirement as prescribed in the regulation, provided the alternate proposed controls are not required by any TACB rule, regulation, permit condition, board order, or court order. The executive director shall approve control of emissions from alternate facilities if the applicant demonstrates that the alternate controls will yield, by the date specified in the rule, emission reductions that are substantially equivalent to the emissions reductions which would otherwise be required in terms of their quantity, character, health and welfare effects, and area affected. Facilities that are excused from compliance with any TACB rule by the executive director's approval of a plan of alternate emissions control submitted under this section will be exempt from further control by that rule. However, the executive director may, after notice and opportunity for public hearing, revoke the credit or authority for alternate controls if he determines that any of the prerequisites for approval of the alternate controls are no longer met or if further emission reductions are needed to meet the intent of the Texas Clean Air Act.

Doc. No. 808390

The Texas Air Control Board proposes to amend and add to its regulations concerning air pollution control, Regulations I and IV.

Public hearings on the proposal are scheduled for December 11, 1980, at 7 p.m., at the following places:

Chamber of Commerce
Board of Directors Room
400 West 4th
Odessa, Texas 76761

Texas Air Control Board Auditorium
6330 Highway 290 East
Austin

Houston Public Library
Concourse-Level Meeting Room
500 McKinney
Houston, Texas 77002

Copies of the proposal are available at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposal is invited at the hearings. Written testimony submitted by December 22, 1980, will be included in the hearing record. The Texas Air Control Board would appreciate receiving 20 copies of testimony prior to the hearings, where possible. Written comments should be sent to the hearing examiner, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

Chapter 111. Particulates

Visible Emissions

The Texas Air Control Board proposes to amend TACB Regulation I by adding §111.28 to provide for the establishment of alternate opacity limits for facilities which, because of unique conditions, are unable to meet the opacity limitations presently specified, even though mass emissions are below the applicable mass emissions limitations. The proposed new section specifies the conditions under which such an alternate opacity limitation will be granted.

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

This section is proposed under the authority of Article 4477.5, Vernon's Texas Civil Statutes.

§111.28. Alternate Opacity Limitations—Procedures. The owner or operator of any facility who is unable to meet the opacity limitations of §111.21 of this title (relating to prohibition) with available and economically feasible control technology may apply to the Texas Air Control Board for approval of an alternate limit. Within 90 days after receipt of such an application, an adjudicative public hearing will be conducted in accordance with the requirements of §§103.31-103.34 (131.02.04.001-.004), and §§103.41-103.63 (131.02.05.001-.023) of this title. The application will be approved if the applicant provides in the hearing record evidence which, when considered with other evidence presented, substantiates to the board's satisfaction that emissions resulting from the alternate opacity limit will not result in an exceedance of any ambient air quality standard or other ambient air concentration limit prescribed by the TACB or exacerbate any existing exceedance or cause or contribute to a nuisance as defined in §101.4 of this title (relating to nuisance) and that:

(1) all applicable mass and concentration limitations are met; and

(2) the facility has failed to meet the applicable opacity limitation during performance tests which were conducted with air pollution control equipment needed to comply with TACB regulations operating in a manner consistent with good engineering practice for minimizing the opacity of the emissions; and

(3) it is technically or economically infeasible for the facility to comply with the established opacity limits.

Doc. No. 808391

Chapter 114. Motor Vehicles

The Texas Air Control Board proposes to amend §114.2 (131.06.00.002) of this title (relating to exclusions and exemptions) of Regulation IV to provide an exemption for vehicles of Department of Defense (DOD) members who are transferred to or from overseas. This change will allow removal of the converters by local automobile service facilities prior to the vehicle being shipped overseas, provided that the converter is reinstalled when the vehicle is returned to the United States.

The change is necessary to assist DOD members in protecting catalytic converters from contamination by the use of leaded gasoline in overseas areas where unleaded gas is not available.

No significant adverse environmental impact is anticipated from this change since the vehicles involved are few in number and will only be operated a maximum of 10 days without the proper control equipment. No additional administrative or enforcement costs are anticipated as a result of this revision, either for the Texas Air Control Board or local air pollution control agencies.

These amendments are proposed under the authority of Article 4477.5, Vernon's Texas Civil Statutes.

§114.2 (131.06.00.002). Exclusions and Exemptions.

(a) This *chapter* [regulation] does not apply to motor vehicles or motor vehicle engines which are intended solely or primarily for use on a farm or ranch; or for legally sanctioned motor competitions; for research and development uses; or for instruction in a bona fide vocational training program where the use of a system or device would be detrimental to the purpose for which the vehicle or engine is intended to be used.

(b) *Vehicles belonging to members of the U.S. Department of Defense (DOD) participating in the DOD Privately Owned Vehicle Import Program are exempt from the provisions of §114.1 (.001) of this title (relating to maintenance and operation of air pollution control systems on devices used to control emissions from motor vehicles) if the following conditions are met:*

(1) *only the catalytic converter and the fuel filler restrictor inlet are removed from the vehicle;*

(2) *the vehicle is exported within five days after the emission control device(s) is removed;*

(3) *if the vehicle is returned to the United States, all systems or devices used to control emissions from the vehicle are restored to good operable condition within five days of importation.*

Doc. No. 808393

The Texas Air Control Board proposes to amend and repeal its regulations concerning air pollution control, Regulations V and VI.

Public hearings on this proposal are scheduled for December 11, 1980, at the following times and places:

7 p.m.
Chamber of Commerce
Board of Directors Meeting Room
400 West 4th
Odessa, Texas 76761

7 p.m.
Texas Air Control Board Auditorium
6330 Highway 290 East
Austin, Texas 78723

6:30 p.m.
Houston Public Library
Concourse-Level Meeting Room
500 McKinney
Houston, Texas 77002

Copies of the proposal are available at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposal is invited at the hearings. Written testimony submitted by December 22, 1980, will be included in the hearing record. The Texas Air Control Board would appreciate receiving 20 copies of testimony prior to the hearings, where possible. Written comments should be sent to the hearing examiner, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

Chapter 115. Volatile Organic Compounds

Vent Gas Control in Aransas, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Air Control Board, 6330 Highway 290 East, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

The Texas Air Control Board proposes to amend the subchapter concerning vent gas control in Aransas, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties by repealing §115.46 (131.07.05.106) of this title. The provisions of this section are being consolidated with those of §115.401(b) of this title in a revision to §115.401(b) proposed elsewhere in this *Register*.

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

This repeal is proposed under the authority of Article 4477-5, Vernon's Texas Civil Statutes.

§115.46 (131.07.05.106). *Alternate Vent Gas Control.*

Doc. No. 808394

Alternate Means of Control in Aransas, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Air Control Board, 6330 Highway 290 East, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

The Texas Air Control Board proposes to amend the subchapter concerning alternate means of control in Aransas, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties by repealing §115.71 (131.07.07.101) of this title. The provisions of this section are being consolidated with those of §115.401(a) of this title in a revision to §115.401(a) proposed elsewhere in this *Register*.

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

This repeal is proposed under the authority of Article 4477-5, Vernon's Texas Civil Statutes.

§115.71 (131.07.07.101). *Procedure.*

Doc. No. 808395

Water Separation in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the subchapter concerning water separation in ozone nonattainment areas, §115.144 (131.07.55.106) of this title, to delete reference to Ector County. The deletion of controls in Ector County is proposed because the ozone standard is now being attained in Ector County and thus the controls specified in the regulation are not needed to demonstrate attainment of the ozone standard. The TACB has recommended and EPA has proposed that the classification of Ector County be changed to "attainment."

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

This amendment is proposed under the authority of Article 4477-5, Vernon's Texas Civil Statutes.

§115.144 (131.07.55.106). *Compliance Schedule and Counties.* All persons in the counties shown below will be in compliance with *the provisions of §§115.141 and 115.142 (.101 and .103) of this title (relating to facilities other than petroleum refineries and petroleum refineries)* [this subchapter] as soon as practicable, but no later than the dates shown.

(Editor's note: See table, page 4484.)

Doc. No. 808397

Rule	Counties Where Rule Is Applicable	Final Compliance Date	Final Control Plan Submittal Date
§115.141 of this title (relating to Facilities Other Than Petroleum Refineries)	Bexar, Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange and Victoria	12/31/73	previously submitted
	Tarrant	2/29/80	previously submitted
§115.142 (relating to Petroleum Refineries)	Bexar, Brazoria, Dallas, [Ector,] El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant and Victoria	12/31/82	12/31/79

Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the subchapter concerning process unit turnaround and vacuum producing systems in petroleum refineries in ozone nonattainment areas. §115.153 (131.07.56.104) of this title to delete reference to Ector County. The deletion of controls in Ector County is proposed because the ozone standard is now being attained in Ector County and thus the controls specified in the regulation are not needed to demonstrate attainment of the ozone standard. The TACB has recommended and EPA has proposed that the classification of Ector County be changed to "attainment."

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

This amendment is proposed under the authority of Article 4477.5, Vernon's Texas Civil Statutes.

§115.153 (131.07.56.104) Compliance Schedule and Counties. The provisions of this subchapter shall apply to Bexar, Brazoria, Dallas, [Ector,] El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons therein shall be in compliance with this subchapter as soon as practicable but no later than December 31, 1982, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979.

Doc. No. 808398

Vent Gas Control in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to revise the title of the subchapter concerning vent gas control in ozone nonattainment areas to "Vent Gas Control in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties." This change is proposed for consistency with other subchapters in Chapter 115 (131.07). Also, an erroneous reference is being corrected in §115.162 (131.07.58.102) of this title.

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

These amendments are proposed under the authority of Article 4477.5, Vernon's Texas Civil Statutes.

§115.162 (131.07.58.102) General Vent Gas Streams. Except for process vent gas streams affected by the above §115.161 (101) of this title (relating to ethylene), no person shall emit a vent gas stream from any process vent containing one or more of the specific volatile organic compounds listed in paragraph (1) of this section or one or more compounds which are members of one or more of the classes of volatile organic compounds listed in paragraph (2) of this section unless the vent gas stream is burned properly at a temperature equal to or greater than 1,300 F (704 C) in a smokeless flare or a direct flame incinerator before it is allowed to enter the atmosphere; alternate means of control may be approved by the executive director in accordance with §115.401 [§115.201 (131.07.61.101)] of this title (relating to procedure).

(1) (3) (No change.)

Doc. No. 808399

Surface-Coating Processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the title and contents of the subchapter concerning surface-coating processes in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, §§115.191-115.194 (131.07.60.101-.104) of this title, to delete reference to Ector County, to delete the exemption for nonuniformly distributed web coating, and to make other minor editorial changes. The deletion of controls in Ector County is proposed because the ozone standard is now being attained in Ector County and thus the controls specified in the regulation are not needed to demonstrate attainment of the ozone standard. The TACB has recommended and EPA has proposed that the classification of Ector County be changed to "attainment."

The deletion of the nonuniform web-coating exemption is proposed because the original blanket exemption is no longer appropriate. On July 11, 1980, TACB adopted subsection (b) of §115.422 which provides a procedure for obtaining final compliance extensions for specific facilities using processes where compliance is dependent on future development of low solvent technology.

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

These amendments are proposed under the authority of Article 4477 5, Vernon's Texas Civil Statutes.

§115.192 (131.07.60.102). Compliance Schedule and Counties.

(a) All affected persons within Bexar, Brazoria, Dallas, [Ector,] El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with §§115.191-115.194 (101-.104) of this title (relating to surface coating processes in **Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties** [ozone nonattainment areas]), except for paragraphs (7)(B) and (8)(B) of §115.191 (101) of this title (relating to emission limitations), as soon as practicable but no later than December 31, 1982, and shall submit to the Texas Air Control Board a final control plan for compliance no later than December 31, 1979.

(b) (d) (No change.)

§115.194 (131.07.60.104). Exemptions.

(a) Surface coating operations located at any facility in Bexar, Brazoria, Dallas, [Ector,] El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, Tarrant, or Victoria County which when uncontrolled will emit a combined weight of volatile organic compounds less than 550 pounds (250 kg) in any consecutive 24 hour period are exempt from the provisions of §115.191 (101) of this title (relating to emission limitations).

(b) (No change.)

(c) Any surface-coating operation which is located at an affected facility on any property in the counties listed in subsections (a) and (b) of this section are exempt from

paragraphs (4), (5), and (6) of §115.191 (101) of this title (relating to emission limitations) if such operation utilizes a web coating (printing) process in which the coating is not distributed uniformly across the web. This exemption applies to machines on which both coating and printing operations are performed.]

(c)(d) The following coating operations are exempt from the application of paragraph (9) of §115.191 (101) of this title (relating to emission limitations):

(1) (2) (No change.)

(3) **customized** top coating of automobiles and trucks, if production is less than 35 vehicles per day; and

(4) (No change.)

(d)(e) The following coating operations are exempt from the application of paragraph (10) of §115.191 (101) of this title (relating to emission limitations):

(1) (3) (No change.)

(f) All affected persons in Ector County are exempt from the requirements of paragraphs (9) and (10) of §115.191 (101) of this title (relating to emission limitations.)

Doc. No. 808401

Fugitive Emission Control in Petroleum Refineries in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the subchapter concerning fugitive emission control in petroleum refineries in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, §§115.251-115.255, to make a minor editorial change to clarify the intent of §115.252.

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

These amendments are proposed under the authority of Article 4477 5, Vernon's Texas Civil Statutes.

§115.252. Inspection Requirements.

(a) The owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(1) (3) (No change.)

(4) Measure (with a hydrocarbon gas analyzer) the emissions from any pump seal from which liquids are observed dripping. In lieu of such a measurement, VOC concentrations **shall** [may] be assumed to **exceed** [be] 10,000 ppm.

(5) (6) (No change.)

(b) (e) (No change.)

Doc. No. 808402

Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks in Harris County

The Texas Air Control Board proposes to amend the subchapter relating to control of volatile organic compound leaks from gasoline tank trucks in Harris County, §§115.261-115.264, to make a minor revision in §115.262 to specify more clearly the intent of the section to require testing at both a gauge pressure of 18 inches of water and a vacuum of six inches of water.

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

This amendment is proposed under the authority of Article 4477 5, Vernon's Texas Civil Statutes.

§115.262. *Testing Requirements.*

(a) (No change.)

(b) Pressure in the tank must change no more than three inches of water (0.75 kPa) in five minutes when pressurized to a gauge pressure of 18 inches of water (4.5 kPa) **and when** [or] evacuated to a vacuum of six inches of water (1.5 kPa).

(c) (No change.)

Doc. No. 808403

Alternate Means of Control

The Texas Air Control Board proposed to amend the subchapter concerning alternate means of control in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, §115.401, to delete reference to Ector County and to make the section applicable to all control requirements in Chapter 115 (131.07), including those formerly specified in §115.46 (131.07.05.106) and §115.71 (131.07.07.101) of this title. The deletion of controls in Ector County is proposed because the ozone standard is now being attained in Ector County and thus the controls specified in the regulation are not needed to demonstrate attainment of the ozone standard. The TACB has recommended and EPA has proposed that the classification of Ector County be changed to "attainment."

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

These amendments are proposed under the authority of Article 4477 5, Vernon's Texas Civil Statutes.

§115.401. *Procedure.*

(a) Any person affected by any control requirements of **Chapter 115 (131.07)** [§§115.101-115.424] of this title (relating to **volatile organic compounds** [storage of volatile organic compounds in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties; facilities for loading and unloading of volatile organic compounds in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties; gasoline bulk plants in Harris County; filling of gasoline storage vessels (Stage I) for motor vehicle fuel dispensing facilities in Bexar, Brazoria, Dallas, Galveston, Harris, and Tarrant Counties; water separation in ozone nonattainment areas; process unit turnaround and vacuum producing systems in petroleum refineries in ozone nonattainment areas; vent gas control in ozone nonattainment areas, specified solvent using processes in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties; surface coating processes in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties; graphic arts (printing) by rotogravure and flexographic processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties;

perchloroethylene dry cleaning systems in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties; pharmaceutical manufacturing facilities in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties; fugitive emission control in petroleum refineries in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties; and control of volatile organic compound leaks from gasoline tank trucks in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties] may request the executive director to approve alternate methods of control. The executive director shall approve such alternate methods of control if it can be demonstrated that such control will be substantially equivalent to the methods of control specified in this regulation.

(b) Direct flame incineration *specified* for vent gas control *in §§115.41-115.45 (131.07.05.101-.105) of this title (relating to vent gas control in Aransas, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties) and in §§115.161-115.163 (131.07.58.101, .102, and .104) of this title (relating to vent gas control in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties [ozone nonattainment areas])* is not intended as an exclusive emission control method for volatile organic compounds. In no event, shall a vent gas stream be direct flame incinerated without heat recovery if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. In all such cases, application shall be made to the executive director for approval of an alternate method of control. The executive director may approve such alternate method if it represents the best alternative [having due regard for the intent of §§115.161-115.163 (131.07.58.101, .102, and .104) of this title (relating to vent gas control in ozone nonattainment areas) and the effect of emissions on ambient air quality].

Doc. No. 808404

Volatile Organic Compound Exemption Status in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the subchapter concerning volatile organic compound exemption status in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, §§115.411-115.413, to delete reference to Ector County. The deletion of controls in Ector County is proposed because the ozone standard is now being attained in Ector County and thus the controls specified in the regulation are not needed to demonstrate attainment of the ozone standard. The TACB has recommended and EPA has proposed that the classification of Ector County be changed to "attainment."

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

This amendment is proposed under the authority of Article 4477 5, Vernon's Texas Civil Statutes.

§115.411. *Specific Exemptions.* Methane, ethane, 1,1,1 trichloroethane (methyl chloroform), and trichlorotrifluoroethane (Freon 113) are exempt from control by this regulation in Bexar, Brazoria, Dallas, [Ector,] El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties.

Doc. No. 808405

Compliance in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the title of the subchapter concerning compliance in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, to delete reference to Ector County. The deletion of controls in Ector County is proposed because the ozone standard is now being attained in Ector County and thus the controls specified in the regulation are not needed to demonstrate attainment of the ozone standard. The TACB has recommended and EPA has proposed that the classification of Ector County be changed to "attainment."

The Texas Air Control Board has determined that there are no fiscal implications to state or local units of government.

This amendment is proposed under the authority of Article 4477.5 Vernon's Texas Civil Statutes.

Issued in Austin, Texas, on November 3, 1980.

Doc. No. 808406 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: After December public hearings
For further information, please call (512) 451-5711, ext. 354.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VIII. Commission on Fire Protection Personnel Standards and Education

Chapter 233. Standards Manual

Minimum Standards for Recruit Training Facilities

The Commission on Fire Protection Personnel Standards and Education is proposing adoption of §§233.121-233.128 (211.02.10.001-008) of this title for the certification of recruit training facilities, as required by Article 4413(35), Vernon's Civil Statutes, Section 2(7). The agency has been cited since 1978 by the Legislative Budget Board budget examiner for failure to approve and certify schools for purposes of training fire protection personnel as mandated by the above article, since the lack of a certification process, together with a lack of guidelines to enable the staff to evaluate a school's program offers only tentative assurances that a fire fighter is receiving adequate training. Until the present time, no consensus had been reached in spite of numerous

public hearings and workshops that have been held in the attempt to arrive at a satisfactory conclusion.

These standards agreed upon by consumer interests represent a practical solution upon which certificates may be issued, and will present no fiscal impact upon the 90 plus department that conduct in house training programs. This proposal has no fiscal implications for state or local units of government, above that necessary for the certification requirements as presently mandated.

Public comment is invited and may be sent to Garland W. Fulbright, executive director, Commission on Fire Protection Personnel Standards and Education, 510 South Congress, Suite 406, Austin, Texas 78704, within 30 days of publication.

These sections are proposed under the authority of Article 4413(35), Vernon's Civil Statutes.

§233.121 (211.02.10.001). *General Requirements.*

(a) Minimum requirements for certification as an approved recruit training facility shall include the facilities, apparatus, equipment, reference materials, and records to support a quality basic fire fighter education and training program. The resources must provide for classroom instruction, demonstrations, and practical exercises for the trainees to develop the knowledge and skills required for basic fire fighter certification.

(b) The facilities and training shall be performance oriented. "Hands on" training with maximum practical participation by trainees should be an integral part of the training program. The evaluation process for each phase of training will emphasize performance testing to determine if the trainee has acquired the knowledge and skills to achieve the required level of competency. NFPA Standard 1001, Fire Fighter Professional Qualifications, provides valid and reliable criteria and should be used as a guide for performance testing.

(c) It must be clearly understood that the minimum standards for recruit training facilities are applicable only as the title implies and do not address the additional training facilities which are required for the continuing in-service training essential to the development and maintenance of a well coordinated and effective fire service organization.

(d) An organization, installation, or facility may submit a written application for certification as an approved recruit training facility to the Commission on Fire Protection Personnel Standards and Education. Such application will include descriptions and addresses of physical facilities together with inventory of apparatus, equipment, and reference material to be utilized in conducting the basic fire fighter training curriculum as specified by the commission. It is not required that the equipment be permanently assigned nor kept at the training facility. Photographs of resources, annotated to reflect applicant and identity of the resource, may be included with such applications.

(e) The following minimum resources required for certification as an approved "recruit training facility" may be combined or separate utilizing one or more structures. In either event, the facilities and equipment must be available and used by the instructor and trainees.

§233.122 (211.02.10.002). *Facilities.*

(a) Training tower equivalent to two or more stories in height. The term "training tower" as used in these standards is a structure suitable for training in the practical applica-

tion of ladder evolutions, rescue drills, hose advancement, and rope work. (It is important to note that the requirements herein listed may not be compatible with the requirements for key rate credit. Cities planning to build or modify a training tower should carefully check the criteria for key rate credit prior to expending funds for such facility.)

(b) Adequate space for classroom instruction with appropriate environmental control and seating capacity for the anticipated trainees. The space so utilized must be conducive to effective classroom instruction.

(c) Area for practical application of principles and procedures of pump operations, friction loss, nozzle reaction, fire stream patterns, and GPM discharge utilizing various layouts for hand lines and master stream appliances.

(d) An enclosed area or room for use in practical training with self-contained breathing apparatus. This may be a smoke and fire room or enclosed area which can be charged with smoke-producing devices to provide a realistic training environment.

§233.123 (211.02.10.003). Apparatus.

(a) Pumper apparatus fully equipped as specified by the authority having jurisdiction. NFPA Standard 1901, Automotive Fire Apparatus, should be used as a guide.

(b) Ladders utilized by the authority having jurisdiction. NFPA Standard 1901, Automotive Fire Apparatus, should be used as a guide for ladder truck equipment.

(c) The trainee should become familiar with each major type of apparatus utilized by the authority having jurisdiction.

§233.124 (211.02.10.004). Equipment.

(a) Portable fire extinguishers utilized by the authority having jurisdiction. As a minimum, such extinguishers shall include dry chemical, carbon dioxide, and water can.

(b) Forcible entry tools utilized by the authority having jurisdiction.

(c) Ropes of assorted lengths with at least one which is not less than 3/4 inch in diameter or shorter than 100 feet in length, suitable for rescue, rappelling, and practicing knots and lashings.

(d) Salvage and overhaul equipment utilized by the authority having jurisdiction.

(e) Self-contained breathing apparatus (demand-regulated and/or oxygen-generating) in sufficient numbers to enable each trainee to wear the equipment for at least the life of one canister or breathing air tank during the training.

(f) Standard first aid supplies and equipment for the teaching of the first aid training specified in the basic fire fighter training curriculum.

(g) Standard classroom equipment to include chalkboard, speaker's rostrum, etc.

(h) Supportive instructional aids available to include audiovisual projection equipment. The use of cutaways, models, flip charts, and other visual aids are recommended to enhance the effectiveness of the instruction.

(i) Materials and/or equipment available in order to teach "effective reading and study skills" is required for facilities conducting such training. A facility may receive certification as an approved recruit training facility without this equipment provided an outside qualified instructor is employed to teach this subject.

(j) Other equipment and tools utilized by the authority having jurisdiction. NFPA Standard 1901 should be utilized as a guide.

§233.125 (211.02.10.005). Reference Material.

(a) A reference library is required. The library must contain the publications required to conduct research and develop lesson plans covering the material required in the basic recruit fire fighter curriculum.

(b) The training manuals and instructor guide sheets published by the International Fire Service Training Association (IFSTA), Oklahoma State University, Stillwater, Oklahoma 74074, are recommended. However, any published reference material equivalent to the IFSTA manuals may be used including locally prepared training manuals, provided the material contained therein adequately covers the basic recruit fire fighter curriculum.

(c) A current set of National Fire Codes and the Fire Protection Handbook are recommended for the library. These publications are available from the National Fire Protection Association (NFPA), 470 Atlantic Avenue, Boston, Massachusetts 02210.

(d) Fire service magazines and journals should be available for instructor reference. Such publications contain current events and improved methods which should be utilized to enhance the effectiveness of the training program.

§233.126 (211.02.10.006). Testing and Records.

(a) Training records which reflect the following:

(1) who was trained, subject, instructor, and date of instruction;

(2) individual trainee test scores to include performance testing;

(3) individual records are encouraged rather than class records;

(4) as a minimum such training records shall be maintained for a period of three years.

(b) A system of evaluating the effectiveness of the instruction and the comprehension of the student.

(1) Testing techniques utilized should determine the progress or lack of same for each trainee.

(2) Performance testing should be utilized to the maximum extent practical.

(3) Written tests shall be designed to encompass the significant contents of the subjects being taught and phrased in a manner which can be readily understood by a trainee whose comprehension is at a level consistent with the academic level of the material being presented.

(4) Periodic written tests shall be given covering each subject area listed in the basic fire fighter curriculum. A minimum of eight such tests shall be given. These tests serve the dual purpose of permitting the instructor to evaluate the effectiveness of the instruction and the comprehension of the trainees. The instructor shall assure that each trainee has developed understandings and mastered the knowledge of subject matter presented. Each fire department or other organization conducting recruit training shall establish a minimum passing grade for each of these periodic examinations.

(5) In addition to the periodic written tests, comprehensive written test(s) shall be administered utilizing one of the following options:

(A) Option "A." A minimum of two comprehensive written tests shall be given. If this option is utilized, the first comprehensive test shall be given no later than midway through the basic fire fighter training curriculum and the final comprehensive test shall be given at the conclusion of the training curriculum. The first of the comprehensive tests

shall relate to subjects presented from the beginning of the training until the date of the test. The other comprehensive test(s) shall relate to subject matter presented since the previous comprehensive test.

(B) Option "B." A comprehensive test shall be administered at the conclusion of the basic fire fighter training which relates to all subject matter presented during the entire training curriculum.

(6) Copies of written test will be maintained for periodic review by the commission representatives.

(c) Specifications for satisfactory completion of training and education.

(1) Performance testing. Each trainee shall have demonstrated an ability to consistently perform, individually and as a member of a team, all tasks and operations associated with the training in a safe manner and level of competency which contributes to the successful achievement of the purpose for which the task or operation is being performed.

(2) Comprehensive written test.

(A) In the event Option "A" is utilized for comprehensive written tests, each trainee must maintain a grade average of not less than 70% for the comprehensive tests.

(B) In the event Option "B" is utilized for comprehensive written test, each trainee must score a grade of not less than 70% on the final examination.

(3) Requirements. In order to satisfactorily complete the basic fire fighter training, each trainee must satisfy the following three distinct and separate requirements:

(A) performance testing;

(B) comprehensive written test(s)—(Option "A" or "B");

(C) periodic written tests.

§233.127 (211.02.10.007). Staff.

(a) The chief training officer as a minimum must possess an "A" instructor's certification, except as provided in §233.128(e) (008(e)) of this title (relating to general information). The term "chief training officer" as used in these standards is the fire department training officer by whatever title he may be called.

(b) All instructors except guest instructors must have been certified by the Texas Commission on Fire Protection Personnel Standards and Education. A guest instructor is defined as an individual with special knowledge and expertise in a specific subject area who has the ability to enhance the effectiveness of the training.

(c) Guest instructors including fire protection personnel utilized on a limited basis are not required to be certified as instructors. These guest instructors can teach under the endorsement of the instructor responsible for subject being taught.

(d) The commission encourages all training facility staff to upgrade their instructor classification by completing the required teacher training courses and other educational requirements set forth for higher levels of instructor certification.

§233.128 (211.02.10.008). General Information.

(a) All fire protection personnel recruit training facilities shall meet these minimum requirements prior to January 1, 1982. Credit will not be allowed to a recruit training facility that has not been approved by the commission on or before the effective date. The commission shall take action on applications within 90 days from receipt of same.

(b) Approved recruit training facilities are subject to inspection by the commission at any time during regular business hours.

(c) An approved recruit training facility is encouraged to upgrade and improve the physical facilities, equipment, and reference material on a continuing basis.

(d) In order to retain the certification as an approved recruit training facility, schools desiring to make substantive changes in the facility or other conditions under which the school was approved shall coordinate such plans with the commission.

(e) The commission shall be notified promptly of any change in the approved recruit training facility coordinator or chief training officer. A newly appointed nonfire service coordinator must be certified by the commission in accordance with established procedures. A chief training officer must as a minimum possess a "B" instructor certification at the time of appointment and must possess an "A" instructor's certification within one year from date of appointment. The term "coordinator" as used in these standards is the official responsible for recruit training facilities/schools other than fire departments, by whatever title he may be called.

(f) The commission may revoke the certification of a recruit training facility when, in the judgment of the commission, the school:

(1) is inadequate and fails to provide the quality of training required for basic fire fighter certification;

(2) fails to comply with commission rules and/or these minimum standards;

(3) fails to submit required reports in a timely manner or submits false reports to the commission.

(g) Prior to revoking the certification of an approved recruit training facility, the commission shall:

(1) Provide the authority having jurisdiction (fire chief for fire departments and coordinator for other facilities/schools) written notice of alleged discrepancies and/or violations.

(2) The written notice by the commission must specifically state the discrepancies and/or violations and the commission rules and/or standards alleged to have been violated.

(3) After receiving the written notice of violations from the commission, the coordinator or fire chief will have 30 days in which to respond by written correspondence to the commission.

(4) The commission will consider the alleged violations and the response from the coordinator or fire chief. When deemed necessary by the commission, additional investigations may then be initiated to determine the facts of each case.

Issued in Austin, Texas, on October 29, 1980.

Doc. No. 808349

Garland W. Fulbright
Executive Director
Commission on Fire Protection
Personnel Standards and Education

Proposed Date of Adoption: December 12, 1980

For further information, please call (512) 474-8066.

NONCODIFIED

Texas Education Agency Relationships with the U.S. Government and Its Agencies

State Board of Education Leadership 226.74.01.001

The Texas Education Agency proposes to adopt Rule 226.74.01.001, a policy statement concerning state/federal relations. The proposed policy statement affirms the board's belief that education is primarily a state and local responsibility. Federal participation should complement this governance structure, not undermine it. The board will work with state and local policymakers to present a single state position on educational issues to the congress and federal agencies.

The Texas Education Agency does not anticipate that the proposed new rule will have state or local fiscal implications.

Public comment on proposed Rule .001 is invited. Comments may be submitted by telephoning the office of Dr. Beverly Bardsley, Department of Policies and Services, at (512) 475-7077, or by writing to her at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule is proposed under the authority of Section 11.02, Texas Education Code.

.001. Policy.

(a) In accordance with powers delegated by the legislature, the State Board of Education is the policy-forming and planning body for the public school system of the state. The board believes that education is a responsibility of the state and should allow as much local control as possible. Federal participation should complement this structure, not diminish this authority.

(b) The board believes that the state must take an aggressive role in federal educational matters. The State Board of Education will provide state leadership based upon state law and board policy in matters where federal involvement affects public education. The board will work with state and local policymakers to form a coalition to promote a single state position with the congress and federal administrative agencies.

Doc. No. 808357

Participation in Federal Educational Surveys and Data Collection 226.74.01.010

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

The Texas Education Agency proposes to repeal Rule 226.74.01.010 concerning participation in federal data collection efforts. This issue is addressed in revised form in proposed new Rule .020(b).

The Texas Education Agency does not anticipate that the proposed repeal will have state or local fiscal implications.

Public comment on the proposed repeal of Rule .010 is invited. Comments may be submitted by telephoning the office of Dr. Beverly Bardsley, Department of Policies and Services, at (512) 475-7077, or by writing to her at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule is proposed for repeal under the authority of Section 11.02, Texas Education Code.

.010. Participation in Federal Educational Surveys and Data Collection.

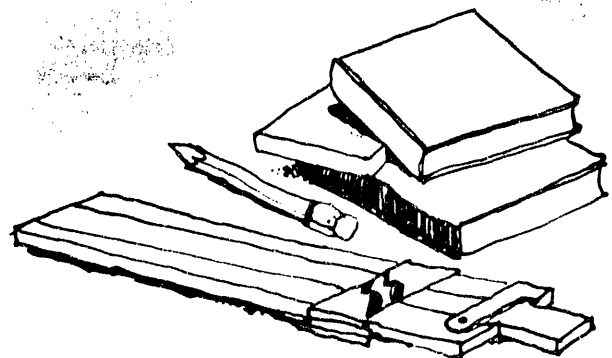
Issued in Austin, Texas, on October 31, 1980.

Doc. No. 808358

A. O. Bowen
Commissioner of Education

Proposed Date of Adoption: January 10, 1981

For further information, please call (512) 475-7077.



An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

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."

CODIFIED



TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

Chapter 191. District Review Committees

Activities and Scope of Authority

Under the authority of Articles 4496 and 4509, Texas Civil Statutes, the Texas State Board of Medical Examiners has adopted amended §191.4 (386.16.00.004) of this title, to read as follows.

§191.4 (386.16.00.004). *Activities and Scope of Authority.*

(a) District review committees shall perform such fact finding functions as directed by the board or the secretary

and shall make such timely reports to the board as directed by the board and secretary. District review committees shall make written recommendations as to board policy or board rules as directed or requested by the board or as each such committee, on its own initiative, may deem appropriate. All such reports, meetings, activities, and recommendations from each district review committee shall comply with the following standards:

(1) Meetings of the district review committee shall be called by the chairman of each committee or by two of the three members of each committee. When a meeting is to be called under either of the alternatives above set out, the secretary of the board shall be notified in order that the notice of the meeting of the committee may be posted and all of the applicable provisions of the Administrative Procedure Act shall be complied with.

(2) The conduct of the meetings of each committee shall be in compliance with the Administrative Procedure Act.

(3) If directed by the board, the committee may hold public hearings to take testimony regarding proposed or amended rules to be recommended to the board. Such hearings may also include the taking of testimony regarding new rules which have neither been formally proposed nor previously posted, but such public hearings shall serve only as a mechanism for determining the need for such proposed rules.

(4) Where directed by the board, the committee shall hold hearings regarding the qualifications of an applicant to the board for licensure to practice medicine.

(5) Where directed by the board, the committee may take testimony and secure evidence regarding specific questions or issues relating to the regulation of medical practice and the delivery of health care where assigned to do so by the board.

(6) The committee may when approved by the secretary secure the services of a qualified reporter for the purpose of verbatim sworn testimony to be reduced to writing and submitted to the board for evaluation or action.

(7) In all of its activities, the committee shall maintain the confidentiality of information, documents, or other material as the board shall direct.

(8) The committee shall maintain written minutes and records of attendance and transmit such records to the board. The secretary or his designee shall serve as custodian of the records of each district review committee.

(9) Each district review committee shall comply with such directives relating to expenses, per diem payments, records, purchases, and other fiscal matters as directed by the secretary.

(10) A quorum of each district review committee shall consist of 2/3 of its membership.

(11) Any report or recommendation of a committee shall be approved by at least two of its three members prior to being transmitted to the board as action or recommendation of such district review committee.

(12) No report or recommendation by a committee shall be made public until directed to do so by the president of the board.

(13) Following the appointment of a new member to the committee, the committee shall hold an organizational meeting and elect from its membership a chairman, vice chairman, and reporting secretary.

(b) The district review committees shall be limited in authority as provided in Article 4590-i, Section 3.09, Revised Civil Statutes of Texas. Each district review committee shall ensure in the conduct of its business that the limitation of authority as set forth in Section 3.09, above, is followed, and in addition, shall abide by the following rules of conduct:

(1) No member of a committee, including its chairman, may make or cause to be published any policy statement regarding its findings or recommendations unless authorized to do so by the president of the board.

(2) No member of a committee, including its chairman, shall make or cause to be published any public statement representing such to be the official position or the official policy of the Texas State Board of Medical Examiners unless authorized to do so by the president of the board.

Issued in Austin, Texas, on October 31, 1980.

Doc. No. 808384 A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical Examiners

Effective Date: November 24, 1980
Proposal Publication Date: September 26, 1980
For further information, please call (512) 475-0741.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VIII. Commission on Fire Protection Personnel Standards and Education

Chapter 233. Standards Manual

Minimum Standards for Fire Prevention Personnel

The Commission on Fire Protection Personnel Standards and Education has adopted the repeal of §233.51 (211.02.06.600) of this title (relating to certificates) as originally published in the October 3, 1978, issue of the *Texas Register* (3 TexReg 3482), and which is currently on file with the Texas Register Division. The commission adopted the repeal at its regular quarterly meeting on October 7, 1980, at which time it also adopted new-proposed §§233.101-233.111 (.001-.011) of this title. The repeal of §233.51 (.600) of this title is effective January 1, 1981, at which time the newly adopted §§233.101-233.111 (.001-.011) of this title become effective.

Upon request, the agency shall provide a statement of the reasons for and against adoption of the repealed section. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

The repeal of this section is authorized under the authority of Article 4413C35, Vernon's Civil Statutes.

Issued in Austin, Texas, on October 28, 1980.

Doc. No. 808351 Garland W. Fulbright
Executive Director
Commission on Fire Protection
Personnel Standards and Education

Effective Date: January 1, 1981
Proposal Publication Date: October 3, 1978
For further information, please call (512) 474-8066.

(Editor's note: The TAC numbering for the sections adopted below has been changed from the numbering for the proposal published in the July 4, 1980, issue. The text of the sections is adopted with no changes from the text as proposed.)

The Commission on Fire Protection Personnel Standards and Education has adopted §§233.101-233.111 (211.02.06.001-.011) of this title as originally proposed and published in the July 4, 1980, issue of the *Texas Register* (5 TexReg 2640). These sections were adopted without any changes at the regular quarterly meeting on October 7, 1980, held in Room 100B of the John H. Reagan Building, Austin. Sections 233.101-233.111 (.001-.011) of this title will become effective on January 1, 1981, at which time §233.51 (.600) of this title will also be repealed.

Upon request, the agency shall provide a statement of the reasons for and against adoption of these sections. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

The adoption of these sections is authorized under the authority of Article 4413C35, Vernon's Civil Statutes.

§233.101 (211.02.06.001). *Eligibility.* Personnel whether in a state agency, educational institution, political subdivision, or private industry who are employed full time as a fire inspector and who comply with the following minimum requirements for the various levels of inspector shall be eligible for certification by the commission. Municipal full-time fire prevention inspectors or those who are employed full time in a combined position as a fire prevention inspector and fire and arson investigator (must be certified as provided in Section VII) shall comply with the following minimum requirements as set out below for inspector certification.

§233.102 (211.02.06.002). *Completion of Requirements.* Municipal full-time fire prevention inspection personnel shall complete certification requirements at the level specified below within two years of initial appointment to such position.

§233.103 (211.02.06.003). *Service Requirement.* In order to obtain any of the following inspector certificates, the applicant must have completed one year of service in fire prevention activities prior to issuance of the certificates in this discipline. Previous departmental accredited training is acceptable where applicable.

§233.104 (211.02.06.004). *Certification.*

(a) Inspector certification is based upon the population of the city, and the hours required are as follows:

(1) Cities having a population of more than 250,000 population. "A" Certificate—200 hours.

(2) Cities having a population from 70,001 to 250,000. "B" Certificate—170 hours.

(3) Cities having a population of 70,000 or less. "C" Certificate—140 hours.

(b) The above are the minimum requirements; however, it is recommended that inspector personnel comply with the requirements for the "A" Certificate where possible. The subject matter for "C" certification is required for all fire prevention personnel and the additional subject matter for each respective subject follows that of "C" certification where such is required for "B" and "A" certification.

§233.105 (211.02.06.005). *Courses.*

(a) An applicant must complete the following courses for Inspector "C" certification:

(1) Public relations—10 hours (clock). This covers public opinion, the image projected, and the importance to the inspector; techniques in meeting people and gaining confidence of the public, the importance of personal appearance, punctuality, and courtesy.

(2) Public speaking—20 hours (clock). This course should include the organization of subject material and the preparation of an adequate outline, thorough knowledge of subject to be presented, the proper attitudes and image to the audience, voice control and enunciation, ability to convey thoughts to others, and clarity of discussion.

(3) Loss of life by fire—six hours (clock). Death and injuries; trends of fire casualties; indirect causes of fire injuries; who are the fire victims; life safety and fire protection; fire deaths and alcohol; fire casualties in private residences; factors responsible for the spread of smoke and fire resulting in loss of life: the Coconut Grove Night Club fire, Boston, Massachusetts; Dale's Penthouse Restaurant fire, Montgomery, Alabama; Our Lady of the Angels Grade School fire, Chicago, Illinois; Roosevelt Hotel Fire, Jackson, Florida.

(4) Property loss by fire and explosion—two hours (clock). Direct property losses; indirect property losses; fire losses in international countries as per capita in terms of U.S. dollars; fires by occupancies—losses of fire damaged businesses.

(5) Analysis of fire losses—one hour (clock). Structural defects of influencing fire spread; contents; fixtures influencing fire spread, private fire protection weakness; time of occurrence; factors responsible for fire spread in buildings; fire losses by fire ignition sequence and their estimated losses—fire losses by occupancy; fire ignition sequence factors for fire losses; type of material ignited; act or omission; area of origin; conflagrations and their prime contributing factors; conflagrations 1969-1974.

(6) Products of combustion and their effect on life safety—one hour (clock). Toxicity of gases; carbon monoxide; carbon dioxide; hydrogen sulfide; other gases; fire tests conducted by Southwest Research Institute in three-room dwellings; heat smoke; insufficient oxygen.

(7) Flammable and combustible liquids—12 hours (clock). Hazards of flammable and combustible liquids; classification; Underwriters Laboratories, Inc., classification; physical properties of liquids such as specific gravity, vapor density, evaporation rate; flash points; ignition temperatures; boiling points; flammable (explosive) limits; burning characteristics of liquids; boiling over; slop over; frothing over; fire prevention.

(8) Storage and handling of flammable and combustible gases—four hours (clock). Gases defined; classification of gases; flammable gases; nonflammable gases; reactive gases; toxic gases; classification by physical properties; liquid gases; cryogenic gases; classification by usage of gases such as fuel; industrial; mechanical; hazards of confinement; under-pressure relief devices; maximum permitted filling density; combustion within containers; gas containers such as tanks; pipelines; properties of specific gases such as acetylene, ammonia, natural gas, hydrogen, ethylene, etc.; carbon dioxide; chlorine; hydrogen; liquefied natural gas.

(9) Dust and dust explosions—two hours (clock). Factors influencing the explosability of dust; hazards of dust; particle size; concentration of explosives or characteristics of

various dusts; dust cloud ignition sources; major dust explosion in buildings and properties.

(10) Hazardous chemicals—12 hours (clock). Toxicity of chemicals; oxidizing chemicals; nitrates; sodium nitrate; potassium nitrate; ammonium nitrate; cellulose nitrate; nitrites; inorganic peroxides; sodium, potassium, and strontium peroxide; barium peroxide; hydrogen peroxide; chlorates; chlorites; perchlorates; perchloric acid; permanganates; storage of oxidizing chemicals; fire protection for oxidizing chemicals; combustible chemicals; carbon black; lamp black; sulfides; sulfur; storage and fire protection for combustible chemicals; unstable chemicals; acetaldehyde; ethylene oxide; hydrogen cyanide; organic peroxides; storage and fire protection of unstable chemicals; styrene; vinyl chloride; water and air-reactive chemicals; carbides; charcoal; coal; hydrides; oxides; phosphorous; white (or yellow) phosphorous; red phosphorous; storage and fire protection for water- and air-reactive chemicals; coal; corrosive chemicals; hydrochloric acid; hydrofluoric acid; nitric acid; perchloric acid; the halogens; storage and fire protection for corrosive chemicals; radioactive materials; storage and fire protection for radioactive materials; handling radioactive materials; transportation of chemicals; waste chemical disposal; presentation of information; hazard levels; dangerous materials; nuisance hazards; definitions; flammability; toxicity; instability (self-reactivity) and chemical reactivity; the NFPA 704 system of hazard identification; health hazards; flammability hazards; reactivity (stability) hazards; assigning degrees of hazard; advantages of the NFPA 704 system; disadvantages of the NFPA 704 system; Department of Transportation (DOT) placards; present DOT requirements; over-the-road equipment; railway equipment; transportation emergencies—identification problems; Department of Transportation (DOT) labels; warning labels on immediate containers; shipping papers and chemcards; DOT Hazard Information (HI) system; hazard emergency teams; use of tables and charts.

(11) Interior finishes—two hours (clock). Definition of interior finishes; types of interior finishes; the role of interior finishes in fires; method of application; fire test for interior finishes; the Steiner tunnel test; application of tunnel test results; Life Safety Code requirements for interior finishes; the Corner test; smoke-scale tests; special test for floor coverings; full scale testing; discussion of fire case histories; dance hall St. Laurent, France; Tae-Yon-Cak Hotel fire, Seoul, Korea; office building Sao Paulo, Brazil, February 1, 1974; apartment house fire, Minneapolis, Minnesota, August 5, 1970; nursing home fire, Wayne, Pennsylvania, December 4, 1973; department store-office building fire Sao Paulo, Brazil, February 24, 1972.

(12) Finishing and cleaning process—two hours (clock). Spray finishing; spray booths; finishing, spontaneous heating; residues in spray booths; sprinkler protection; dip tank operations; ventilation; tank covers; overflow pipes; drain boards; special finishing processes such as hand painting; silk screen process painting; dry cleaning textiles and standards relating thereto; parts and materials cleaning.

(13) Housekeeping practices—one hour (clock). Principles of good housekeeping; building care and maintenance; cleaning and treatment of floors; sweeping compounds; floor oils; flammable cleaning solvents; dust and lint removal; kitchen exhaust ducts and equipment; occupancy housekeeping; housekeeping hazards such as drip pans; flammable liquid spills, flammable liquid waste disposal; clean

waste and rags; oily waste; packing materials; refuse chutes; combustible metal waste; lockers and cupboards; outdoor housekeeping and weed and grass control; refuse and rubbish disposal.

(14) High-rise buildings and related problems—one hour (clock). Definition of a high-rise building; problems encountered in firefighting; evacuation and time required; areas of refuge; detection and alarm; exits and distances traveled thereto; provisions of Uniform and Standard Building Codes relative to high-rise buildings.

(15) Automatic sprinklers—eight hours (clock). Value of automatic sprinkler protection; safety to life; economics of sprinkler protection; effectiveness of sprinklers by occupancy groups; unsatisfactory sprinkler performance by occupancy; high-piled combustible material; flammable and combustible liquids; water supply connections; test equipment; wet-pipe sprinkler systems; dry pipe sprinkler systems; temperature ratings of automatic sprinklers; types of supplies; water flow alarm and sprinkler system supervisory systems; importance of automatic sprinkler system maintenance; insurance inspections; central station supervisory service.

(16) Air conditioning and ventilating systems—two hours (clock). System types and operation; location of equipment; fresh air intakes; air cooling and heating equipment; air filters and cleaners; fibrous media unit filters; renewable media filters; electric air cleaners; special industrial filters and air cleaners; protection for air filters and cleaners; ducts; duct construction; duct installation; fire dampers; smoke detectors; smoke fundamentals of moving systems; basic design and selection of fans; fire extinguishing systems; manual extinguishing equipment; explosion venting; explosion prevention; static electricity; flammable vapors; ventilating of kitchen cooking equipment; corrosive vapors and fumes; dust collecting and stock and refuse conveying systems; separating and collecting equipment.

(17) Portable fire extinguishers—two hours (clock). Historical background; vaporizing liquids; liquefied gases; carbon dioxide; dry chemicals; multipurpose dry chemicals; dry powder; reliability and design safety of fire extinguishers; relation of extinguishers to classes of fires; extinguisher testing by UL; tests for Class A ratings; tests for Class B ratings; tests for Class C ratings; tests for Class D ratings; Table 16 1A. UL Class B fire test procedures; substandard extinguishers; fire extinguishment in the home; selection of extinguishers; location of extinguishers; utilization of extinguishers; maintenance of extinguishers; principles of selecting extinguishers; matching extinguishers to the hazard; selecting the right extinguisher; water-base extinguishers; carbon dioxide extinguishers; dry-chemical extinguishers; wheeled extinguishers; available personnel—ease of use; health and operational safety consideration; distribution of fire extinguishers; arrangement in a building; mounting extinguishers; Class A extinguisher distribution; Class B extinguisher distribution; Class C extinguisher distribution; Class D extinguisher distribution; identification of extinguishers; marking of extinguishers; marking locations.

(18) Fire protection agencies and their activities—two hours (clock). National Fire Protection Association; American Insurance Association; Security Mutual Systems; Insurance Services office; improved risk mutuals; Insurance Information Institute; Fire Marshals Association of North America; International Association of Fire Chiefs; Interna-

tional Fire Service Training Association; Joint Council of Fire Service Organizations.

(19) Explosives and blasting agents—one hour (clock). Nature of explosive materials; terminology; fire and explosions; type of explosive materials; commercial explosive types; secondary high explosives; low explosives or propellants; blasting agents; water gels or slurries; class of explosives; Class A explosives; Class B explosives; Class C explosives; blasting agents; other classification systems; permissible explosives two-component explosives; manufacture of explosive materials; transportation of explosive materials; storage of explosive materials; storage magazines; Type 1 magazine; Type 2 magazine; Type 3 magazine; Type 4 magazine; Type 5 magazine; fire protection for explosive materials; fighting fires in explosives; American Table of Distances for Storage of Explosives; fighting fires in blasting agents.

(20) The fire code (its provision and scope)—16 hours (clock). Title intent and scope; administration; general provisions; applicable to permits and certificates; definitions; abbreviations; rules of construction and interpretation; the Fire Code Review Board; automobile tire rebuilding plants; automobile wrecking yards; junk yards or waste material; handling plants; bowling alleys; cellulose nitrate motion picture film; cellulose nitrate plastics (pyroxylin); storing and handling of combustible fibers; compressed gas; prevention of dust explosions; maintenance of exit ways; explosives and blasting agents; fireworks; fire protection; application of flammable finishes; flammable and combustible liquids; fruit ripening processes; fumigation and thermal insecticidal fogging; garages; hazardous chemicals; liquefied petroleum gases; lumber yards and woodworking plants; combustible metal; matches; oil burning equipment; ovens; industrial baking and drying; places of assembly; general precautions against fire; mechanical refrigeration; smoking; tents and air supported structures; welding and cutting; calcium carbide, and acetylene; motion picture projection; airports, heliports, and helistops; manufacture of organic coatings; storage of combustibles; cryogenic fluids; pneumatic testing of piping and systems. Note: Lecture can follow a nationally recognized code or local code.

(21) Building code (its provision and scope)—12 hours (clock). Title and scope; organization and enforcement; requirements for Group A occupancies; requirements for Group B occupancies; requirements for Group C occupancies; requirements for Group H occupancies; requirements for Group J occupancies; restrictions in fire zones; Type I buildings; Type II buildings; Type III buildings; Type IV buildings; Type V buildings; stairs, exits, and occupant loads; skylights; penthouses and roof structures; fire extinguishing systems; stages and platforms; motion picture projection rooms; legislative; heat-producing appliances; incinerators rules and regulations for boilers; installation requirements for specific appliances; prohibited location and installation of appliances; domestic range; water heater; room space heater; central heating boiler and furnaces; vented recessed heaters; floor furnaces; duct furnaces; conversion burners; gas-fired unit heaters; clothes dryers; gas fired incinerators; gas refrigerators; hot plates and laundry stoves; hotel and restaurant gas cooking equipment; counter appliances; venting of appliances; appliances required to be vented; draft hoods; types of vents; vent connectors; vents; outside vents; special venting arrangements; procedures to be followed to plan an appliance in operation; adjusting the burner input;

automatic pilots; protective devices; checking the draft; instructions to the consumer; requirements for installation of gas burners and controls in unlisted boilers used for heating and water heating; scope; combustion air; ventilation; vents and vent connectors; burners; air intakes; pilots; manual shut off valves; gas pressure regulators; indicating pressure gauge connections; limiting devices; electricity; elevators; dumbwaiters; escalators and manlifts index; heating; ventilating, air conditioning and mechanical refrigeration.

(22) Electrical systems and appliances—four hours (clock). Fire problems of electrical systems and appliances; elements of electricity; electrical current; codes and standards; National Electrical Code (NFPA 70 ANSI Standards C1), National Electrical Safety Code (ANSI Standard C2.1, C2.2, C2.3, C2.4), and supplements lists of inspected electrical equipment; building wiring; design and protection; service entrance; grounding requirements—building wiring; panel boards and overcurrent protection building wiring and equipment; overcurrent protection; overcurrent protective devices; time delay type plug fuses; cartridge fuses; allowable ampacities of insulated copper conductors, allowable ampacities of insulated aluminum and copper clad aluminum conductors; circuit breakers, thermal devices; types of wiring methods and materials, identification of conductors; terminals, circuits, branch circuits, lighting and appliance branch circuits, calculation of loads; flexible cords; switches; electrical household appliances, surface and base temperature data on standard lamps in open sockets; furnaces; motors; machine tools, switchboards, capacitors; resistors and reactors; transistors, ballasts; motion picture projectors, cranes, and hoists; elevators, dumbwaiters, escalators and moving walkways; heating cable; electronic computer data processing equipment; computer room, equipment; records; fire protection; hazardous location—general; NEC hazardous locations classifications "worn out" or "tired" electrical equipment fires; improper use of approved equipment.

(23) Heating devices and appliances—two hours (clock). Fuels and methods of firing; solid fuel—coal; the combustion of coal; methods of firing coal; storage of coal; solid fuels—miscellaneous, liquid fuel—fuel oils; method of firing fuel oil; fuel oil storage; gas fuels; methods of firing fuel gases; appliance and piping installation; control for fuel burners; primary safety controls, air fuel interlocks; pressure regulation and interlocks, oil temperature interlocks; manual restart; remote shutoff, safety shutoff valves, safety control circuits; types of electrical heating appliances; central heating appliances; floor furnaces; duct furnaces; wall furnaces; room heating and cooking appliances, restaurant type cooking appliances; warm air supply ducts; supply air plenums; steam and hot water pipes; installation of heating appliances; installation of clearances for steam and hot water pipes and radiators; limitations of insulation; metal or insulating sheet materials as wall surface protection; mountings; standard installation clearances; inches, for heat producing appliances; air for combustion and ventilation; clearances, inches, with specified forms of protection; chimney and vent connectors; appliances to be chimney or vent connected; chimney connector and vent clearances from combustible materials; vents; installation of vents; draft hoods; chimneys and fireplaces; type of venting system; fireplaces; firestopping; chimney fires; smoke test for masonry chimneys; metal chimneys; spark arresters on chimneys; NFPA Pamphlets 90-A and 90-B.

(24) Fire alarm systems and devices—four hours (clock). Principles of protective signaling; electrical power supplies; complete and partial systems; supervision of signaling systems; testing and maintenance procedures; signaling system standards; household fire warning systems; notification for evacuation; summoning organized assistance; supervision of extinguishing systems; supervision of processes; manual systems; automatic systems; heat detectors; smoke detectors; flame detectors; central station system; local system; fixed temperature detectors; rate of rise detectors; combined rate of rise and fixed temperature detectors; rate compensation (anticipation and differentiation) devices; photoelectric detectors; ionization detectors; type of flame detectors; spacing of detection devices.

(25) Emergency evacuation—one hour (clock). This lecture is to be devoted to the planning and executing of fire drills in public schools, hospitals, institutions as well as other structures where people congregate for business, recreation or pleasure; the lecture should include the evaluation of each drill after such has been conducted so that fire drills in the future can avoid any problems encountered. Particular emphasis should be given to suggestions for school officials in the planning and conducting of fire drills in public schools.

(26) Life safety in special occupancies—eight hours (clock).

(A) Health care occupancies in general. Occupant characteristics; health care facilities; NFPA Life Safety Code requirements; building construction; subdivision of building spaces; smoke barriers; protection of vertical openings, exit designs; exit features, exit marking and exit illumination; interior finish materials; fire alerting; fire suppression, smoke control protection of hazardous area, building service equipment; operating features, emergency planning.

(B) Texas State Department of Health—minimum standards for nursing homes. General requirements; planning, construction, procedures, and approvals, submission of preliminary plans; submission of final plans, physical plant, fire resistance, flame spread, and related fire characteristics, codes, guides, and manuals governing, the Life Safety Code, structural safety, fire resistance, flame spread, and related fire characteristics; construction types required, exit provisions; including corridors; stairways and other exitways; special safety features; sprinkler systems; fire or smoke detection systems and fire extinguishers; carpet requirements; structural safety and general building requirements; basic requirements for fire resistance; special requirements for fire resistance; return air; heater and boiler rooms; protection of vertical openings; exterior wall surfaces; interior stairs; interior finish, toxic or poisonous gas; flame spread rates and smoke developed rates (maximums); basic requirements for exit provisions; special requirements for exit provisions; dead end corridors; doors as means of egress; horizontal exits; bedroom windows; ramps; basic requirements for smoke compartmentation; special requirements for smoke compartmentation; hazardous areas; swing of bath doors, local sprinklers; complete automatic sprinkler systems; standpipes; manually operated fire alarm systems; local smoke detectors or similar device; fire extinguishers; automatic extinguishing at cooking equipment; heating and cooling; locations and design features; controls, vents; combustion air; boilers; incinerators, rubbish chutes and laundry chutes; pertinent requirements of the Life Safety Code 1967, for new construction; exit details; smoke compartmentation, minimum construction standards; construction of corridor

wall; protection of vertical openings and fire stopping; interior finish; sprinklers; alarm systems and extinguishers; hazardous areas; building service equipment; plans and specifications, approvals, and construction inspections; special report forms.

(C) Texas State Department of Health—hospital licensing standards. Texas Hospital Licensing Law; standards for existing facilities; special instructions concerning all areas of fire prevention and protection; hazardous locations; handling and storage of gases, anesthetics and flammable liquids; structural requirements in existing buildings; general; means of egress and vertical shafts; obstruction to means of egress; heating and cooking appliances; heating, cooling and ventilating systems; wiring and electrical appliances; guide for fire extinguishers; standards for new construction; submission of plans and specifications; general construction requirements; type of construction, ray protection; interior finish; means of egress; doors and doorways; stairways and other vertical openings; exit signs and illumination; fire prevention; fire alarm systems; sprinkler system; heating, cooling, and ventilating systems; smoke or vent pipes; low, medium, or high heat appliances; electrical installation; electrostatic protection in hazardous locations; bulk oxygen systems; State Hospital Prevention Code.

(D) Texas Department of Human Resources (P.W.)—minimum standards day care centers. A general review of the minimum standards for day care center provisions applicable to life safety and fire prevention; a general review of local codes and ordinances regulating these facilities.

(E) Texas Department of Human Resources (P.W.)—minimum standards for kindergartens and nursery schools. A general review of the minimum standards for kindergartens and nursery schools provisions applicable to life safety and fire prevention; a general review of local codes and ordinances regulating these facilities.

(F) Fire case histories. Golden Age Nursing Home, Fitchville Township, Ohio; Hartford Hospital fire, Hartford, Connecticut; Convalescent Home fire, Marietta, Ohio; Katie Jane Nursing Home, Warrington, Missouri, nursing home, Buechel, Kentucky; nursing home, Honesdale, Pennsylvania.

(27) Fire insurance fundamentals—two hours (clock). State grading schedule; the proposed state grading schedule, the credits and penalties formula, net premiums to net losses, applying the insurance service organizations rating schedule; principles of property insurance.

(b) Total number of hours for Inspector "C" certification—140 hours.

§233.106 (211.02.06.006) *Inspector "B" Certification.*

(a) To qualify for Inspector "B" certification, the applicant must have completed all of the requirements for Inspector "C" certification and have completed the following additional subject matter

(1) High rise buildings and related problems (see §233.105(a)(14) (005(a)(14)) of this title)—three hours (clock) additional. The stack effect; Canadian research on evacuation; high rise building fires, One New York Plaza; Rault Center, New Orleans, Louisiana; Baptist Towers Fire, Atlanta, Georgia; compartmentalization versus automatic sprinklers in high-rise buildings; Sears Tower of Chicago; life safety and fire systems.

(2) Fire hazard properties of metals—two hours (clock). Problems encountered with metals; melting, boiling,

and ignition temperature of pure metals in solid form; magnesium and its properties; storage and handling of magnesium; process hazards of magnesium; fighting magnesium fires; titanium and its properties; storage and handling of titanium; process hazards of titanium; fighting titanium fires; sodium and its lithium, NaK and potassium; their properties and storage and handling; fighting fires in hafnium and zirconium; calcium and zinc—its properties, storage, processing, and fighting fires in such metals, radioactive materials and friction sparks and problems related thereto; commercially available approved combustible metal extinguishing agent such as G I, metal guard, and Met L X powder; other commercially available combustible metal extinguishing agents such as foundry flux, lith X powder, TMB liquid and its use as an extinguishing agent; talc powder; graphite powder; sand, soda ash, water, and other extinguishing agents for combustible metals.

(3) Stair exits and occupant loads—four hours (clock). Number of exits required; total width of exits required; distances to exits; exits through adjoining or accessory areas; types of locks or latches, available square foot per occupant and egress facilities in various occupancies; corridors and exits; stairways; rise and run; circular stairways and landings, handrails; smoke proof enclosures; enclosure protection and construction of stairways, smoke proof enclosures by mechanical means, exit signs and illumination; distances to the nearest exit.

(4) Concepts of egress design—two hours (clock). Fundamentals of design, human factors; factors affecting the movement of people; methods of calculating exit width, signs and means of egress; the Life Safety Code as related to exits; hazards of contents; influences of building construction and design, influences of interior finishes, furnishings and decorations, influences of psychological and physiological factors, influences of fire protection equipment, discharge of an exit, capacity of unit of exit width, computing required exit widths, exit facilities and areas; exit door hardware; horizontal exits—stairs, exit maintenance.

(5) Blue print reading and plan checking—four hours (clock). This lecture is to include all of the details of inspections, surveying and mapping of structures, symbols relative to fire protection, height and roof covering, roof types; types of construction and walls, floor and wall openings; wall construction and all other symbols and details relative to structural features involving fire protection and life safety.

(6) Electives to be approved by the commission—13 hours

(b) Total number of hours required for Inspector "B" certification—170 hours.

§233.107 (211.02.06.007) *Inspector "A" Certification.*

(a) To qualify for Inspector "A" certification, the applicant must have completed the requirements for Inspector "B" certification and have completed the following additional subject matter

(1) Loss of life by fire (see §233.105(a)(3) (005(a)(3)) of this title)—six hours (clock) additional. International fire deaths and injuries per million population; fire fighter deaths, factors responsible for the spread of smoke and fire resulting in loss of life, the Ringling Brothers Circus fire, Hartford, Connecticut; Indianapolis State Fairgrounds Coliseum fire, Indianapolis, Indiana; Hartford Hospital fire, Hartford, Connecticut; the Wmecoff Hotel fire, Atlanta, Georgia; cocktail lounge, New Orleans, Louisiana; Pioneer Hotel fire, Tucson, Arizona

(2) Automatic sprinklers (See §233.105(a)(15) (005)(a)(15) of this title)—eight hours (clock) additional. Protection of property; prevention of business interruption; minimizing of water damage; effectiveness of automatic sprinklers; consideration of building features; special occupancy conditions; water-soluble liquids; low flash point liquids; preparation of plans; final approval; efficiency of dry-pipe systems; types of dry-pipe valves; quick-opening devices; operating principles of automatic sprinklers; frangible-bulb sprinklers; frangible pellet sprinklers; deflector design; connections to public water works systems; gravity tanks; fire pumps; fire department connections; water-flow sprinkler alarms; location of alarm signals; water-flow alarm devices; water flow alarm and sprinkler system supervisory systems; responsibility for maintenance; general maintenance of sprinklers and sprinkler piping; basic principles of maintenance and inspection; obstruction in sprinkler system piping; cleaning methods.

(3) Electives to be approved by the commission—16 hours.

(b) Total number of hours required for Inspector's Certification "A"—200 hours.

(c) Provided, however, the applicant may qualify for Inspector's Certification "A" by successfully completing the following subjects in the associate of applied sciences degree in fire protection technology.

	Semester Hours
Fundamentals of Fire Protection	3
Fire Protection Systems	3
Fire Prevention	3
Building Code and Construction	3
Hazardous Materials I	3
Fundamentals of Speech	3
Total	18 hours

§233.108 (211.02.06.008). *Intermediate Certified Inspector.**

- (a) Must be a certified inspector—level "A."
- (b) Must be a full time inspector.

(c) Each applicant shall have acquired the following combination of education and training points combined with the prescribed years of fire protection experience. The education and training points, as used in the schedule hereinafter set forth shall be determined as follows:

- (1) One semester hour or unit in a recognized college or university shall equal one training point.
- (2) Twenty classroom hours of fire prevention training in a program approved by the commission shall equal one training point.
- (3) All programs to be eligible for credit must be submitted to, and approved in writing by the commission, prior to commencement of the program. (Repeat programs will not be accepted for credit nor will the requirements for basic or other fire fighter certificate.)

Education and Training Points	20	40	60	Associate Degree	Baccalaureate Degree
and	and	and	and	and	and
Years of Fire Protection Experience	8	6	4	4	2

No mandatory time limit to complete the required courses.

§233.109 (211.02.06.009). *Advanced Certified Inspector.*

(a) Each applicant shall be an intermediate certified inspector.

(b) Must be a full-time inspector.

(c) Each applicant shall have acquired the following combination of education and/or training points, combined with the prescribed years of fire protection experience.

(d) All programs to be eligible for credit shall be submitted to and approved in writing by the commission prior to commencement of the program. (Repeat programs or courses of study will not be accepted for credit.)

Education and Training Points	40	60	Associate Degree	Baccalaureate Degree
and				
Years of Fire Protection Experience	12	9	9	4

§233.110 (211.02.06.010). *Master Certified Inspector.*

(a) Each applicant shall be an advanced certified inspector.

(b) Must be a full-time inspector.

(c) Each applicant shall have acquired the following education and years of fire protection experience.

Education and	Associate Degree	Baccalaureate Degree	Master's Degree
and	and	and	and
Years of Fire Protection Experience	12	6	4

§233.111 (211.02.06.011). *Verification.* All training must be verified by copies of certificates, transcripts, or other proof of training. Applications must be signed by the applicant and department head.

Issued in Austin, Texas, on October 29, 1980.

Doc. No. 808350 Garland W. Fulbright
 Executive Director
 Commission on Fire Protection
 Personnel Standards and Education

Effective Date: January 1, 1981
 Proposal Publication Date: July 4, 1980
 For further information, please call (512) 474-8066.



NONCODIFIED

Texas Department of Health Solid Waste Management Environmental and Consumer Health Protection 301.82.01

(Editor's note: The Texas Department of Health adopts new environmental and consumer health protection rules on municipal solid waste management effective November 18, 1980. The texts of the new rules are being published serially beginning in the November 4 issue (5 TexReg 4335). Rules 301.82.01.021-.026 appear below.)

The Texas Department of Health adopts the new rules which were proposed and published in the August 12, 1980, issue of the *Texas Register* (5 TexReg 3193). Numerous changes have been made as a result of written comments received by the department from other state agencies, federal agencies, local governments and agencies, and individuals, and verbal and written comments received at five public hearings on the proposed rules held throughout the state. The department carefully and fully considered all comments received and incorporated into the final rules the following changes:

(A) Major and significant changes.

(1) Generally, the bulk of the changes that were made to the proposed rules resulted from comments received from the Environmental Protection Agency (EPA). In accordance with the Federal Resource Conservation and Recovery Act of 1976, the EPA or a state, if the state meets certain criteria established through EPA regulations, must implement a hazardous waste management program. On May 19, 1980, the EPA, after many meetings and public hearings nationwide, promulgated voluminous hazardous waste regulations prescribing standards which it will use or which a state would have to follow if it desired to obtain interim authorization from EPA to implement a state program. (See *Federal Register*, "Environmental Protection Agency, Hazardous Waste and Consolidated Permit Regulations," Monday, May 19, 1980.) In the process of obtaining interim authorization from EPA to operate the State of Texas Hazardous Waste Program, the department, on behalf of the State of Texas, submitted a copy of the proposed rules published in the August 12, 1980, issue of the *Texas Register* (5 TexReg 3193) to EPA to demonstrate the state's ability to conduct a program equivalent to that which EPA would conduct. The Texas Department of Water Resources made a similar submission, inasmuch as hazardous waste management responsibilities within the state are split between the two agencies. EPA reviewed the submissions of the two agencies, and by letter of September 2, 1980, identified problem areas in the agencies' proposed rules which would have to be corrected by November 19, 1980, (the date the federal regulations become effective) before the State of Texas could be granted interim authorization for hazardous waste management. (If interim authorization cannot be granted, EPA will operate the pro-

gram within the state and the federal regulations will be applicable to all persons involved in hazardous waste activities.)

(2) The following is a summarized list of requirements imposed by EPA on the department which have been made a part of the department's final rules.

(a) Standards applicable to municipal hazardous waste covering management of ignitable, reactive, and incompatible wastes, and standards for tanks, surface impoundments, waste piles, thermal treatment, and chemical, physical, and biological treatment.

(b) A form for the municipal manifest system has been identified (see Rule .027(g)(4)).

(c) A requirement for cleanup of discharges in transport now exists (see Rule .027(h)(6)).

(d) Interim status standards for facilities with respect to containers, ground water monitoring, land treatment, landfills, facility personnel training, and facility inspection, monitoring, record keeping, and reporting (see Rule .027(i)).

(e) The definition for "solid waste" identifies a universe of hazardous waste nearly identical to that under 40 Code of Federal Regulations 261 (see Rule .027(b)(13)).

(f) An exemption for hazardous wastes which are reused on site or accumulated, stored, or treated prior to reuse on site is similar to the exclusion contained in 40 Code of Federal Regulations 261.6, which requires hazardous waste regulation of all reused sludges and all reused listed wastes up to the point of actual reuse (see Rule .027(d)(2)).

(g) The present status of mixtures of hazardous and nonhazardous waste conforms with 40 Code of Federal Regulations 261.3 (see Rule .027(d)(2)(C) (Note)).

(h) The generator record retention requirements has been strengthened by adding a provision that the required periods must be extended during the course of unresolved enforcement actions (see Rule .027(g)(6)(E)).

(i) Short term accumulations by generators will be stored in a manner which would not present a danger to human health and the environment (see Rule .027(g)(2)).

(j) The requirements of 40 Code of Federal Regulations 262.50, International Shipments, has been added. The international shipment requirements for generators contains references to importers of hazardous waste. The requirements for exporters address the use of manifest, confirmation of delivery, and notification to EPA in cases where confirmation is not received within 90 days (see Rule .027(g)(4)(E)).

(k) Time limits within which exception reports of unreturned manifests must be filed by generators in accord with the requirements of 40 Code of Federal Regulations 123.128(b)(8) (see Rule .027(g)(5)(C)(iii)).

(l) The exception reporting requirements will be reported to the state in which the shipment originated in accordance with the requirements of 40 Code of Federal Regulations 123.128(b)(7)(ii) (see Rule .027(g)(5)(C)(iii)).

(m) The interstate exception reporting requirement provides a reporting time limit from the date of acceptance by the initial transporter and for notification to the state in which the shipment may have been delivered (see 40 Code of Federal Regulations 123.128(b)(8)). (See Rule .027(g)(5)(C)(iii)).

(n) The terms "transport" or "transporters" are defined (see Rule .027(b)(47)).

(o) The transporter record retention requirement provides that the required periods must be extended during

the course of unresolved enforcement actions (see Rule .027(h)(4)(D)).

(p) Transporters have an affirmative duty to clean up a spill while enroute. "Corrective action" includes the duty to clean up a discharge. Appropriate officials may authorize removal of waste without use of a manifest and that immediate notice be given to the National Response Center (see Rule .027(h)(5) and (6)).

(q) The term "treatment" has been defined and the term "processing" has been given a meaning which is substantially equivalent to "treatment" as it is defined in RCRA and the federal regulations (see Rule .027(h)(37) and (48)).

(r) The closure plan requirements are more specific by requiring that an estimate of the maximum inventory of wastes in storage or treatment at any given time be included in the closure plan. Furthermore, closure must be initiated within 90 days after receiving the final volume of hazardous wastes. In addition, a time limit by which the owner or operator must submit a survey plan of the facility has been added (see Rule .027(i)(8)).

(s) Standards for surface impoundments have been added (see Rule .027(i)(12)).

(t) The owner or operator is required to take remedial action upon the detection of malfunction or the deterioration of equipment and structures when a potential hazard is imminent (see Rule .027(i)(3)(D)).

(u) A minimum three year retention period is required for the maintenance of logs and records (see Rule .027(i)(3)(D)(iv)).

(v) Requirements for the receipt of hazardous waste from a rail or water transporter that has been properly manifested (see Rule .027(i)(6)(A)).

(w) Requirements for the shipments of hazardous waste outside of the United States and the receipt of hazardous wastes from a foreign source (see Rule .027(i)(4)(E)).

(x) Provisions regarding state program requirement for ignitable, reactive, or incompatible waste. This requirement is important, particularly in view of the listing of hazardous wastes from municipal generators that appears in the department's program description, many of which are ignitable (see Rule .027(i)(3)(F)).

(y) Provisions regarding the use and management of containers, including (1) areas where containers are stored must be inspected weekly, (2) containers holding ignitable or reactive waste must be located at least 15 meters from the facility's property line, and (3) that during the storage of incompatible waste, these waste materials be separated or protected from other materials that may be stored nearby (see Rule .027(i)(10)).

(z) Provisions regarding the utilization of tanks for the placement of municipal hazardous waste and provisions regarding the utilization of surface impoundments, waste piles, thermal treatment or chemical, physical, and biological treatment for municipal wastes (see Rule .027(i)(11)(18)).

(aa) Appropriate facility standards meeting the requirements of 40 Code of Federal Regulations 123.128(c).

(i) a provision for the utilization of surface impoundments for the management of municipal hazardous wastes (see Rule .027(i)(12)).

(ii) provisions on the utilization of waste piles to manage municipal hazardous waste (see Rule .027(i)(13)).

(iii) provisions for the thermal treatment and the chemical, physical, and biological treatment of municipal hazardous waste (see Rule .027(i)(17) and (18)).

(bb) A provision requiring notification by the owner or operator to the state director within 60 days after the effective date of Part 265 of the EPA regulations if food chain crops are grown on a land treatment facility (see Rule .027(i)(14)(D)).

(cc) Provisions for the placement or nonplacement of ignitable or reactive waste in a land treatment facility and that incompatible wastes are not placed in the same land treatment area (see Rule .027(i)(14)(B) and (D)).

(dd) A provision for the placement or nonplacement of ignitable or reactive waste, incompatible wastes, bulk or noncontainerized liquid waste, water containing free liquids or containers holding liquid waste in a landfill. In addition, a provision has been added regarding the reduction in volume of empty containers (see Rule .027(i)(15)).

(B) Minor changes made.

(1) The definition of a Type V municipal solid waste site expanded to include facilities which receive, store, and process radioactive waste collected from municipal sources. This was inadvertently omitted in the proposed rules and this fact was discussed at the public hearings.

(2) The permit requirements for land application of solid waste were clarified by specifically excluding domestic sewage sludge or domestic septic tank pumpings unless these wastes have been determined to be hazardous by the generator.

(3) The technical information required for landfill sites serving 5,000 persons or more was revised to provide an option to a permit applicant for a large site to submit a phased site development plan wherein the overall concept is provided but the detailed working drawings are limited to an area of approximately five to eight years of estimated site life. This provision was suggested at the last public hearing and supported by several individuals present.

(4) The minimum separating distance between a disposal operation and the adjacent property line was changed from 20 to 50 to correct a typographical error. This was discussed at the public hearings.

(5) The requirement to submit with a permit application detailed data for water wells within 500 feet of a land disposal site and an estimate of the number of wells within 1,000 feet of the site was deleted. Comments received at public hearings indicated that this information is irrelevant inasmuch as the disposal sites were to be designed so as to preclude any ground water pollution.

(6) The paragraph on ground water protection design requirements was revised to delete references to an allowable liquid limit and plasticity index. The ASTM test procedures mentioned under this paragraph are specifically prescribed under the soil data requirements as discussed at the public hearings. The testing procedures have been elaborated upon to provide guidance as to when specific tests are or are not required.

(7) The time for publication of a public hearing was extended from 20 to 30 days prior to the date of the hearing. Although a period of 60 days or longer was requested by some individuals, a 30 day period appears to be reasonable in view of the longer advance notification provided through the "notice of filing" made following the receipt of a permit application.

(8) The operational standards for Type V and VI sites were expanded to reflect in this section the design requirements which had been previously required under the design section.

(9) The operational standards for Type VII sites were reorganized to provide a clearer presentation of the standards. No changes were made in the previous requirements.

(10) Numerous other suggested changes and revisions have been incorporated into the adopted rules but these are minor and involve the rephrasing of statements for clarification, the relocation of definitions from the end of a section to its beginning, and other miscellaneous editorial changes.

(11) The number of rules has been increased from Rule .031 to Rule .036 to include five tables relating to hazardous wastes as a result of comments from the U.S. Environmental Protection Agency (EPA), as explained above.

Several recommendations were not adopted, mainly because they would have been too restrictive or impractical to enforce or apply on a statewide basis. For example, a recommendation was made to require a public hearing before a permit could be transferred. This was not considered appropriate inasmuch as a majority of the transfers are as a result of only a name change in the original permittee's business designation or the assumption of the operational responsibility of a site by a city or other person when the original permittee is no longer able to operate the site. The regulations contain sufficient prerequisites for a permit transfer to provide assurance that the new permittee can operate the site in accordance with the requirements of the original permit. Comments were received recommending the use of definite and firm land use criteria in the siting of a solid waste facility. This is not practical in that by doing so, many communities, particularly the larger cities, would be deprived of facilities where they could economically dispose of their solid wastes. Inasmuch as conditions vary from one locale to another, the factors to be considered cannot be given the same weight in every situation. Accordingly, the factors contained in the regulations have been selected to give the department as much applicable information as possible for consideration in making a land use decision. One comment was received questioning the failure to include provisions for the open dump inventory required by the Federal Resource Conservation and Recovery Act of 1976. This is a federal program conducted by the state following EPA regulations. Inasmuch as some federal requirements differ from state requirements, a disposal site may be in compliance with state criteria and in noncompliance with federal criteria, thereby being classified as an open dump. There are no provisions in the federal criteria or law that will exempt a facility from an open dump classification if it is in compliance with state criteria. These state regulations as originally proposed and adopted incorporate the federal criteria to bring state standards in conformance with the federal criteria. Although several comments were received requesting deviation from some of the federal criteria, this could not be done because any such deviation would result in placing facilities in noncompliance with the federal requirements.

Copies of the adopted rules are available at the following location:

- (1) Division of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78750.
- (2) Texas Department of Health's Public Health regional offices located as follows:

(a) Public Health Region 1, P.O. Box 968, West Texas State University Station, Canyon, Texas 79016, phone (806) 655-7151.

(b) Public Health Region 2, 3411 Knoxville, Lubbock, Texas 79413, phone (806) 797-4331.

(c) Public Health Region 3, P.O. Box 10736, El Paso, Texas 79997, phone (915) 779-3531.

(d) Public Health Region 4, second floor, old court house, 301 Oak Street, Abilene, Texas 79602, phone (915) 673-5231.

(e) Public Health Region 5, 701 Directors Drive, Arlington, Texas 76011, phone (817) 460-3032.

(f) Public Health Region 6, P.O. Box 190, Temple, Texas 76501, phone (817) 778-6744.

(g) Public Health Region 7, P.O. Box 2501, Tyler, Texas 75710, phone (214) 595-3585.

(h) Public Health Region 8, P.O. Box 592, Harlingen, Texas 78550, (512) 423-0130.

(i) Public Health Region 9, P.O. Drawer 630, Uvalde, Texas 78801, phone (512) 278-7173.

(j) Public Health Region 11, 1110 Avenue G, Rosenberg, Texas 77471, phone (713) 342-8685.

Copies of the rules are also available for inspection at organized local health departments and districts.

The department adopts these rules pursuant to Article 4477-7, Vernon's Texas Civil Statutes.

.021. Operational Standards for Solid Waste Land Disposal Sites.

(a) General requirements. The site development plan, consisting of the design, site operating plan, and related data submitted in support of a permit application, as modified by permit special provisions, becomes an operational requirement of the permit and any significant deviation from the plan without prior approval of the department is a violation of this section. If at any time during the life of the site the permittee becomes aware of any condition in the site development plan which makes it impractical to keep the site in compliance with this section without modification of the plan, the permittee shall submit to the department a revised plan prior to implementation of any necessary deviation. In the event that a necessary deviation is the result of unforeseen circumstances and there is insufficient time to prepare and submit a revised plan, the permittee shall immediately contact the department by telephone or telegram and obtain interim authorization pending the submission and review of the revised plan. Interim authorization shall not exceed 30 days during which time the revised plan shall be prepared and submitted to the department.

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

(1) Fire protection. An adequate supply of water under pressure at the site or an adequate stockpile of earth reasonably close to the disposal area shall be provided, or there shall be a nearby organized fire department providing service when called. The department may approve alternate methods for fire protection. Accidental fires shall be promptly extinguished. The potential for accidental fires shall be minimized by the application and compaction of soil or other suitable material over disposed solid waste at frequent intervals as prescribed in Rule .021(b)(14) below so as to reduce the risk of fires.

(2) Unloading of municipal solid waste. Unloading of solid waste shall be confined to as small an area as practical.

An attendant shall be on duty during operating hours and during special site utilization to direct unloading of solid waste, or appropriate signs shall be posted to indicate where vehicles are to unload. Uncontrolled access and dumping of unauthorized materials shall be prevented.

(3) Control of windblown material. A portable fence or other suitable means shall be employed to confine windblown materials from unloading, spreading, and compaction operations to the smallest area practical. A water source and necessary equipment may be required for dust control or for wetting deposited waste. It shall be the responsibility of the site operator to collect and return to the disposal site all windblown materials as necessary to minimize unhealthy, unsafe, or unsightly conditions.

(4) Ground and surface water protection. A site shall not be operated in such a manner that ground water is contaminated.

(A) At least seven days prior to depositing any solid waste in any disposal area or excavation, the site operator shall notify the department that a soil evaluation has been performed and that the area or excavation complies with the minimum standards which are prescribed in Rule .020(b)(3)(E)(iii) of these regulations. Where sufficient impermeability does not occur in the native soils, manmade compacted clay liners or some other means of protecting natural waters shall be provided, and prior to depositing solid waste in such area or excavation, the site operator shall show or demonstrate in his notification to the department that the installed liner or other corrective measures taken will provide adequate protection. Following receipt of such notification, regional personnel of the department may inspect the site and advise the site operator if the site is considered adequate to receive solid waste.

(B) Solid waste shall not be placed in unconfined waters which are subject to free movement on the surface, in the ground, or within a larger body of water.

(C) If departmental inspections or evaluation deem it necessary, monitor wells and/or resistivity surveys may be required to monitor ground water quality.

(D) The site shall be protected from flooding by any nearby streams with suitable levees constructed to provide protection from a 100-year frequency flood and to prevent the washout of solid waste from the site.

(E) Suitable water diversion methods shall be provided to divert the flow of uncontaminated run off or other surface water away from the active disposal area to minimize contact between the water and solid waste.

(F) Rainfall run off within the landfill area that has become contaminated by solid waste or other polluted waters, shall not be discharged from the site unless the site operator has furnished the department evidence that such discharge is authorized by the Texas Department of Water Resources. Water which has come in contact with solid wastes may be used for fire fighting, dust control, or compaction of active fill areas.

(5) Disposal of mixed and special wastes (including Class I industrial nonhazardous solid waste). Mixed wastes (municipal and industrial) may be accepted for disposal at a municipal solid waste disposal site except that Class I industrial nonhazardous solid waste, as defined in Rule .016(e)(2) 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 Rule .016(e)(19) and (48), respectively, 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 be 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 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 any 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 F-2 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. Re-

quests 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 and/or disposed;

(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, §§335.1-335.18 (156.22.02.001-.018) of Title 31 Natural Resources and Conservation.

(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 Rule .021(b)(5).

(6) Disposal of hazardous wastes. Hazardous wastes shall not be accepted at municipal solid waste disposal facility except in accordance with subparagraph (L) of these regulations.

(7) Disposal of large items. Special provisions shall be made for the disposal of large, heavy, or bulky items that cannot be incorporated in the regular spreading, compaction, and covering operations.

(8) Open burning. Open burning of solid waste is under the jurisdiction of the Texas Air Control Board and shall have specific approval of that board.

(9) Vector control. Conditions favorable to the production of vectors shall be minimized through proper compaction and covering procedures. Approved pesticides shall be employed for vector control when necessary.

(10) Wet weather operations. All weather roads shall be provided within the site to the unloading areas designated for wet weather operations.

(11) Salvage and reclamation. Salvaging shall not be allowed to interfere with prompt sanitary disposal of solid waste or create public health nuisances. All salvaged materials shall be removed from the site at such intervals as necessary to prevent excessive accumulation of the material at the site. Pesticide containers shall not be salvaged. These containers shall be crushed and rendered unusable upon receipt. Class I industrial waste and hazardous waste received at the disposal site shall not be salvaged or given away without prior written approval from the department. Scavenging shall not be permitted.

(12) Endangered species protection. The facility and the operation of the facility shall not result in the destruction

or adverse modification of the critical habitat of endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species as defined in Rule .020(b) and (e)(E)(vii).

(13) Gas control. Methane and other decomposition gases shall not be allowed to migrate laterally from the landfill site so as to endanger structures or occupants of adjacent properties. Any structures subsequently constructed on the landfill site should contain provisions for the venting of decomposition gases to preclude their accumulation in explosive or toxic concentrations beneath or within the structures. The concentration of methane generated by the solid waste site should not exceed 25% of its lower explosive limit in on-site structures (excluding gas control or recovery system components) and its lower explosive limit at the property boundary. The "lower explosive limit" is the lowest percent by volume of a mixture of methane which will propagate a flame in air at 25°C and atmospheric pressure.

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

(A) Solid waste shall be spread and compacted evenly by repeated passages of suitable compaction equipment. Each layer of solid waste shall be thoroughly compacted to a thickness of approximately two feet.

(B) Unless a lesser frequency of cover has been authorized by the department, all solid waste deposited each day shall be completely covered with a minimum of six inches of well-compacted earthen material not previously mixed with garbage, trash, or other solid waste to prevent insect and rodent problems and blowing waste materials. Maximum allowable frequencies of cover for the various types of landfills are prescribed in Rule .019(b).

(C) A final cover of at least two feet of earthen material, compacted in layers of no more than 12 inches, shall be placed over the entire surface of each completed portion of the fill within 30 days after completion unless inclement weather would prevent the application of dry cover material. The top six inches of final cover shall consist of a suitable topsoil which will sustain the growth of vegetation.

(D) The final cover gradient on top of the fill shall not normally exceed 4:0 (four feet vertical to 100 feet horizontal) to prevent the erosion of cover material which shall be graded and compacted to prevent the ponding of water on the landfill surface and minimize infiltration of water into the landfill.

(E) Side slopes of the final cover shall not exceed a 25% grade (one vertical to four horizontal).

(F) Erosion on intermediate and final cover shall be repaired by restoring the cover material and grading and compacting it as necessary to prevent ponding of water.

(15) Odor and air pollution control.

(A) Any ponded water at the site shall be controlled to avoid its becoming a source of obnoxious odors. In the event objectionable odors do occur, appropriate measures, such as chemical treatment, shall be taken.

(B) All applicable Texas Air Control Board regulations concerning air pollution control shall be observed.

(16) Site completion and closure procedures.

(A) At least 60 days prior to completion of disposal operations or abandonment of a site, the site operator shall notify the department and provide a closure plan and schedule. The department will conduct a final inspection of the site to ensure proper closure.

(B) Concrete markers shall be installed to mark the boundaries of the landfill site. If the actual fill area is

considerably less than the total site area, additional markers shall be placed to outline the limits of the fill area. These latter markers shall be tied in to one or more of the boundary markers by a survey performed by a registered engineer or surveyor. The location of all markers shall be shown on a site plan filed with the affidavit to the public described below.

(C) When fill operations have been conducted which have raised the final elevation higher than 10 feet above natural ground, the site operator shall submit a report to the department indicating that a survey made after final grading of the site verifies that final contours and elevation are in accordance with the site plans as approved in the permit. The final survey shall be performed under the direct (on site) supervision of a registered professional engineer or surveyor and the report shall be signed and sealed by the engineer or surveyor, as appropriate. The report will include as an attachment a landfill completion plan properly annotated to reflect the as built conditions of the site. Contours shall be shown at no greater than five-foot intervals.

(D) After the site has been determined by the department to be properly closed, the site operator shall prepare an affidavit to the public and cause the same to be filed in the deed records in the office of the county clerk of the county in which the site is located. The affidavit shall include a legal description of the property on which the site is located and a site plan which shall specify the area actually filled with solid waste.

(E) A certified copy of the affidavit to the public shall be obtained from the county clerk and filed with the department (see Appendix .036 for a suggested format for the affidavit required by this section).

(F) Following receipt of the above required documents, as applicable, and an inspection report from the department's regional office indicating satisfactory closure of the site, the department will acknowledge the termination of operations and closure of the site.

(G) Postclosure maintenance. For the first year after closure, the site operator shall periodically inspect his closed site and correct as necessary any problems associated with erosion, vegetative growth, leachate or methane migration, subsidence, and ponding of water on the site. If any of these problems persist for longer than the first year, the site operator shall be responsible for their correction until the department determines that the problem areas have been adequately resolved.

(c) Operational standards for Type IV sites.

(1) Fire protection. An adequate supply of water under pressure at the site or an adequate stockpile of earth reasonably close to the disposal area shall be provided, or there shall be a nearby organized fire department providing service when called. Accidental fires shall be promptly extinguished. The department may approve alternate methods of fire protection.

(2) Unloading of municipal solid waste. Every load of waste brought to the site shall be examined at the site entrance. Only brush and/or construction-demolition waste shall be accepted at the site. Garbage, liquids, sludges, paints, solvents, putrescibles, and hazardous or toxic wastes shall not be allowed. Unloading of waste shall be confined to as small an area as practical. The site shall be closed and locked, and its use prohibited, when a supervisor is not on duty.

(3) Control of windblown material. It shall be the responsibility of the site operator to collect and return to the

disposal site all windblown materials as necessary to minimize unhealthy, unsafe, or unsightly conditions.

(4) Ground and surface water protection. The requirements contained in Rule .021(b)(4) are applicable to all Type IV sites.

(5) Endangered species protection. The facility and the operation of the facility shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species as defined in Rule .020(b)(3)(E)(vii).

(6) Open burning. Open burning of solid waste is under the jurisdiction of the Texas Air Control Board and must have specific approval of that board.

(7) Vector control. Conditions favorable to the production or harboring of insects, rodents, and snakes shall be minimized by effective compaction and earth covering. Approved pesticides shall be employed for vector control when necessary.

(8) Wet weather operation. All weather roads shall be provided within the site to the unloading area designated for wet weather operations.

(9) Compaction, intermediate cover, and final cover.

(A) All wastes deposited shall be compacted with suitable compaction equipment as frequently as necessary to minimize voids and covered with a minimum of six inches of well compacted earthen material at least monthly to minimize windblown waste materials and to eliminate the harborage of insects, rodents, and snakes. More frequent coverage may be required by the department if site inspections indicate such need due to excessive windblown material, excessively large waste cells which could pose a significant fire hazard, or other conditions which could pose a hazard to health or the environment. Where insects, rodents, and snakes are in evidence, they should be exterminated by the use of approved pesticides prior to covering deposited waste to ensure that they are not driven to populated areas when the landfill harborage is eliminated.

(B) A final cover of at least two feet of earthen material compacted in layers of no more than 12 inches shall be placed over the entire surface of each completed portion of the fill within 30 days after completion unless inclement weather would prevent the application of dry cover material. The top six inches of final cover shall consist of a suitable top soil which will sustain the growth of vegetation.

(C) The final cover gradient should not exceed 4:1 (four feet vertical to 100 feet horizontal) to prevent the erosion of cover material which shall be graded and compacted to prevent the ponding of water on the landfill surface and minimize infiltration of water into the landfill.

(D) Side slopes of the final cover shall not exceed a 25:1 grade (one vertical to four horizontal).

(E) Erosion on intermediate and final cover shall be repaired by restoring the cover material and grading and compacting it as necessary to prevent ponding of water.

(10) Odor and air pollution control

(A) Any ponded water at the site shall be controlled to avoid its becoming a source of obnoxious odors. In the event objectionable odors do occur, appropriate measures, such as chemical treatment, shall be taken.

(B) All applicable Texas Air Control Board regulations concerning air pollution control shall be observed.

(11) Site completion and closure procedures. The procedures outlined in Rule .021(b)(15) shall be followed

when completing and closing a Type IV site, including the postclosure maintenance requirements.

.022. Operational Standards for Solid Waste Processing, Experimental, and Land Application Sites.

(a) General requirements. The engineering site development plan, consisting of the design, site operating plan, and related data submitted in support of a permit application, as modified by permit special provisions, becomes an operational requirement of the permit and any significant deviation from the plan without prior approval of the department is a violation of this section. If at any time during the life of the site the permittee becomes aware of any condition in the site development plan which makes it impractical to keep the site in compliance with this section without modification of the plan, the permittee shall submit to the department a revised plan prior to implementation of any necessary deviation. In the event that a necessary deviation is the result of unforeseen circumstances and there is insufficient time to prepare and submit a revised plan, the permittee shall immediately contact the department by telephone or telegram and obtain interim authorization pending the submission and review of the revised plan. Interim authorization shall not exceed 30 days during which time the revised plan shall be prepared and submitted to the department.

(b) Operational standards for Types V and VI sites. Certain practices should be followed to ensure that the health, safety, and aesthetic aspects of a community are not endangered by the location and operation of solid waste processing or experimental sites. Depending on the specific solid waste handling or processing operation involved, several of the operational standards prescribed for Type I, II, or III sites may be applicable and shall be followed if appropriate. The following additional criteria are intended to minimize health and safety hazards and assist in the maintenance of an appearance compatible with other activities in the vicinity of such sites:

(1) Overloading and breakdown.

(A) The design capacity of a solid waste processing or experimental facility shall not be exceeded during operation. The facility shall not accumulate solid waste in quantities that cannot be processed within such time as will preclude the creation of odors, fly breeding, or harborage of other vectors. If such accumulations occur, additional solid waste shall not be received until the adverse conditions are abated.

(B) If a significant work stoppage should occur at a solid waste processing or experimental facility due to a mechanical breakdown or other causes, the facility shall accordingly restrict the receiving of solid waste. Under such circumstances, incoming solid waste shall be diverted to an approved back up processing or disposal facility. If the work stoppage is anticipated to last long enough to create objectionable odors, fly breeding, or harborage of vectors, steps shall be taken to remove the accumulated solid waste from the site to an approved back up processing or disposal facility.

(2) Sanitation and vector control.

(A) Conditions favorable to the production of insects and rodents shall be minimized.

(B) When applicable, all working surfaces that come in contact with wastes shall be washed down on a daily basis at the completion of processing. For systems that operate on a continuous basis, washdown shall be accomplished a minimum of once each 24-hour cycle.

(C) Wash waters shall not be allowed to accumulate on site without proper treatment to prevent the creation of odors or attraction to vectors.

(D) Pesticides shall be used for vector control as needed.

(3) Water pollution control.

(A) Surface drainage in and around the facility shall be controlled to minimize surface water run off onto, into, and off the treatment area.

(B) Unless wash or quench waters are disposed of into a sanitary sewer, they shall not otherwise be disposed of except in accordance with the rules and regulations of the Texas Department of Water Resources.

(4) Ventilation and air pollution control.

(A) Adequate ventilation shall be provided.

(B) All applicable regulations of the Texas Air Control board concerning air pollution control shall be complied with.

(5) Litter control.

(A) If a facility is not completely enclosed, wire or other type fencing or screening shall be provided when necessary to minimize windblown materials.

(B) Litter resulting from the operation shall be collected and returned to the processing area as frequently as necessary to minimize unsightly conditions and fire hazards.

(6) Safety. The reduction of safety hazards is of personal benefit to facility employees and is of economic benefit to the operating agency. A safety plan adapted to the nature of the facility shall be developed and followed. An educational program in safety procedures for all employees shall be conducted. Adequate supervision of all activities shall be maintained to ensure the safety of all persons on the premises.

(7) Fire protection.

(A) An adequate supply of water under pressure shall be available for fire fighting purposes.

(B) Fire fighting equipment shall be readily available.

(C) A fire plan shall be established and all employees shall be familiar with it.

(8) Employee sanitation facilities. Adequate potable water and sanitary facilities shall be provided.

(c) Operational standards for Type VII sites.

(1) Definition of terms. For the purposes of these regulations, the following definitions apply:

(A) "Crops for direct human consumption" means crops that are consumed by humans without processing to minimize pathogens prior to distribution to the consumer.

(B) "Disease vector" means rodents, flies, and mosquitos capable of transmitting disease.

(C) "Incorporated into the soil" means the injection of solid waste beneath the surface of the soil or the mixing of solid waste with the surface soil.

(D) "Periodic application of cover material" means the application and compaction of soil or other suitable material over disposed solid waste at the end of each operating day or at such frequencies and in such a manner as to reduce the risk of fire and to impede vector's access to the waste.

(E) "Trenching or burial operation" means the placement of sewage sludge or septic tank pumpings in a trench or other natural manmade depression and the covering with soil or other suitable material at the end of each

operating day such that the wastes do not migrate to the surface.

(F) "Animal feed" means any crop grown for consumption by animals such as pasture crops, forage, and grains.

(G) "Background soil pH" means the pH of the soil prior to the addition of substances that alter the hydrogen ion concentrations.

(H) "Cation exchange capacity" means the sum of exchangeable cations a soil can absorb expressed in milliequivalents per 100 grams of soil as determined by sampling the soil to the depth of cultivation or solid waste placement, whichever is greater, and analyzing by the summation method for distinctly acid soils or the sodium acetate method for neutral, calcareous, or saline soils ("Methods of Soil Analysis, Agronomy Monograph No. 9," C.A. Balck, editor, American Society of Agronomy, Madison, Wisconsin, pages 891 901, 1965).

(I) "Food chain crops" means tobacco, crops grown for human consumption, and animal feed for animals whose products are consumed by humans.

(J) "Pasture crops" means crops such as legumes, grasses, grain stubble, and stover which are consumed by animals while grazing.

(K) "pH" means the logarithm of the reciprocal of hydrogen ion concentration.

(L) "Root crops" means plants whose edible parts are grown below the surface of the soil.

(M) "Soil pH" is the value obtained by sampling the soil to the depth of cultivation or solid waste placement, whichever is greater, and analyzing by the electrometric method ("Methods of Soil Analysis, Agronomy Monograph No. 9," C.A. Balck, editor, American Society of Agronomy, Madison, Wisconsin, pages 914 926, 1965).

(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 operational standards prescribed for Type I, II, or III sites in Rule .021 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 sludge 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 U.S. EPA guidelines for food-chain crop production.

(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) For control of cadmium at land application sites used for the production of food-chain crops for direct human consumption.

(i) The pH of the solid waste and soil mixture shall be 6.5 or greater at the time of each solid waste application, except for solid waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less.

(ii) The annual application of cadmium from solid waste shall not exceed 0.5 kilograms per hectare (kg/ha) on land used for production of tobacco, leafy vegetables, or root crops grown for human consumption. For other food chain crops, the annual cadmium application rate shall not exceed:

Time Period	Annual Cd Application Rate (kg/ha)
Present to June 30, 1984	2.0
July 1, 1984, to December 31, 1986	1.25
Beginning January 1, 1987	0.5

(iii) The cumulative application of cadmium from solid waste shall not exceed the levels in either item (i) or item (ii), below.

Soil Cation Exchange Capacity (meq/100)	Maximum Cumulative Application (kg/ha)	
	Background Soil pH Less Than 6.5	Background Soil pH Greater Than 6.5
less than 5	5	5
5-15	5	10
greater than 15	5	20

(iv) For soils with a background pH of less than 6.5, the cumulative cadmium application rate shall not exceed the levels below; provided that the pH of the solid waste and soil mixture is adjusted to and maintained at 6.5 or greater whenever food chain crops are grown.

Soil Cation Exchange Capacity (meq/100g)	Maximum Cumulative Application (kg/ha)
less than 5	5
5-15	10
greater than 15	20

(B) For control of cadmium at land application sites used for the production of feed for animals whose products are consumed by humans.

(i) The pH of the solid waste and soil mixture shall be 6.5 or greater at the time of solid waste application or at the time the crop is planted, whichever occurs later, and this pH level shall be maintained whenever food chain crops are grown.

(ii) There shall be a facility operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The facility operating plan shall describe measures to be taken to safeguard against possible health hazards from cadmium entering the food chain which may result from alternative land uses.

(C) For control of PCBs at land application sites used for the production of feed for animals whose products

are consumed by humans. Solid waste containing concentration 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. 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.

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

(A) Application of sewage sludge or septic tank pumpings to land at a land application site where crops for direct human consumption are grown within 18 months subsequent to application and the edible portion of the crop is not in contact with the solid waste.

(i) Sewage sludge or septic tank pumpings shall be treated by a process to significantly reduce pathogens as described in Rule .022(c)(4) prior to application or incorporation.

(ii) Public access to the site shall be controlled for at least 12 months and grazing by animals whose products are consumed by humans shall be prevented for at least one month.

(iii) Operational standards for control of cadmium and PCBs described in Rule .022(c)(2) as applicable, shall be followed.

(B) Application of sewage sludge or septic tank pumpings to land at a land application site where crops for direct human consumption are grown within 18 months subsequent to application and the edible portion of the crop is in contact with the solid waste.

(i) Sewage sludge or septic tank pumpings shall be treated by a process to further reduce pathogens as described in Rule .022(c)(5) prior to application or incorporation.

(ii) Operational standards for control of cadmium and PCBs described in Rule .022(c)(2) as applicable, shall be followed.

(C) Application of sewage sludge or septic tank pumpings to land at a land application site where crops for direct human consumption are not grown within 18 months subsequent to application. These standards are also applicable for nursery type operations where flowers, shrubs, or trees are grown. The standards do not apply to sewage sludge or septic tank pumpings disposed of by a trenching or burial operation. Both of the following standards shall be followed for land application of sewage sludge. One of the following standards shall be followed for land application of septic tank pumpings.

(i) The sludge or pumpings shall be treated by a process to significantly reduce pathogens as described in Rule .022(c)(4) prior to application or incorporation.

(ii) Public access to the site shall be controlled for at least 12 months, and grazing by animals whose products are consumed by humans shall be prevented for at least one month.

(5) Processes to significantly reduce pathogens.

(A) Aerobic digestion. The process is conducted by agitating sludge with air or oxygen to maintain aerobic conditions at residence times ranging from 60 days at 15 C to 40 days at 20 C, with a volatile solids reduction of at least 38%.

(B) Air drying. Liquid sludge is allowed to drain and/or dry on under-drained sand beds, or paved or unpaved

basins in which the sludge is at a depth of nine inches. A minimum of three months is needed, two months of which temperatures averaging on a daily basis above 0 C.

(C) Anaerobic digestion. The process is conducted in the absence of air at residence times ranging from 60 days at 20 C to 15 days at 35 C to 55 C, with a volatile solids reduction of at least 38%.

(D) Composting. Using the within-vessel, static aerated pile, or windrow composting methods, the solid waste is maintained at minimum operating conditions of 40 C for five days. For four hours during this period the temperature exceeds 55 C.

(E) Lime stabilization. Sufficient lime is added to produce a pH of 12 after two hours of contact.

(F) Other methods. Other methods or operating conditions may be acceptable if pathogens and vector attraction of the waste (volatile solids) are reduced to an extent equivalent to the reduction achieved by any of the above methods.

(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 attains a temperature of 55 C 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) Heat drying. Dewatered sludge cake is dried by direct or indirect contact with hot gases, and moisture content is reduced to 10% or lower. Sludge particles reach temperatures well in excess of 80 C, or the wet bulb temperature of the gas stream in contact with the sludge at the point where it leaves the dryer is in excess of 80 C.

(iii) Heat treatment. Liquid sludge is heated to temperatures of 180 C for 30 minutes.

(iv) Thermophilic aerobic digestion. Liquid sludge is agitated with air or oxygen to maintain aerobic conditions at residence times of 10 days at 55 C to 60 C, with a volatile solids reduction of at least 38%.

(v) Other methods. Other methods of operating conditions may be acceptable if pathogens and vector attraction of the waste (volatile solids) are reduced to an extent equivalent to the reduction achieved by any of the above methods.

(B) Any of the processes listed below, if added to the processes described in Rule .022(c)(4), further reduce pathogens. Because the processes listed below, on their own, do not reduce the attraction of disease vectors, they are only add on in nature.

(i) Beta ray irradiation. Sludge is irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (ca. 20 C).

(ii) Gamma ray irradiation. Sludge is irradiated with gamma rays from certain isotopes, such as ⁶⁰Co and ¹³⁷Cs, at dosages of at least 1.0 megarad at room temperature (ca. 20 C).

(iii) Pasteurization. Sludge is maintained for at least 30 minutes at minimum temperature of 70 C.

(iv) Other methods. Other methods or operating conditions may be acceptable if pathogens are reduced to an extent equivalent to the reduction achieved by any of the above add on methods.

(7) Disposal of hazardous wastes. Hazardous wastes shall not be accepted at a Type VII site except in accordance

with procedures contained in this Rule .022(c) and Rule .027 of these regulations.

.023. Compliance and Enforcement.

(a) **Enforcement policy.** The department's policy is to gain improvements in solid waste management through voluntary operational compliance by providing the site operator with technical assistance and guidance during routine inspections or upon the operator's request. The department recognizes that proper solid waste management may require contractual and financial arrangements which require a reasonable time to resolve. Reasonable time schedules for necessary improvements which consider such problems are granted to a site operator who has demonstrated a cooperative attitude toward expediting all improvements over which the operator has control. Although department policy is to make a reasonable effort to obtain compliance without legal action, civil penalties and injunctive relief will be sought in cases where a site operator's cooperation is not adequate.

(1) **Local enforcement.** Both incorporated cities and counties are authorized to enforce the department's regulations as well as applicable sections of the Solid Disposal Act. Particular emphasis should be placed on the closure of illegal common dump grounds, taking appropriate legal action on both the landowners and users of the dump grounds when necessary under the provisions of Section 8 of the Solid Waste Disposal Act. The department encourages such local enforcement and, where local enforcement is active and effective, it is the department's policy to support the local efforts in lieu of taking independent action. The department will initiate enforcement action when local efforts have not caused operational compliance within a reasonable period of time.

(2) **Levels of enforcement.** When the health or environmental impact of noncompliance does not support a need for immediate injunctive relief, the department seeks compliance in a two step process as indicated below.

(A) **Advisory and enforcement letters.** When site inspection reveals site operational noncompliance, the violations will be discussed with the site operator and he will also be advised by a follow up letter outlining the noncompliance and what is required to bring the operation of the site into compliance.

(B) **Compliance schedule.** When subsequent site inspections reveal that improvements resulting from advisory and enforcement letters are not satisfactory, the department will impose on the site operator a written compliance schedule outlining specifically what must be done and the date by which it must be completed. Violation of a compliance schedule is a further violation of the department's regulations, and failure to comply with a compliance schedule or to obtain an extension of time prior to the compliance deadline will normally result in the site operator's noncompliance being referred to the attorney general for appropriate legal relief.

(b) **Surveillance policy.**

(1) **Site inspection.** All legally established sites will be inspected periodically by local health officials and regional personnel of the department. Inspection frequency will vary depending on the site history, its size, and its potential environmental impact. Illegally established sites will be kept under surveillance to ensure that no further wastes are dumped and the sites will be inspected as often as necessary to ensure their prompt and proper closure.

(2) **Permit special provisions.** Municipal solid waste permits requiring specific actions as a result of special provi-

sions of the permit will be monitored, and the sites inspected by the department when appropriate, to assure timely compliance.

.024. Variances. Granting of variances. The department may approve a variance from the requirements of these regulations when, in the opinion of the department, an operation can be conducted without creating a significant hazard to the health, welfare, and physical property of the people. Requests for variances shall be made a part of the permit application prior to or at the public hearing.

.025. County Governments with Licensing Authority.

(a) **Licensing procedures.** The following pertain only to those counties which have chosen to exercise licensing authority in accordance with the Solid Waste Disposal Act, Article 4477.7, Vernon's Texas Civil Statutes, and the County Solid Waste Control Act, Article 4477.8, Vernon's Texas Civil Statutes.

(1) **Licensing authority.**

(A) Before exercising licensing authority for municipal solid waste sites, a county government shall promulgate regulations which are consistent with those established by the department and which have been approved by the department. A county exercising authority shall use the same evaluation processes as prescribed for use by the department to include providing appropriate agencies, in accordance with Rule .016(f) and Rule .020(c) an opportunity to review and comment on those applications for which they may have a jurisdictional interest. In view of the technical evaluations and site investigations which must be made by some review agencies, ample time shall be allowed to receive review agency comments prior to a public hearing. To ensure that review agencies are provided sufficient information on which to base a determination, counties will include in their permit application forms the data requirements as specified in permit applications used by the department, supplemented by any other requirements deemed necessary by the individual counties.

(B) A county may not make regulations for municipal solid waste management within the extraterritorial or territorial jurisdiction of incorporated cities or towns.

(C) The department will issue permits for municipal solid waste sites located within the extraterritorial or territorial jurisdiction of incorporated cities or towns within the county.

(D) A county license for a municipal solid waste site may not be issued, extended, or renewed without prior approval of the department.

(E) Once a license is issued by a county and remains valid a permit from the department is not required.

(2) **Public hearing requirements.** A county shall hold a public hearing prior to issuance, amendment, extension, revocation, or renewal of a license.

(b) **Duration of a license.** The duration of a county license should normally be for the life of site.

(c) **Licensee's responsibilities.** Solid waste sites licensed by a county shall be operated in compliance with regulations of the department and the county.

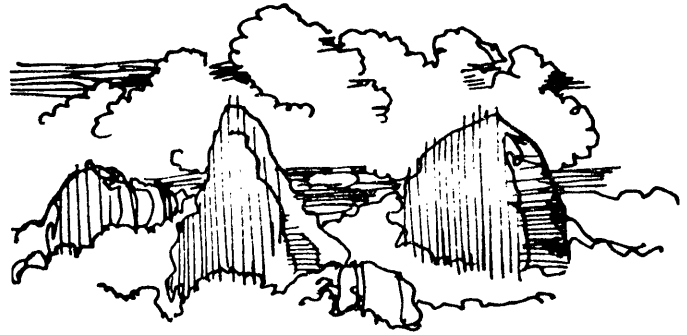
.026. Solid Waste Management Technical Assistance. Provision of technical assistance. The department will provide educational and technical assistance as required to other state agencies, regional planning agencies, local governments, local health officials, special districts, institutions,

and individuals involved with any phase of solid waste management. The department will also assist other state agencies, regional planning agencies, local governments, special districts, and institutions in acquiring federal grants for the development of solid waste facilities and management programs, and for research to improve the state of the art, particularly in the area of energy and resource recovery.

Issued in Austin, Texas, on October 27, 1980.

Doc. No. 808169 A M Donnell, Jr., M.D.
Deputy Commissioner
Texas Department of Health

Effective Date: November 18, 1980
Proposal Publication Date: August 12, 1980
For further information, please call (512) 458-7271.



The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices 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*.

Texas Department of Agriculture

Tuesday, November 18, 1980, 10 a.m. The Texas Department of Agriculture will meet at Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the department will discuss allegations against Monte Alto Foods, Inc., in account with 11 claimants.

Information may be obtained from Bobby Champion, P.O. Box 12847, Austin, Texas 78711, (512) 475 4304.

Filed November 3, 1980, 4 29 p.m.
Doc No 808388

Texas Department of Community Affairs

Wednesday, November 12, 1980, 10 a.m. The Advisory Council on Community Affairs of the Texas Department of Community Affairs will meet in the fourth floor conference room of the Texas Department of Community Affairs Building, 210 Barton Springs Road, Austin. According to the agenda, the council will call to order, approve minutes, and discuss Texas Department of Community Affairs organization, legislative appropriations process, Texas Department of Community Affairs state fiscal year 1979 audit, and legislative budget request for state biennium 1982-1983.

Information may be obtained from Tom Laramey, P.O. Box 13166, Austin, Texas 78711, (512) 475 2431.

Filed November 3, 1980, 3 49 p.m.
Doc No 808387

State Depository Board

Tuesday, November 18, 1980, 11 a.m. The State Depository Board will meet in the office of the state treasurer, 111 East 15th, FBI Building, Austin. According to the agenda, the board will consider applications for designation of state depositories as made by Alvin National Bank, Alvin; College Station Bank, N.A., College Station; the Colony Bank, Colony; Forestwood National Bank, Dallas; First City Bank North

Belt, N.A., Houston; Woodforest National Bank, Houston; American National Bank of Mount Pleasant; American National Bank, Plano; Temple National Bank, Temple; Rose Capital Bank, Tyler, and any other applications received in this office prior to the meeting date. The interest rate to be charged on time account deposits will also be reviewed.

Information may be obtained from Warren G. Harding, P.O. Box 12608, Austin, Texas 78711, (512) 475 2591.

Filed November 5, 1980, 3 48 p.m.
Doc No 808425

Employees Retirement System of Texas

Wednesday, November 12, 1980, 3 p.m. The Board of Trustees of the Employees Retirement System of Texas has rescheduled on an emergency basis a meeting to be held at 18th and Brazos, Austin. According to the agenda, the board will review approve minutes of Board of Trustees meeting held September 15, 1980, and consider the following: additions to stock and bond dealer's approved list; appointment to Investment Advisory Committee; authority for chairman of Board of Trustees to sign security transactions; report on insurance enrollment and experience; capital improvements to fifth floor of the Employees Retirement System Building; proposed legislation for postretirement adjustments and increase of state contributions for retirement; personnel matters (in executive session); and operating budget adjustment. The originally scheduled meeting time of 9 a.m. on November 12, 1980, has been changed to 3 p.m. because of a conflict of three members to meet at that time.

Information may be obtained from Clayton T. Garrison, Box 13207, Austin, Texas 78711, (512) 476 6431.

Filed November 5, 1980, 10 56 a.m.
Doc No 808420

Texas Energy and Natural Resources Advisory Council

Friday, November 21, 1980, 9 a.m. The Energy Efficiency Committee of the Texas Energy and Natural Resources Advisory Council will meet in the Senate Chamber of the State Capitol. According to the agenda summary, the committee will hold its first organizational meeting. The agenda will include a presentation of existing state and federal legislation relating to conservation and an examination of possible legislative action.

Information may be obtained from Deborah Watson, Stephen F. Austin Building, Room 629, Austin, Texas, (512) 475 1183.

Filed November 6, 1980, 9 58 a.m.
Doc No 808444

Finance Commission of Texas

Monday, November 17, 1980, 10 a.m. The Savings and Loan Section of the Finance Commission of Texas will meet in the Sheraton Fairway Motel, McAllen. According to the agenda, the section will consider proposed rule changes for

emergency adoption and for submission to the industry for comment; adopt proposed rules as permanent rules; consider budget for the calendar year 1981; discuss personnel; discuss office policy; and consider home office location and such other matters as may come before the section.

Information may be obtained from L. Alvis Vandygriff, 1004 Lavaca, Austin, Texas, 78701, (512) 475-7991.

Filed: November 5, 1980, 11:51 a.m.
Doc. No. 808423

Texas Health Facilities Commission

Friday, November 11, 1980, 9:30 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:

Certificate of Need

Doctors Hospital, Groves

AH50 0228 030

St. Mary Hospital of Port Arthur, Port Arthur

AH50 0303 040

Park Place Hospital, Port Arthur

AH50 0304 007

Exemption Certificate

McAllen General Hospital, McAllen

AH50 0912 002

Harris Hospital Methodist, Ft. Worth

AH50 0922 030

Gulf Coast Dialysis Center, Houston

ASS0 0922 012

West Houston Dialysis Center, Houston

ASS0 0922 008

Angelo Community Hospital, San Angelo

AH50 0908 026

Transfer of Certificate of Need

St. Anthony's Hospital, Amarillo

AH78 1010 025T092280

Amendment of Certificate of Need Order

Su Clinica Familiar Raymondville Clinic, Raymondville

AS79 0501 003A092280

John Knox Village of the Metroplex, Denton

AN79 0126 015A092280

St. Paul Hospital, Dallas

AH78 1201 001A092280

Motion for Reconsideration/Rehearing

Dallas Psychiatric Hospital, Garland

AH79 1107 002

Information may be obtained from Linda E. Zatopek, P.O. Box 15923, Austin, Texas, 78761, (512) 475-6940.

Filed: November 5, 1980, 9:56 a.m.
Doc. No. 808416

Texas Department of Human Resources

Friday, November 11, 1980, 9:30 a.m. The Texas Council of Child Welfare Boards of the Texas Department of Human Resources will meet in Room 5 A, 1708 East Anderson Lane,

Austin. The boards will meet from 8:30 a.m. to 9:30 a.m. for an executive committee meeting. At the general meeting, the boards will discuss the executive committee report; up date on legislative contacts; budget and plan of operation; bids on council brochure; status report on criminal indictments; presentation on the issue of legal representation; sponsorship of annual "Child Welfare Advisory Groups" meeting; status report on council's child welfare staffing issues; recommendations; and regional reports.

Information may be obtained from James C. Marquart, 1708 East Anderson Lane, Austin, Texas, (512) 835 0440, ext. 2222.

Filed: November 6, 1980, 8:10 a.m.
Doc. No. 808439

State Board of Insurance

Wednesday, November 12, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6185—application for extension of time within which to sell real estate by Republic National Life Insurance Company.

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78786, (512) 475-4353.

Filed: November 3, 1980, 10:54 a.m.
Doc. No. 808368

Thursday, November 13, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6183—application for admission of Interstate Indemnity Company, Chicago, Illinois.

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78786, (512) 475-4353.

Filed: November 3, 1980, 10:54 a.m.
Doc. No. 808369

Thursday, November 13, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6184—application for admission of Central United Life Insurance Company, Sioux City, Iowa.

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78786, (512) 475-4353.

Filed: November 3, 1980, 10:55 a.m.
Doc. No. 808370

Friday, November 14, 1980, 10:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6199—application for certificate of authority of National Bancshares Life Insurance Company, San Antonio.

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78786, (512) 475-4353.

Filed: November 3, 1980, 10:55 a.m.
Doc. No. 808371

Friday, November 14, 1980, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider why Michael Dee Farmer's Group I insurance agent's license should not be revoked— Docket 6201.

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475 4353.

Filed: November 3, 1980, 10:55 a.m.
Doc. No. 808372

Monday, November 17, 1980, 10:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6197— application for certificate of authority of U. S. Life Insurance Company, Waco.

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475 4353.

Filed: November 3, 1980, 10:55 a.m.
Doc. No. 808373

Tuesday, November 25, 1980, 2 p.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to discuss the SCR 21 report.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475 2950.

Filed: November 3, 1980, 2:29 a.m.
Doc. No. 808374

Wednesday, November 26, 1980, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to discuss the contractual liability insurance filing by Virginia Surety Company, Inc.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475 2950.

Filed: November 3, 1980, 2:29 p.m.
Doc. No. 808375

Legislative Budget Board

Monday, November 24, 1980, 9 a.m. The Legislative Budget Board has rescheduled a meeting to be held in Room 301 of the State Capitol. The meeting was originally set for November 21, 1980. The board will continue consideration of agency appropriations for the 1982-1983 biennium and approve the items of information concerning the limitation on the growth of certain appropriations as required by Section 2 of Article 9, House Bill 1060, 66th Legislature, Regular Session, 1979.

Information may be obtained from Thomas A. Keel, State Capitol, Room 207 A, Austin, Texas, (512) 475 3426.

Filed: November 3, 1980, 1:54 p.m.
Doc. No. 808376

Texas Legislative Council

Friday, November 21, 1980, 1:30 p.m. The Committee on Interactive Graphics Data and Equipment of the Texas Legislative Council will meet in the Lieutenant Governor's Committee Room at the State Capitol. According to the agenda, the committee will call to order; have roll call, and consider types of data necessary or appropriate to the redistricting process for possible entry into the interactive graphics data processing system.

Information may be obtained from John T. Potter, Room 31B, State Capitol, Austin, Texas, (512) 475 0814.

Filed: November 5, 1980, 4:34 p.m.
Doc. No. 808429

Midwestern State University

Thursday, November 13, 1980, 9 a.m. The Board of Regents of Midwestern State University will meet in the board room of the Hardin Administration Building, Midwestern State University, Wichita Falls. According to the agenda summary, the board will read and approve minutes, consider old business, and hear new business for the Executive Committee, Finance Committee, Personnel and Curriculum Committee, Student Affairs Committee, Athletics Committee, and the University Affairs Committee.

Information may be obtained from Jesse W. Rogers, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692 6611, ext. 211.

Filed: November 6, 1980, 9:19 a.m.
Doc. No. 808441

Board of Pardons and Paroles

Monday-Friday, November 17-21, 1980, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration, act on emergency reprieve requests and other acts of executive clemency, review reports regarding persons on parole review procedures affecting the day-to-day operation of support staff, review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency, and take action upon gubernatorial directives.

Information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, (512) 475 3363.

Filed: November 3, 1980, 1:54 p.m.
Doc. No. 808377

Wednesday, November 19, 1980, 9 a.m. The Board of Pardons and Paroles will meet in the Diagnostic Unit, Texas Department of Corrections, Huntsville. According to the agenda, a parole panel consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission will conduct parole violation hearings.

information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, (512) 475 3363.

Filed: November 3, 1980, 1:55 p.m.
Doc. No. 808378

State Pension Review Board

Monday, November 10, 1980, 11 a.m. The Subcommittee on Administrative Matters of the State Pension Review Board held an emergency work session in Room 200 of the John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the board held the emergency work session to consider the board's 100-day report. Consideration of this matter on less than seven days' notice was required in order to comply with deadlines concerning said report.

Information may be obtained from Bonnie Farrow, 105 West 15th Street, Room 200M, John H. Reagan Building, Austin, Texas, (512) 475 8342.

Filed: November 5, 1980, 11:59 a.m.
Doc. No. 808422

State Property Tax Board

Thursday and Friday, November 13 and 14, 1980, 8:30 a.m. daily. The State Property Tax Board will conduct hearings in the agency's conference room, 9501 North III 35, Austin, on protest appeals in assignment of market and index values of school district properties pursuant to Section 11.86 of the Texas Education Code.

Information may be obtained from Kenneth E. Graeber, 9501 North III 35, Austin, Texas, (512) 837 8622.

Filed: November 3, 1980, 3:33 p.m.
Doc. Nos. 808385 and 808386

Public Utility Commission of Texas

Monday, November 17, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3522- application of Lower Colorado River Authority for a rate increase.

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

Filed: November 6, 1980, 9:19 a.m.
Doc. No. 808443

Monday, November 24, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3445- application of Palm Park Water Company for a rate increase within Marion County.

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

Filed: November 5, 1980, 9:32 a.m.
Doc. No. 808415

Tuesday, December 16, 1980, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3454- application of C. T. Staples for a water rate increase and certificate of convenience and necessity within Chambers County.

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

Filed: November 5, 1980, 4:36 p.m.
Doc. No. 808430

State Rural Medical Education Board

Saturday, November 15, 1980, 8:30 a.m. The State Rural Medical Education Board will meet in the third floor conference room of the Southwest Tower Building, 211 East 7th Street, Austin. According to the agenda, the board will consider reports of committees, interview new loan applicants, discuss renewal loans, review requests for additional funds, and consider reorganization of the board and other routine business.

Information may be obtained from the State Rural Medical Education Board, Southwest Tower Building, third floor, 211 East 7th Street, Austin, Texas, (512) 475 0801.

Filed: November 5, 1980, 10:56 a.m.
Doc. No. 808421

University System of South Texas

Tuesday, November 11, 1980, 8:30 a.m. The Building Committee of the University System of South Texas will meet in Conference Room 2 of the Student Center, Corpus Christi State University, Corpus Christi. According to the agenda summary, the committee will review current construction projects and consider new construction projects for all campuses.

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

Filed: November 5, 1980, 4:35 p.m.
Doc. No. 808426

Tuesday, November 11, 1980, 9 a.m. The Building Naming Committee of the University System of South Texas will meet in Conference Room 2 of the Student Center, Corpus Christi State University, Corpus Christi. According to the agenda summary, the committee will consider naming a new building at Corpus Christi State University.

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

Filed: November 5, 1980, 4:35 p.m.
Doc. No. 808427

Tuesday, November 11, 1980, 9:45 a.m. The Board of Directors of the University System of South Texas will meet in Conference Room 2 of the Student Center, Corpus Christi State University, Corpus Christi. According to the agenda summary, the board will consider the minutes of the September 11, 1980 meeting; gifts and donations; budget changes; small class report for Fall 1980; resolution to sell 200 shares of Supron Energy Corp. stock; resolution to sell 300 shares of Southmost Savings and Loan stock; sale of surplus equipment; authority to raze old Administration Building at Corpus Christi State University; report from standing committees; approval of signature changes; reports from presidents and chancellor. The board will also meet in executive session.

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

Filed: November 5, 1980, 4:36 p.m.
Doc. No. 808428

University Interscholastic League

Tuesday, November 11, 1980, 9:00 a.m. The State Executive Committee of the University Interscholastic League will meet in Room 3.108 of Sid Richardson Hall at the University of Texas at Austin. According to the agenda, the committee will consider a protest from El Paso Independent School District on the eligibility of Jim Jordan from the Ysleta Independent School District, interpretation on married students as it pertains to Article VIII, Section 13, relating to the changing school rule.

Information may be obtained from Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: November 3, 1980, 10:08 a.m.
Doc. No. 808365

State Board of Veterinary Medical Examiners

Sunday, December 7, 1980, 2 p.m. The State Board of Veterinary Medical Examiners will meet in the Sheraton Crest Inn, 111 East 1st Street, Austin. According to the agenda, the board will discuss general business, practice complaints, enforcement, and conduct licensing examinations. The examinations commence at 8 a.m. Monday, December 8, 1980, and continue daily through Wednesday, December 10, 1980, at Sheraton Crest Inn, Austin.

Information may be obtained from Judy C. Smith, 603 Capital National Bank, Austin, Texas 78701, (512) 475-3933.

Filed: November 3, 1980, 12:33 p.m.
Doc. No. 808381

Texas Water Commission

Tuesday, December 2, 1980, 9:30 a.m. The Texas Water Commission will meet in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to

the agenda summary, the board will conduct a hearing on TA 3904 of Leyendecker Highway Contractors, Inc., for a permit to divert and use 20 acre feet of water for a 16-month period from Chacon Creek, Rio Grande, and Rio Grande Basin, for industrial use (highway construction) purposes in Webb County.

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

Filed: November 3, 1980, 11:13 a.m.
Doc. No. 808379

Tuesday, December 2, 1980, 9:30 a.m. The Texas Water Commission meet in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on TA 3910 of Tom Thorp Transports, Inc., for a permit to divert and use three acre feet of water for a three year period from Spring Creek, Middle Concho River, South Concho River, Concho River, Colorado River, and Colorado River Basin, for industrial use (oil field services, steam cleaning) purposes in Iron County.

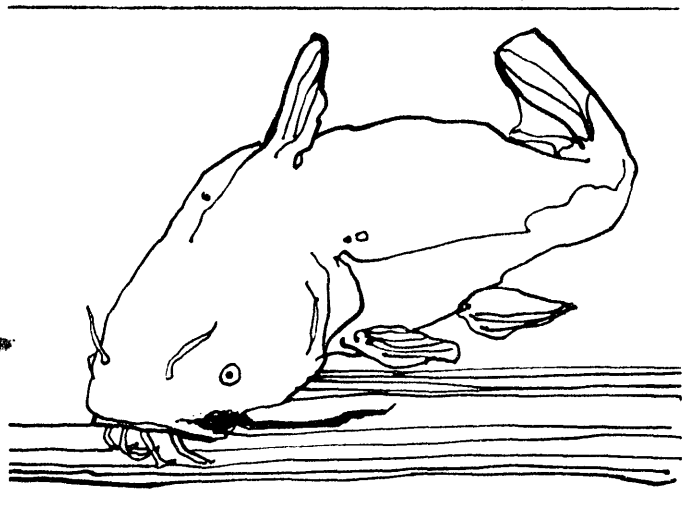
Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: November 3, 1980, 11:13 p.m.
Doc. No. 808380

Tuesday, December 9, 1980, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on petition for organization of Beechnut Municipal Utility District containing 261,3610 acres.

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

Filed: November 6, 1980, 8:58 a.m.
Doc. No. 808440



Regional Agencies

Meetings Filed November 3, 1980

The Lamb County Appraisal District, Board of Directors, will meet at 318 Phelps Avenue, Littlefield, on November 18, 1980 at 7 p.m. Information may be obtained from Pat Brown, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Lower Neches Valley Authority, Board of Directors, will meet in the conference room, the Lower Neches Valley Authority office building, 7850 Eastex Freeway, Beaumont, on November 11, 1980 at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77706, (713) 289-4011.

Doc No 808367

Meetings Filed November 5, 1980

The Angelina and Neches River Authority met in emergency session at the Crown Colony Country Club, Lufkin, on November 5, 1980, at 11 a.m. Information may be obtained from William A. Elmore, P.O. Box 387, Lufkin, Texas 75901, (713) 632-7688.

The Austin-Travis County MIIMR Center, Board of Trustees, met in emergency session in the board room at 1430 Collier Street, Austin, on November 5, 1980, at 7 p.m. The Executive Committee met in the conference room at 1430 Collier Street, Austin, on November 10, 1980, at 7 p.m. The Operations and Planning Committee will meet also meet at 1430 Collier Street, but in the board room on November 20, 1980, at 6 p.m. Information may be obtained from Becky Howard, 1430 Collier Street, Austin, Texas, (512) 447-4141.

The Bell Central Appraisal District will meet in the second floor court room, Bell County Courthouse, Belton, on November 12, 1980, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513, (817) 939-3521 ext. 294.

The Deep East Texas Council of Governments, Manpower Advisory Council, will meet at Lufkin Federal Savings and Loan Association, 211 Shepherd, Lufkin, on November 12, 1980, at 10 a.m. Information may be obtained from Julia Conn Watt, P.O. Box 1423, Lufkin, Texas, (713) 634-2247.

The District Review Committee 2 met in Suite 300 E, 8210 Walnut Hill Lane, Dallas, on November 8, 1980, at noon. Information may be obtained from Jean Davis, 211 East 7th, Suite 900, Austin, Texas, (512) 475-0741.

The Middle Rio Grande Development Council, Manpower Services, will meet at the Civic Center, Uvalde, on November 14, 1980, at 2 p.m. Information may be obtained from Hector Jimenez, Middle Rio Grande Development Council, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Panhandle Regional Planning Commission, Panhandle Area Agency on Aging, will meet at the Amarillo Senior Citizens Association, 1311 South Tyler Street, Amarillo, on November 11, 1980, at 1:30 p.m. The governing body of the Panhandle Health Systems Agency will meet in the first floor conference room of the Amarillo Building, 3rd and Polk, Amarillo, on November 13, 1980, at 7:30 p.m. Information

may be obtained from Perna Strickland and E. L. Melin, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-2281 and (806) 372-3381, respectively.

The San Antonio River Authority, Board of Directors, will meet in the conference room of the General Offices, 100 East Guenther Street, San Antonio, on November 14, 1980, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, Guilbeau Station, San Antonio, Texas 78204, (512) 227-1373.

The South Texas Health Systems Agency, Golden Crescent Subarea Advisory Council will meet in Room 202 of the Science Building, Victoria College, Victoria, on November 12, 1980, at 7 p.m. Information may be obtained from Ruben Saenz, Texas A&I University, Station 1, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

The Trinity River Authority of Texas, Utility Services Committee, will meet in the executive conference room of Trinity River Authority's general offices, 5300 South Collins, Arlington, on November 12, 1980, at 9:30 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

Doc No 808389

Meetings Filed November 6, 1980

The Blanco County Appraisal District met in the jury room at the Blanco County Courthouse, Blanco, on November 10, 1980 at 11 a.m. Information may be obtained from Joy Brussel, Box 725, Blanco, Texas 78606, (512) 833-4414.

The Education Service Center, Region XII, Administrative Board of Directors, will meet at 4508 West Waco Drive, Waco, on November 20, 1980, at 7:30 p.m. Information may be obtained from Mack W. Mullins, 401 Franklin Avenue, Waco, Texas 76793.

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, will meet in city council chambers, city hall, Uvalde, on November 12, 1980, at 2 p.m. Information may be obtained from Elia G. Santos, P.O. Box 702, Carrizo Springs, Texas 78834.

Doc No 808442



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 October 27-31, 1980.

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 October 31, 1980

Olmos Construction Company, Austin; rock-crushing plant; 2226B; new source

St. Regis Paper Company, McKinney; paper-coating plant; McKinney Industrial Park 2; 5137A and 6999A; new sources

K-B Asphalt and Materials, Inc., Azle; asphalt concrete plant; 6224C; new source

Union Texas Petroleum Corp., Rankin; benedum natural gas processing plant; 8.3 miles east of Highway 349 on FM Road 1555; 8589; new source

City of Quitman, municipal solid waste incinerator; Quitman Municipal Incinerator; 8590; new source

Moduline Industries (Texas), Inc., Ennis; mobile home manufacturing facility; 4101 IH 45 South; 8591; new source

Professional Refining Systems, Inc., Dallas; silver reclaiming system; 2664 Brenner; 8592; new source

Vulcan Materials Company, San Antonio, rock crusher; FM Road 1604; 8593 and 8594; new sources

Mobil Producing Texas and New Mexico, Inc., Fort Stockton; gas treating facility; Hokit Queen Gas Treating Facility; 8595; new source

Womble Contracting, Inc., Houston; hot dip galvanizing facility; 5855 Cunningham; 8596; new source

Gohmannasphalt and Construction of Texas, Inc., Frisco; hot mix asphalt plant; 2nd and Maple Streets; 8597; new source

Issued in Austin, Texas, on November 3, 1980.

Doc. No. 808412 Ramon Dasch
 Director of Hearings
 Texas Air Control Board

Filed: November 5, 1980, 8:21 a.m.
 For further information, please call (512) 451-5711, ext. 354.

Consultant Proposal Requests

Assessment of Significant VOC Emissions Not Covered by Existing TACB Regulations

Notice of Invitation for Proposals. The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide professional engineering services to the agency. The last day for receipt of offers shall be November 28, 1980. The contract shall become effective after being signed by the executive director of the TACB and the selected firm. It shall terminate on October 1, 1981. Funds expended under this contract for these services will not exceed \$150,000.

Description of Services. The purpose of this contract is to determine methods to further reduce volatile organic compound (VOC) emissions from stationary sources in Harris County. Such further reductions are needed to satisfy U.S. Environmental Protection Agency (EPA) requirements for preparation of revisions to the State Implementation Plan for ozone nonattainment areas, such as Harris County, that have been unable to produce sufficient emission reductions by the end of 1982. VOC emissions from stationary source categories will be assessed under the contract to determine and define:

- (1) the significant categories of stationary sources of emissions;
- (2) alternative available emission control technologies that can be applied for each category of significant stationary sources; and
- (3) the amount of further reductions that would be technically feasible from the application of each alternative for each category and the cost of each alternative

All offers of consulting services shall include a technical proposal for performing the assessment. A copy of a detailed statement of work to be performed is available from the TACB.

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.

Contact Person. Any private consultant interested in providing the described services should contact C. L. Wheeler, Control Strategy Division, TACB, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, for a copy of the statement of work.

Doc. No. 808409

Preparation of 111 (d) Control Plans

Notice of Invitation for Proposals. The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide professional engineering services to the agency. The last day for receipt of offers shall be December 15, 1980. The contract shall become effective after being signed by the executive director of the TACB and the selected

firm, approximately February 1, 1981. It shall terminate on August 1, 1981. Funds expended under this contract will not exceed \$50,000.

Description of Services. The purpose of this contract is to develop four draft plans as described in Section 111(d) of the Federal Clean Air Act as amended August 1977. The designated pollutants and processes are: sulphur acid mist from existing sulphuric acid production units; fluoride emissions from primary aluminum plants; fluoride emission from phosphate fertilizer plants; and total reduced sulphur from kraft pulp mills. The total number of impacted plants is approximately 40. Project requirements include site-specific analysis of stringency of installed control technology and determination of what, if any, additional controls or process changes may be needed and are feasible. The project shall include comparison of the control level specified in Environmental Protection Agency guidelines to applicable TACB regulation requirements on the basis of:

- (1) protection of air quality;
- (2) cost;
- (3) energy efficiency; and
- (4) practicality.

Such analysis shall be used as the basis for preparation of site specific control strategies to be used for preparation of the draft plans. A more definitive scope of work is available from the TACB.

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.

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

Doc. No. 808410

Study of Photochemical Dispersion Model Sensitivity

Notice of Invitation for Proposals. The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide professional engineering services to the agency. The last day for receipt of offers shall be December 12, 1980. The contract shall become effective after being signed by the executive director of the TACB and the selected firm. It shall terminate on June 1, 1981. Funds expended under this contract for these services will not exceed \$150,000.

Description of Services. The purpose of this contract is to evaluate the sensitivity of a photochemical dispersion model to variations of source emissions and to variations in the input data, particularly as they apply in the Harris County air shed. The photochemical dispersion model evaluated shall be jointly selected by the TACB and the contractor and shall be consistent with applicable Environmental Protection Agency

(EPA) guidelines for "Level I" urban air shed ozone modeling analyses. The work effort will be divided into two phases:

- (1) evaluation of the sensitivity of the model input data to variations in the point, area, and mobile source emissions in each grid zone; and
- (2) evaluation of the sensitivity of the model output data to variations in the model input data.

The contractor must be prepared to install and implement the model on the computing system at the TACB, if requested by the TACB. A copy of a detailed statement of work to be performed is available from the TACB.

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.

Contact Person. Any private consultant interested in providing the described services should contact Paul Russell, Abatement Requirements and Analysis Division, TACB, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, for a copy of the statement of work.

Doc. No. 808411

Supplemental Ambient Air Quality and Meteorological Monitoring in Harris County during 1981 Ozone Season

Notice of Invitation for Proposals. The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide professional engineering services to the agency. The last day for receipt of offers shall be December 12, 1980. The contract shall become effective after being signed by the executive director of the TACB and the selected firm. It shall terminate on December 20, 1981. Funds expended under this contract for these services will not exceed \$1 million.

Description of Services. The purpose of this contract is to provide aerometric and ambient air monitoring services in Harris County during the period May 1 through October 31, 1981. Such services will include:

- (1) establishment and operation of 10 continuous monitoring shelters in Harris County, equipped to measure ozone, NO/NOx, THC/CH₄, CO, and aerometric parameters;
- (2) temporary loan of aerometric, CO, and NO/NOx monitoring equipment for use in state and/or local monitoring shelters;
- (3) airborne air quality monitoring for ozone, NOx, and hydrocarbon grab samples;
- (4) aerometric monitoring for upper-level winds and solar radiation;
- (5) collection of approximately 500 ground-level hydrocarbon grab samples for hydrocarbon species analysis (C₁ through C₁₀, plus aromatics).

The monitoring services proposed must be in accordance with EPA guidelines published for data collection in support of photochemical oxidant urban air shed dispersion modeling.

All offers of technical services must include information on instrumentation, data handling, and quality assurance programs. Proposals may be submitted separately for each item enumerated above. A copy of a detailed statement of work to be performed is available from the TACB.

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.

Contact Person. Any private consultant interested in providing the described services should contact Jim Gise, Abatement Requirements and Analysis Division, TACB, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, for a copy of the statement of work.

Doc. No. 808408

Public Hearings

Proposed Rules and Regulations and State Implementation Plan

Pursuant to Section 3.09 of the Texas Clean Air Act, Article 4775, Vernon's Annotated Texas Statutes, an examiner of the Texas Air Control Board (TACB) will conduct public hearings to receive testimony concerning revisions to certain of its rules and to the State Implementation Plan (SIP).

Revisions to Regulation I (Control of Air Pollution from Visible Emissions and Particulate Matter) are proposed to allow a facility that is unable to meet currently established limits of opacity on stack emissions to apply to the board for an alternate opacity limit.

Revisions to Regulation III (Control of Air Pollution from Toxic Materials) are proposed to delete measurement methods that are obsolete or redundant.

Regulation IV (Control of Air Pollution from Motor Vehicles) would be revised to allow members of the Department of Defense who are being transferred to and from overseas destinations to operate their privately owned vehicles without the emissions control catalyst for five days prior to departure and five days after return from overseas.

Regulation V (Control of Air Pollution from Volatile Organic Compounds (VOC)) would be revised to delete the requirement for VOC controls in Ector County, as measurements of ambient atmospheric ozone in that county do not now exceed the national standard. The exemption of certain web-coating facilities also would be revoked as other provisions are now contained in the regulation that allow facilities to apply for extension of compliance dates if the required control is dependent on low solvent technology that is not yet available. Certain additional minor clerical and technical revisions also are proposed to improve the clarity of intent of certain of the rules within this regulation.

Several revisions to Regulation VI (Control of Air Pollution by Permits for New Construction or Modification) are proposed. One would delete, as redundant to federal law, the requirement for demonstrating that the new/modified facility

would not cause "significant deterioration;" another would substantially simplify the requirements for public notice for proposals to construct or modify a facility and would allow the executive director to delegate authority to exempt relocation of previously permitted facilities from the notice requirements. Other changes are proposed that would require a net decrease in emissions where a new facility is to be constructed in a nonattainment area. The current rules require only that emissions do not increase.

The board's general rules would also be revised. Changes in the definition section would add, delete, and clarify certain definitions. Of principal interest is the proposal to define "potential to emit" as used in the definition of "major facility" and "major modification." A new section also is proposed that would prescribe the conditions and procedures for persons in Texas to use the so called "bubble concept" of control.

In addition to the section changes described above, the TACB proposes to withdraw its prior submittal of sections pertaining to banking of emission reductions to the Environmental Protection Agency (EPA) for approval as part of the Texas SIP. EPA has indicated that it intends to take no action on the board's prior submittal of these sections as there is no requirement for their inclusion in the SIP. The sections would remain, however, as a part of Regulation VI and be administered by the state.

The board also proposes to forward all "external offsets" to EPA for approval and promulgation as SIP revisions. The SIP would be amended to reflect this commitment by the board.

Hearings will be held on December 11, 1980, at the following times and places:

7 p.m.
Chamber of Commerce
Board of Directors Meeting Room
400 West 4th
Odessa, Texas 76761

7 p.m.
Texas Air Control Board Auditorium
6330 Highway 290 East
Austin, Texas 78723

6:30 p.m.
Houston Public Library
Concourse Level Meeting Room
500 McKinney
Houston, Texas 77002

Public comment on these proposed sections and SIP changes is invited, orally and in writing, both at the public hearings and by submission of written comments. Comments received by December 20, 1980, will be entered into the record and considered by the board prior to any final decision on the proposed changes. Oral testimony should therefore supplement or highlight but not repeat testimony. Twenty copies of all testimony whether offered orally or in writing would be helpful to the board in reviewing the comments received.

The proposed revisions are available at the Central Office of the TACB located at 6330 Highway 290 East, Austin, Texas

78723, and at the regional offices of the agency. For further information, call Andy Wheatley or Hank Sievers at (512) 451-5711.

Doc. No. 808414

State Implementation Plan

The Texas Air Control Board (TACB) will conduct public hearings to receive testimony concerning additions to and deletions from the State Implementation Plan (SIP) for attainment and maintenance of the national ambient air quality standards on December 11, 1980, at the following places and times:

7 p.m.

Chamber of Commerce
Board of Directors Meeting Room
400 West 4th
Odessa, Texas 76761

7 p.m.

Texas Air Control Board Auditorium
6330 Highway 290 East
Austin, Texas 78723

6:30 p.m.

Houston Public Library
Concourse Level Meeting Room
500 McKinney
Houston, Texas 77002

These hearings will be held concurrently with hearings on proposed amendments to Regulations I, III, IV, V, VI, and the general rules.

The TACB proposes that all emission offset transactions involving required reductions from a person other than the owner or operator of the facility/stationary source to be constructed or modified be submitted to the administrator of the Environmental Protection Agency (EPA) for approval as SIP revisions. Such transactions are commonly called "external offsets." EPA will then promulgate each such transaction as a revision to the Texas SIP. The SIP would also be amended to reflect the commitment by TACB to forward external offsets to EPA for promulgation in the SIP.

The TACB also proposes to withdraw its prior submittal of §116 3(c), (d), and (e) to EPA for approval as part of the Texas SIP. These subsections pertain to "banking" of emission reductions. EPA has indicated that it intends to take no action on TACB's prior submittal of these subsections as there is no requirement for their inclusion in the SIP. References to the banking provisions in the control strategies of the proposed revisions to the SIP as adopted by TACB on March 30, 1979, would be deleted. The subsections would remain, however, as a part of Regulation VI and be administered by the state.

Public comments, both oral and written, on the proposed plan are invited at the hearings. Written testimony submitted by December 20, 1980, will be included in the hearing record. The TACB would appreciate receiving 20 copies of all testimony prior to the hearings, where possible. Copies of the plan are available for review during normal business hours at

the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and all regional offices of the agency.

Issued in Austin, Texas, on November 3, 1980.

Doc. No. 808413 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: November 5, 1980, 8:22 a.m.

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

Rescheduled Board Meeting

The meeting of the Texas Air Control Board tentatively scheduled for 9:30 a.m. November 14, 1980, has been rescheduled for 9:30 a.m. November 21, 1980, in Austin. The agenda for the meeting will be published in the Open Meetings section of the *Texas Register* prior to the meeting.

Issued in Austin, Texas, on October 31, 1980.

Doc. No. 808383 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: November 3, 1980, 2:28 p.m.

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

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 October 31, 1980.

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 application. 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 Rule 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 Sections 3.02 or 3.03 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, Rules 315.17.05.010-.030, Rules 315.18.04.010-.030, and Rules 315.18.05.010-.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.

Foard County Hospital, Crowell (10/31/80)
AH80-1027-027

EC—To contract for mobile ultrasound service on an as-needed basis

Harris Hospital Methodist, Fort Worth (10/31/80)
AH80-1030-015

EC—To acquire an Oximetrix Shaw catheter oximeter system with optical module and standby heater for use in the neonate intensive care nursery

Issued in Austin, Texas, on November 5, 1980.

Doc. No. 808417 Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities Commission

Filed: November 5, 1980, 9:56 a.m.

For further information, please call (512) 475-6940.

Texas Department of Public Safety

Correction of Error

Adopted sections submitted by the Texas Department of Public Safety concerning drivers license application and examination requirements; vehicle inspection station licensing, general requirements, records, and station operation, and general rules of practice and procedure contained an error as published in the May 9, 1980, issue of the *Texas Register* (5 TexReg 1795). The effective date for the sections should be May 23, 1980.



Office of the Secretary of State

Texas Register Division

Notice to State Agencies

Pursuant to the provisions of Section 9(d), Article 6252-13a, Texas Civil Statutes (the Administrative Procedure and Texas Register Act), and §91.12 (004.65.02.002) of the rules of the Texas Register Division concerning appointment of an agency liaison, all state agencies are reminded that each new appointment and each change in appointment of a liaison is required to be reported in writing to the Texas Register Division, Office of the Secretary of State. The Texas Register Division requests the cooperation of each state agency in this division's endeavor to update its present list of agency liaisons. Please direct any inquiries regarding this matter to Gail Myrick at (512) 475-7886.

Texas Water Commission

Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of October 27-31, 1980.

No public hearing will be held on these applications unless an affected person who has received notice of the applications has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request, (2) a brief factual statement of the nature of the interest of the requester and an explanation of how that interest would be affected by the proposed action, and (3) the names and addresses of all persons whom the requester represents. If the commission determines that the request sets out legal or factual questions within the jurisdiction of the commission and relevant to the waste discharge permit decision, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-1311.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number, and type of application—new permit, amendment, or renewal.

Week Ending October 31, 1980

Velsicol Chemical Corp., Beaumont, Jefferson County; petrochemical manufacturing plant, southeast of Loop 251, southeast of Beaumont; 04169, amendment

Solteco, Inc., and Lexteco, Inc., doing business as Lextar, Deer Park, Harris County; synthetic pulp plant; 1230 Battleground Road, 02406; new permit

Judd A. Weinberg, doing business as Intercontinental Distribution Park, Houston, Harris County; sewage treatment plant; south of North Belt Freeway, north of City of Houston; 12292; new permit

Stauffer Chemical Company, Houston, Harris County; cleaning tank truck facility; 1632 Haden Road; 99541; amendment

Gulf States Asphalt Company, Inc., Beaumont, Jefferson County; east of the intersection of Carroll Street and Buford Street; 01329; renewal

Gold Fields Mining Corp., Shafter, Presidio County; silver mining facility; north of the City of Presidio; renewal

Shintech, Inc., Freeport, Brazoria County; polyvinyl chloride manufacturing plant; southeast of the City of Clute; 01871; amendment

R. R. Harrington, Sr., Baytown, Chambers County; domestic sewage facility; south of FM Road 565; 11109; renewal

Issued in Austin, Texas, on October 31, 1980.

Doc. No. 808356 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: October 31, 1980, 3.09 p.m.

For further information, please call (512) 475-1311.



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 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §5.37 (051.03.02.024) 4479

TITLE 19. EDUCATION

Part II. Texas Education Agency

Noncodified (226.74.01.001) 4490

Noncodified (226.74.01.010) 4490

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

22 TAC §191.4 (386.16.00.004) 4491

Part XXIV. State Board of Veterinary Medical Examiners

22 TAC §571.3 (405.01.01.003) 4480

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Noncodified (301.82.01.021, 026) 4498

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

31 TAC §§101.1, 101.22, 101.23
(131.01.00.001, 002, 023) 4480

31 TAC §111.28 4482

31 TAC §114.2 (131.06.00.002) 4482

31 TAC §115.46 (131.07.05.106) 4483

31 TAC §115.71 (131.07.07.101) 4483

31 TAC §115.144 (131.07.55.106) 4483

31 TAC §115.153 (131.07.56.104) 4484

31 TAC §115.162 (131.07.58.102) 4484

31 TAC §§115.192, 115.194 (131.07.60.102, 104) 4485

31 TAC §115.252 4485

31 TAC §115.262 4485

31 TAC §115.401 4486

31 TAC §115.411 4486

31 TAC §§115.421, 115.424 4487

Table of TAC Titles

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

**Part VIII. Commission on Fire Protection
 Personnel Standards and Education**

37 TAC §233.51 (211.02.06.600) 4492

37 TAC §§233.101, 233.111 (211.02.06.001, 011) 4492

37 TAC §§233.121, 233.128 (211.02.10.001, 008) 4487