

# TEXAS REGISTER

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MAR 28 1977

TEXAS DOCUMENTS

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Proposed amendments to Texas Water Quality Board permit renewal rules

Edwards Aquifer rules adopted by the Texas Water Quality Board

Senate confirmations of gubernatorial appointments

Legislative Report



# NOTES ON THE ISSUE

The Texas Water Quality Board is proposing to amend two of its rules concerning the renewal of permits. The proposed amendments would allow the board to initiate renewal procedures on its own motion, would distinguish between applicants who intend to continue operations under the same conditions specified in their current permits and those who seek to modify their renewed permits, and would allow the board discretion in posting notice for unchanged renewals.

In other action, the Texas Water Quality Board has adopted its Edwards Aquifer Regulations for Bexar, Hays, Comal, Medina, Kendall, Uvalde, and Kinney Counties. The rules for Kinney County will be published in the April 1, 1977, issue of the *Register*.

The attorney general has ruled that the Texas Youth Council's practice of reducing community assistance grants to localities which commit a large number of young people to TYC facilities is constitutional. The opinion was issued at the request of the Harris County Attorney.

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

*Artwork: Gary Thornton*

## TEXAS REGISTER

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**Mark White**  
Secretary of State

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## Senate Confirmations

Confirmed on March 17, 1977

The following is a list of gubernatorial appointments confirmed by the Texas Senate on March 17, 1977. Listed are the agencies or offices, the appointees, and the counties of residence of the appointees.

*Texas Advisory Commission on Intergovernmental Relations*, Robert George Honts, Travis; Don Rogers, Travis; Pledger B. Cate, Jr., Bexar; Lila Cockrell, Bexar; Fred N. Pfeiffer, Bexar; Charles C. Carsner, Jr., Victoria; and George C. Marks, Bell.

*Board of Regents of East Texas State University*, Stephen Oden, Bowie.

*Commissioner of Education*, Dr. M. L. Brockett, Travis

*Texas Commission on Alcoholism*, Dr. David Wade, Travis; Bill Masterson, Ector; and Jim Clipson, Jr., Colorado.

*Commission on Fire Protection Personnel Standards and Education*, Tom D. Pinckney, Travis, reappointment; Pedro A. Menéndez, Hidalgo; and Henry Damon Smith, Brazos, reappointment.

*Commission on Law Enforcement Standards and Education*, Dewey Presley, Dallas, reappointment; Dan J. Saunders, Martin; and Rex R. Kelly, Kerr.

*State Board of Public Welfare*, Raul Jimenez, Bexar, reappointment.

*Veterans Affairs Commission*, T. C. Selman, Brazoria; and John E. Kelvey, Wichita, reappointment.

*Texas Coordinating Commission for State Health and Welfare*, G. E. Engelman, Tarrant; Dr. Cecil G. Harold, Harris; and Dr. Per H. Lagsjoen, Bell

Filed: March 21, 1977, 8:41 a.m.

Doc. No. 771440

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## Opinions

### Summary of Opinion H-957

Request for opinion by John C. White, Commissioner, Texas Department of Agriculture, Austin, concerning the license and inspection fees under the Texas Egg Law.

**Summary of Opinion:** Persons licensed under the Texas Egg Law who first establish the grade, size, and classification of eggs sold in Texas must pay an inspection fee on their sales of such eggs. Licensees need not pay the inspection fee on eggs sold to the military in Texas.

Doc. No. 771430

### Summary of Opinion H-958

Request for opinion by Henry Wade, District Attorney, Dallas County, Dallas, concerning the premiums on group insurance coverage for reserve deputy sheriffs.

**Summary of Opinion:** Premiums on group insurance coverage for reserve deputy sheriffs may be paid by a county only if the insurance coverage is limited to the risk of loss of medical expenses voluntarily assumed by the county pursuant to Section 52e, Article 3, of the Texas Constitution.

Doc. No. 771431

### Summary of Opinion H-959

Request for opinion by Joe Resweber, County Attorney, Harris County Courthouse, Houston, concerning the validity of Texas Youth Council Community Assistance Program funding formula.

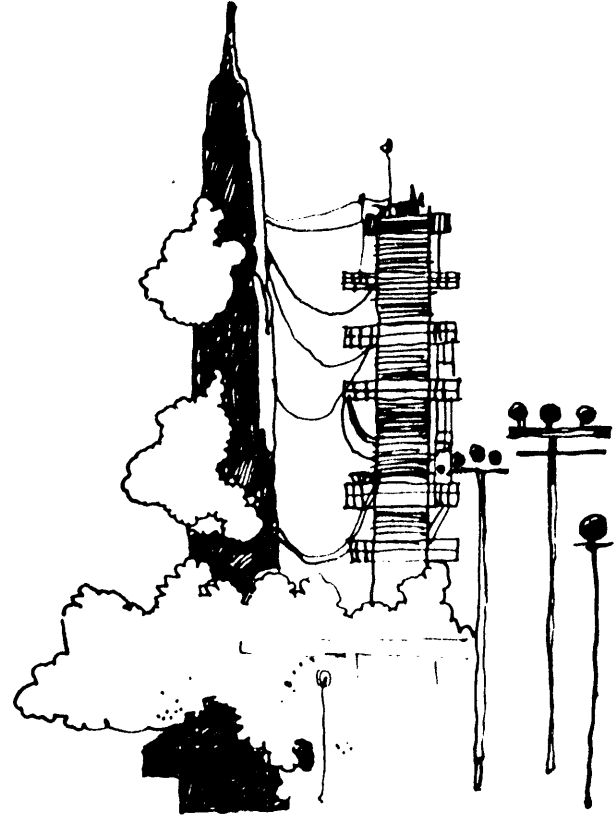
**Summary of Opinion:** The Community Assistance funding formula of the Texas Youth Council does not violate Section 1, Article 2, of the Texas Constitution.

Issued in Austin, Texas, on March 21, 1977.

Doc. No. 771459     C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: March 22, 1977, 4 01 p.m.

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



## Open Records Decisions

### Summary of Open Records Decision ORD-154

Request for Open Records Decision sent to Attorney General's Opinion Committee by John C. Ross, Jr., City Attorney, El Paso, concerning the applicability of Open Records Act to civil service examination scores.

**Summary of Decision:** Lists of civil service examination scores are not excepted from required public disclosure by Section 3(a)(2) of the Open Records Act.

Issued in Austin, Texas, on March 18, 1977.

Doc. No. 771432     C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: March 21, 1977, 11 10 a.m.

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

# EMERGENCY RULES

1122

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 are 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.

**Numbering System--** Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

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

## Secretary of State Elections

### Reporting the Renewal of Loans 004.30.14

The Office of the Secretary of State renews for 60 days the effectiveness of Emergency Rule 004.30.14.001, Reporting the Renewal of Loans, originally adopted on December 2, 1976, and published in Volume 1, Number 95 (December 10, 1976) of the *Texas Register*.

Issued in Austin, Texas, on March 23, 1977.

Doc. No 771467      Mark White  
Secretary of State

Effective Date April 1, 1977  
Expiration Date May 30, 1977

For further information, please call (512) 475-3081.

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.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System--** Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

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

## Texas Water Quality Board Practice and Procedure

### Renewals 130.01.44.002-.003

The Texas Water Quality Board proposes to amend Rules 130.01.44.002-.003, which concern the renewal of permits issued by the Texas Water Quality Board. The reasons for the proposed changes are to:

- (1) specifically authorize the board to initiate renewal procedures,
- (2) distinguish between applicants for renewals that seek to continue under the same conditions and limitations and those that seek to modify the conditions and limitations of their existing permit, and
- (3) simplify the public notice provisions on applications that merely seek to continue under the same conditions as the existing permit.

The board will consider these proposed amendments at its May 5, 1977, board meeting in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, beginning at 9 a.m.

Comments on these proposed amendments are invited and should be submitted to Paul A. Seals, Enforcement Division, Texas Water Quality Board, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-5851.

The following amendments are proposed under the authority of Section 21.069 of the Texas Water Code, Vernon's Annotated Texas Statutes.

**.002. Application for Renewal.** The *board on its own motion or the holder of a waste control order or registration may initiate renewal procedures by the filing of an application for renewal prior to the expiration date* [shall make a timely and sufficient request for renewal, at least 180 days in advance of the expiration date]

(a) The applicant for renewal may use the form of an application for a waste control order or registration as provided by the staff of the board

(b) In preparation of the application, the applicant shall specify:

(1) that the applicant requests the continuation of the same requirements and conditions of the expiring waste control order or registration.

(2) that the applicant petitions the board for a modification of the requirements and conditions of the expiring waste control order or registration

(c) *If the applicant for renewal is petitioning the board for a modification of the requirements and conditions of the expiring waste control order or registration, the applicant shall file an application for amendment which shall be acted upon and considered by the board as provided in Rules 130.01.41.001-.005.* [The board shall use the procedures of Section 305 in considering the application for renewal of the waste control order or registration. Notice of the proposed renewal shall be sent to the persons and in the manner provided in Rules 305.2(b) and 500.4.]

(d) *If renewal procedures have been initiated prior to the expiration date,* [When a holder of a waste control order or registration has made a timely and sufficient application for renewal] the existing waste control order or registration will not expire until the board has made a final determination regarding the application for renewal

### **.003. Public Hearing, Notice [Public Hearing].**

(a) A public hearing shall be held on an application for renewal of a waste control order or registration if:

(1) a person who has received notice of the proposed renewal has requested in writing, setting out the factual basis of his belief that such renewal should not be granted by the board;

(2) *the board or the executive director determines that a public hearing is appropriate.* [The modifications of the requirements or conditions of the expiring waste control order or registration petitioned by the applicant for renewal would have required a public hearing if such modifications were considered as amendments under Section 405.]

(b) *Notice of the proposed renewal shall be given to the persons who in the judgment of the board or the executive director may be affected not less than 30 days in advance of board consideration of the application for renewal.*

(c) *The board may require the applicant for renewal to be responsible for causing notice to be properly published or served in accordance with board instructions and to pay for all or part of the costs of the publication or service of notice.*

Doc. No. 771445

### 130.01.44.004

The Texas Water Quality Board proposes to adopt Rule 130.01.44.004, concerning action that may be taken on an application for renewal of permits issued by the Texas Water Quality Board. The proposed rule would provide criteria that may be considered by the board when reviewing the application for renewal. The rule also provides for alternative action available to the board after considering an application for renewal.

The board will consider this proposed rule at its May 5, 1977, board meeting in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, beginning at 9 a.m.

Comments on this proposed rule are invited and should be submitted to Paul A. Seals, Enforcement Division, Texas Water Quality Board, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-5851.

The following rule is proposed under the authority of Section 21.069 of the Texas Water Code, Vernon's Annotated Texas Statutes.

#### .004. *Action on Application for Renewal.*

(a) In considering the application for renewal, the board may take into account the following factors, where applicable:

(1) status of compliance with the requirements and conditions of the expiring waste control order or registration;

(2) the operations or facilities authorized by the waste control order or registration have been abandoned;

(3) the waste control order or registration is no longer needed;

(4) a change in conditions requires the discontinuation of the discharge; and

(5) maintenance of the water quality consistent with the objectives of the Texas Water Quality Act requires the discontinuation of the discharge.

(b) If the applicant for renewal is requesting the continuation of the same requirements and conditions of the expiring waste control order or registration, the board, after consideration of the applicant, may:

(1) renew the waste control order or registration;

(2) refuse to renew the waste control order or registration;

(3) modify requirements or conditions of the expiring waste control order or registration with the consent of the holder if such modifications will improve the quality of defined water authorized to be disposed and will not result in a significant increase in the quantity of defined waste authorized to be disposed of or a material change in the pattern or place of disposal.

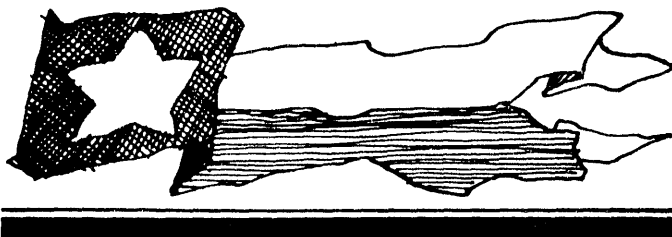
(c) If the board refuses to renew the waste control order or registration, the board shall notify the holder of the waste control order or registration either personally or by mail of its decision which must include findings of fact and conclusions of law, separately stated.

Issued in Austin, Texas, on March 18, 1977.

Doc. No. 771446 Paul A. Seals  
Assistant General Counsel  
Texas Water Quality Board

Proposed Date of Adoption: after May 5, 1977, meeting

For further information, please call (512) 475-5851.





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.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System--** Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

## Texas Water Quality Board Edwards Aquifer Regulations

### Bexar County 130.15.30

The Texas Water Quality Board adopts changes to existing Board Order 75-0128-20, commonly known as the Edwards Board Order. The regulations in that order are designated Rules 130.15.30.002-.020. The board amends Board Order 75-0128-20, which has been applicable to Hays, Comal, Bexar, Kendall, Medina, Uvalde, and Kinney Counties, and adopts rules for each of the above-named counties regulating water quality-related activities in and around the recharge zone to the Edwards Underground Reservoir in each county. The reasons for regulating on a county basis are to foster ease in administering the regulations and to more conveniently adapt the regulations to each county based on different needs and requirements. All the adopted regulations are based upon the existing Edwards Board Order. The adopted rule numbers for these seven board orders are as follows:

- 130.15.30 Bexar County
- 130.15.50 Hays County
- 130.15.55 Comal County
- 130.15.60 Medina County
- 130.15.65 Kendall County
- 130.15.70 Uvalde County
- 130.15.75 Kinney County

Many changes have been made for clarification of meaning. All of the regulations for each county reflect the following clarifications of the existing regulations:

(1) Private service laterals are redefined to mean sewers which connect houses, buildings, and establishments to an organized sewage collection system. This definition makes it clear that private service laterals are sewer lines from the main collection line extending to and connecting with houses, buildings, and establishments.

(2) Stub-out is redefined to clarify that it is a pre-made wye or tee on the main collection line, which allows a collection of the private service lateral to the sewer main collection line.

(3) Board approval of subdivision plans will be required to insure compliance with the regulations prior to initiation of construction.

(4) The proposed regulations require that plans and specifications for organized waste collection, treatment, and disposal systems be approved by the Texas Water Quality Board or the Texas Department of Health Resources.

(5) A provision is proposed to be added requiring preventive and control measures for the above-ground storage of hydrocarbons. The regulation applies to permanent storage facilities with capacity in excess of 1,000 gallons. Specifically exempted are facilities used only for temporary or small capacity storage.

The regulations for Kinney and Uvalde Counties reflect a reorganization and revision of the terms of the existing order as well as language clarifications. Additionally, in Uvalde County, the Nueces, Dry Frio, Frio, and Sabinal Rivers in and upstream of the recharge zone require protection not only because they recharge the Edwards Underground Reservoir, but also because they provide a rare and beautiful recreational resource. Therefore, the board adopts regulations pertaining to private sewage facilities adjacent to these rivers.

A public hearing was held to afford interested persons an opportunity to submit data, views, or arguments, orally or in writing, concerning the proposed amendments to the Edwards Board Order in Uvalde on January 13, 1977, at 10 a.m. in the main auditorium, Civic Center, 300 East Main. The Texas Water Quality Board considered the above proposals and any modifications at its March 3, 1977, meeting.

The Edwards Underground Reservoir consists of a water-bearing geological formation of Edwards and associated limestones. Although the formation occurs in a number of areas throughout Texas and Mexico, the particular reservoir with which this order concerns itself is hydrologically independent and most commonly referred to as the Edwards Underground Reservoir. It trends from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal, and Hays Counties, respectively. Water divides in Kinney and Hays Counties provide the hydrological independence at its extremities. Its upper and lower areas are sided by

relatively impermeable formations. The reservoir provides water for over 1,000,000 people and is a major source of municipal water supply for the City of San Antonio and other cities within its geological area. It is presently of exceptionally good quality and relatively free of pollution.

Practically all of the water which enters the reservoir enters where limestone formation appears at the surface. The surface exposure is referred to as the "outcrop" or "recharge" area. (An "outcrop" covered by a small amount of earth or soil is still an outcrop in the geological sense.) The formation is generally porous and is riddled with fractures, caverns, and solution channels. It is this characteristic which provides an access for wastes to contaminate the reservoir. This order has, therefore, been promulgated in accordance with Chapter 21 of the Texas Water Code in order to control activities which are located on the recharge area and which, if left uncontrolled, could cause pollutants to enter the Edwards Underground Reservoir.

It is the policy and purpose of the Texas Water Quality Act to maintain the quality of water in the state consistent with the public health and enjoyment, the propagation of terrestrial and aquatic life, the operation of existing industries, and the economic development of the state. This order and any actions by the Texas Water Quality Board hereunder will, of course, respect all guarantees and protections provided for property under the United States Constitution, the Constitution of the State of Texas, and any relevant federal or state statutes.

This order is restricted to dealing with water pollution and public health matters and does not intend to directly regulate land uses. This order will be entered following consultation with and the concurrence of the director of the Texas Department of Health Resources.

The following rules are proposed under the authority of Section 21.070 of the Texas Water Code, Vernon's Annotated Statutes.

#### .002. Definitions.

(a) "Executive director" means the executive director of the Texas Water Quality Board, or his authorized representative.

(b) "Board" means the Texas Water Quality Board.

(c) "Licensing authority" means the Commissioner's Court of Bexar County or such administrative body of Bexar County as the court may designate to administer this order within Bexar County except in the towns of Hollywood Park, Shavano Park, or Hill Country Village, and means of the Town of Hollywood Park, the Town of Shavano Park, or the Town of Hill Country Village within their respective townships.

(d) "Organized disposal system" means any system, whether publicly or privately owned, for the collection, treatment, and disposal of sewage. For the purposes of this order, such systems must be operated in accordance with the terms and conditions of a permit issued by the Texas Water Quality Board.

(e) "Private sewage facilities" means septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks, and all other facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the board.

(f) "Septic tank" means a watertight tank which serves as a sedimentation and a sludge digestion chamber and which is placed between the house sewer and the soil absorption field.

(g) "Septic tank system" means a system of disposing of sewage through soil absorption and consisting of a house sewer, a septic tank, and a soil absorption field. (For purposes of this order, an approved waste treatment device, generally taking the place of a septic tank in a septic tank system, shall be construed as a septic tank system.) Waste treatment devices, of the kind generally intended to serve an individual family or other enterprise where a septic tank might ordinarily be installed, must be of a type or design approved by the Texas Department of Health Resources.

(h) "Sewage" means waterborne human or animal wastes from residences, buildings, industrial establishments, cities, towns, or other places, together with groundwater infiltration and surface water with which it is commingled.

(i) "Waste" means sewage, industrial waste, municipal waste, recreational waste, agricultural waste, and other wastes, as defined in the Texas Water Code.

(j) "Edwards Underground Reservoir" for the purpose of this order means that portion of an arcuate belt of porous water-bearing limestones composed of the Comanche Peak, Edwards, and Georgetown Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal, and Hays Counties, respectively. There are other water-bearing Edwards and associated limestone formations in the state; however, they are neither hydrologically connected with the formation identified above nor intended to be affected by this order.

(k) "Subdivision" may be identified as any division of a tract of land into two or more parcels, any one of which parcel is five acres or less.

(l) "Sanitary landfill" means a controlled area of land upon which solid waste is disposed of in accordance with standards, regulations, or orders established by the Texas Department of Health Resources or the Texas Water Quality Board.

(m) "Industrial solid waste" means solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations, including discarded or unwanted solid materials suspended or transported in liquids and discarded or unwanted materials in liquid or semiliquid form.

(n) "Municipal solid waste" means solid waste resulting from or incidental to municipal, community, trade, business, or recreational activities, including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste.

(o) "Recharge zone" is identified as that area where the Edwards and associated limestones crop out in Kinney, Uvalde, Medina, Bexar, Comal, and Hays Counties, plus that area within the 100-year flood plain of Cibolo Creek where it begins at Herff Falls in Kendall County and downstream to the Edwards and associated limestones outcrop, as well as other formations which because of their proximity to surface exposures of the Edwards and associated limestones, pose an imminent threat to the quality of the waters of the Edwards Underground Reservoir, as delineated on the maps in the offices of the Texas Water Quality Board. (The Cibolo Creek flood plain has been included as part of the recharge zone based on studies which show that, although this area consists of the Glen Rose geological formation, it contributes by perched water a very substantial portion of recharge to the Edwards Underground Reservoir.) When it is difficult to determine from the maps whether a particular area lies within the recharge zone or not, the licensing authority shall make the determination, based upon a geological inspection of the ground. Attached to this order are highway maps generally outlining the recharge zone, which should not be construed to be as accurate as the official maps in the office of the Texas Water Quality Board.

(p) "Private service laterals" are sewers which connect houses, buildings, and establishments to an organized sewage collection system.

(q) "Guide" means the most current edition of *A Guide to the Disposal of Household Sewage*, as promulgated by the Texas Department of Health Resources. (The Texas Water Quality Board and the Texas Department of Health Resources concur that the guide should be construed in the light of experience and sound judgment and an overly literal interpretation of the guide should be avoided.)

(r) "Urban" is identified as an area having 50 or more platted lots or 50 single-family equivalents as defined in Rule .006(e) of this order, or any combination of platted lots and single-family equivalents equal to the above, within a radius of 1,320 lineal feet

(s) "Stub-out" is a wye, tee, or other manufactured appurtenance placed in an organized sewage collection system providing a location for private service laterals to connect to the organized collection system.

**.003. Methods of Authorization.** All waste disposal with which this order is concerned and is within the area designated as the recharge zone shall be in accordance with one of the following types of authorizations:

(a) waste discharges in accordance with the provisions of a valid permit, waste control order, or certificate of registration issued by the board. Materials capable of entering the Edwards Underground Reservoir through the recharge zone so as to cause pollution may be controlled by a permit, so long as the activity may be considered a discharge under the legal definition of the term as found in the Water Quality Act.

(1) It is the policy of the board not to authorize industrial sanitary landfills or confined animal feeding operations in the recharge zone. Any person wishing to propose either of these activities may petition the board for the right to file an application. The board, after a public hearing, will make a determination as to whether or not to receive the application. Should the board's determination be to receive the application, the application will be considered by the board on a fair but rigorous basis. The board will not receive an application unless it feels that in its judgment there is any merit in its consideration.

(2) Municipal sanitary landfill operations are created and operated under the rules and regulations of the Texas Department of Health Resources. The Texas Department of Health Resources, as a part of the review of this order by the director, states that it is not the Texas Department of Health Resources' intention to authorize any municipal sanitary landfill, unless there is a showing that pollutants therefrom will not enter the Edwards Underground Reservoir so as to cause significant pollution;

(b) waste discharged into a private sewage facility licensed in accordance with the regulations contained in this order;

(c) waste discharged into a private sewage facility registered in accordance with the regulations contained in this order; and

(d) waste discharges exempt from the terms of this order.

**.004. Waste Collection, Treatment, and Disposal Systems.**

(a) All treated waste effluent shall be transported from the recharge zone whenever the board finds that diversion is feasible from an engineering and economic standpoint or when the board finds it necessary in order to protect the Edwards Underground Reservoir from pollution. The board may also require that the sewage treatment plant not be located on the recharge zone if it is found that its removal is also necessary in order to protect the Edwards Underground Reservoir from pollution.

(b) Waste collection, treatment, and disposal systems to be located within the recharge zone shall conform to the following criteria when applicable:

(1) The design of sewage collection, treatment, and disposal systems shall be in accordance with the most current design criteria of the Texas Department of Health Resources and the board, in addition to the following applicable requirements of Rule .004(b) of this order; and when not in conflict with the above, the most current standard specifications for public works construction as utilized by the City of San Antonio Department of Public Works shall apply.

(2) Plans and specifications of the sewage collection, treatment, and disposal systems shall be approved by the Texas Department of Health Resources and the board prior to construction.

(3) Manholes shall be constructed so that flows between manholes can be readily determined. Flow measurement devices with an automatic daily flow recording chart shall be installed at Texas Water Quality Board selected recharge zone terminal points of the collection system serving the recharge zone. Copies of the daily flow chart shall be submitted weekly to the Texas Water Quality Board.

(4) Upon completion of any waste disposal facility which is part of an organized sewage disposal system, a registered professional engineer shall submit signed and sealed as-built plans of the waste disposal facility and collection system to the appropriate state agency and the licensing authority.

(5) Standby electrical power facilities capable of providing sufficient power to operate the waste treatment plant and appurtenant equipment in the event of normal electric power failure shall be equipped with automatic or remote control starting features. Multiple alternate power supplies may be acceptable under this paragraph.

(6) A remote control monitoring system shall be installed to warn against equipment or power failure. The monitoring system shall be connected from the plant site to an approved control location.

(7) Waste treatment plant owners shall install holding ponds having imperviously lined sides and bottoms which can be filled by gravity flow and which have a capacity sufficient to store the amount of input which would come into the plant during a 24-hour period with provisions for recycling through the plant or other proper disposal.

(8) Spare parts for critical treatment equipment shall be provided for the use of the maintaining agency. The minimum inventory of required spare parts will be designated by the board on the basis of individual plant requirements.

(9) Sewage treatment plant capacity shall be based on not less than a minimum designed flow of 100 gallons per person per day and a population equivalent

of four persons per dwelling unit or equivalent unless the consulting engineer can justify, upon approval of the executive director, a different figure.

(10) Effluent standards for sewage treatment plants discharging on the recharge zone are established as follows:

(A) The monthly average for total suspended solids shall not exceed 5.0 mg/l and the seven-day average for the five-day biochemical oxygen demand shall not exceed 10 mg/l.

(B) The monthly average for total suspended solids shall not exceed 5.0 mg/l and the seven-day average of total suspended solids shall not exceed 10 mg/l.

(C) Chlorine residual shall be not less than 5.0 mg/l following a 60-minute detention time based on peak flow.

(D) The monthly average for phosphate expressed as phosphorus shall not exceed 2.0 mg/l.

(E) Dissolved oxygen shall be not less than 5.0 mg/l.

(11) Public health hazards will normally not occur from the concentration of nitrogen and nitrogen compounds normally found in the effluent or conventional sewage treatment plants. Therefore, since there is not adequate plant scale operating experience available in this area of technology, the board does not propose requiring a process to remove it. The board encourages sewage treatment plant processes which intrinsically minimize the concentration of nitrogen in its effluent and may require nitrogen removal should future studies indicate the need. (It should be noted that the high degree of treatment required by this order will provide a very good level of nitrogen removal.)

(12) Sewage treatment plants shall be designed so that they may be modified in order to provide for additional processes which the board may find necessary at a future date.

(13) Sewage treatment plant campuses shall be of sufficient size to provide additional capacity or additional techniques of treatment if and when necessary.

(14) Regionalization of organized systems shall be rigorously enforced.

(15) The construction of sewage collection lines shall comply with the following:

(A) Holes for service lines and other lines shall be cut, not broken.

(B) The service connection will be made with the use of a board-approved manufactured saddle of proper dimension centered over the cut opening.

(C) Where the sewer main is 12 inches in diameter or smaller, a concrete encasement with a minimum thickness of five inches shall completely encircle the main at the connection. The minimum width of the concrete encasement shall be two feet, centered at the point of connection.

(D) Where an existing main is larger than 12 inches in diameter, as an alternative to concrete encasement, the connection may be made by using a concrete bonding epoxy or bonding agent of approved quality. Following the epoxy bond, a cement mortar composed of two parts sand to one part cement should be applied around the connection point, completely encircling the joint. The cement mortar band shall have a minimum thickness of three inches around the joint and shall extend up the side walls of the house connection joint and the sewer main for five inches.

(E) The angle of connection into an existing sewer main for an individual house connection shall not be more acute than 45 degrees.

(F) All sewer pipes shall have compression or mechanical type joints. When "Schedule 40" PVC pipe (ASTM D-3033 or D-3034, maximum SDR of 33.5) in diameters four inches or less is used for private service laterals, solvent weld joints may be used.

(G) The sewer system, including stub-outs, shall be tested under the supervision of a registered professional engineer at the time of installation and shall be certified by him to meet or exceed the requirements of the latest revision of the City of San Antonio "Standard Specifications for Public Works Construction" Item 518, or its equivalent, relative to establishing a minimum infiltration/exfiltration rate.

(H) Whenever Y's and T's are designed in the approved plans, they shall be manufactured Y's and T's.

(I) Blasting for sewer line excavation must be done in such a manner as to minimize the fracturing of rock beyond the required excavation.

(J) Materials used in the construction of the sewer lines shall be approved at the time of review of the plans and specifications.

(K) Pipe and joint assemblies for laterals shall be designed for the maximum working pressure which can be placed on the pipe, plus a factor of safety.

(L) Pipe and joint assemblies shall be designed to have a crushing capacity in excess of that which can be expected to be experienced, plus a factor of safety.

(M) Pipe and joint materials in both laterals and mains shall be resistant to decomposition from chemicals in domestic sewage or other materials which it may be called upon to transport.

(N) All pipe shall be embedded in materials giving adequate protection to the pipe from other back-fill material.

(O) The results of an infiltration/exfiltration test, the type of which to be approved by the executive director, shall be biennially reported to the board and the tests certified by a registered professional engineer as having been correctly performed.

(P) To the maximum extent feasible, the sewer mains shall be located so that no manhole falls

within a street or drainage channel and shall be constructed so that the top of the ring is at least two inches above the finished grade of the surrounding ground. This shall be done in order to avoid locating the manhole in an area which is regularly flooded.

(Q) Manholes for new construction shall be monolithic, cast in place. Repair or replacement work shall be done as approved by the repairing engineer.

(R) Manholes, including rings and covers, shall be constructed so that they are watertight.

(S) Lift stations shall be provided with standby emergency power similar to that required for treatment plants.

(T) All connections shall be constructed with compression or mechanical joints.

(U) Any caverns or solution channels encountered during construction shall be reported to the Texas Water Quality Board District Office No. 8 with a request for approval of construction design when the pipe, due to its structural integrity, is not sufficient to bridge the gap.

(V) All stub-outs for future connections shall be installed and tested as outlined in Rule .004(b)(15)(G) of this order as part of main construction. Stub-outs so installed shall extend beyond the street pavement toward the property of all properties to be served whenever feasible. All services shall connect only to stub-outs installed and tested as part of the original construction. After original construction, additional stub-outs can only be installed with the approval of the executive director of the Texas Water Quality Board.

(W) All blasting which is to occur within 25 feet of an existing and previously tested sanitary sewer main shall require prior notice to the Texas Water Quality Board District Office No. 8 and the licensing authority.

Approximate Distance from Sanitary Sewer Main	Pounds of Explosive per Cubic Yard of Rock to be Blasted		Maximum Hole Spacing
	Nitro Carbo Nitrate	Dynamite (60% Extra)	
5'	1#/CY	0.6#/CY	2'
10'	1#/CY	0.7#/CY	3'
15'	1.2#/CY	0.8#/CY	5'
20'	1.4#/CY	0.9#/CY	8'
25'	1.7#/CY	1.0#/CY	12'

In addition to the above general criteria, all blasting shall be in accordance with appropriate criteria established in the National Fire Protection Association publication and the contractor shall consider the eleva-

tion of the existing sanitary sewer main in relation to the blasting charge and the relative direction of existing and proposed trenches. Blasting within such areas shall be accomplished by only qualified blasting contractors who hold blasting licenses from a qualifying agency such as the San Antonio Fire Department in Bexar County.

Should the Texas Water Quality Board find that damage has been done to an existing sanitary sewer main resulting from such blasting, it may require the responsible party to repair and retest such mains.

(X) Where fully supported by relevant information provided by the consulting engineer, the execu-

tive director may substitute an alternate procedure for any of the foregoing.

(Y) Notwithstanding all the above, it shall be required that the system operate satisfactorily and any failure for any cause whatsoever shall be required to be corrected in a satisfactory manner.

*.005. Private Service Laterals on Organized Sewage Collection Systems Located within the Recharge Zone.*

(a) Any new private service lateral shall conform to design and construction criteria as established in Rule .004(b)(15) of this order.

(b) Prior to connecting the private service lateral into an organized sewage collection, treatment, and disposal system, a registered professional engineer shall visually inspect the private service lateral after installation and prior to covering and certify it to have been constructed in conformity with the applicable provisions of Rule .004(b)(15) dealing with construction standards for sewage collection lines. The permit holder of the organized disposal system shall be responsible for forwarding this certification to the Texas Water Quality Board, as will be provided for in the special conditions attached to the discharge permit.

*.006. Licensing Requirements for New Private Sewage Facilities.*

(a) Private sewage facilities to be operated within an urban area and within the boundaries of the recharge zone must meet the following requirements:

(1) A license must be obtained for the use of these facilities from the designated licensing authority.

(2) The lot or tract in question must be large enough, considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of a private sewage facility without causing water pollution, nuisance conditions, or danger to public health.

(3) No license may be issued for a septic tank system located on a lot or tract of land in the recharge zone having an area of less than one acre unless an exception is granted in accordance with Rule .012 of this order. If at some future date an organized collection,

treatment, and disposal system replaces the private sewage facility disposal system, the one-acre minimum lot-size requirement is no longer applicable.

(4) Whenever the natural percolation rate is faster than one minute per inch, an alternate site for a septic tank system should be sought. If there is no suitable alternate site, the licensing authority shall grant or deny a permit on the basis of all relevant factors. Reference is here made to the evapotranspiration system for sewage disposal.

(5) A septic tank system shall be installed only in areas where the slope of the ground surface in the area of the absorption field to a distance of 12 feet horizontally from the absorption field is less than one foot vertical to three feet horizontal, unless proper construction techniques are employed in order to overcome the slope.

(6) Except when the septic tank system utilizes an evapotranspiration disposal system, a soil profile to a depth of seven feet shall be established.

(7) A minimum of six percolation tests spaced uniformly over the proposed absorption field site shall be performed. Percolation test holes and performance of the percolation test measurements should be in accordance with the guide.

(8) Any new private sewage facility should conform to the design criteria established in the guide. However, the board is aware that the guide cannot be literally applied in every situation and in such cases the guide should not be substituted for sound judgment.

(9) The use of natural or artificially produced holes, cavities, or drilled wells to ease the disposal of private sewage facility effluent is prohibited.

(10) Pit privies, cesspools, or injection wells used to dispose of sewage from private sewage facilities are prohibited from being constructed on the recharge zone after the effective date of this order.

(b) Terms of license for new private sewage facilities.

(1) Any license issued under the authority of this order will be transferred to a succeeding owner and such license will continue in existence for the unexpired term of the license.

(2) The licensing authority will perform or direct the performance or such inspections and tests as may be deemed necessary to determine the suitability of the land for a private sewage facility. Whenever good practice accords, all tests, design, and construction shall be in conformity with provisions of the guide.

(3) Upon a finding by a licensing authority that use of the private sewage facility will not cause pollution or injury to the public health and is not in conflict with the terms and regulations of this order:

(a) A license effective for a term of five years will be issued.



(b) A new license issued under the above terms may be renewed for successive terms of five years.

(4) The licensee shall notify the licensing authority of any subdivision or resubdivision of the property served by the private sewage facility or if the capacity or loading of the system is altered from that stated in the license. Any alteration of the system shall render the license voidable and require of the licensee the burden to show why his license shall not be revoked.

(5) Upon a decision by the licensing authority that the private sewage facility will not be licensed, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

(c) Application forms may be obtained from the licensing authority. To initiate consideration of the application, the forms must be completed in duplicate and returned to the licensing authority and must conform to the following:

(1) The name and address of the person making the application, the address or location of the property on which the system is to be built, the legal description and dimensions of the property, a description of the structure or structures that the system is proposed to serve, any map with sufficient detail to clearly locate the land on which the system will be constructed, unless the land is within a platted and recorded subdivision, in which case the applicant may substitute a reference to the lot number and plat in lieu of the map.

(2) The licensing authority shall notify the applicant whether or not a satisfactory private sewage facility reasonably meeting the requirement of this order and the guide, where applicable, can be built on the property for which the application is made.

(3) If it is found that a private sewage facility can be built, the licensing authority shall inform the applicant of the minimum requirements for such a system. The applicant must then submit detailed plans for the system accompanied by the applicant's certificate that the system will be built according to the submitted plans.

(4) The applicant shall notify the licensing authority, at least five days in advance of the proposed completion of a septic tank system before the facility is covered, in order that a final inspection can be made to determine whether the system was installed in accordance with the plans and specifications submitted with the application. Once this final inspection is made and everything is found to be in order, a license will then be issued.

(5) An applicant need not be an owner. Although the owner is ultimately responsible, applications may be accepted from the party renting or leasing the property. In cases of dispute, the owner is considered fundamentally responsible.

(d) A tract of land located on the recharge zone but not within an urban area is exempt from the licensing requirements set out in Rule .006 of this order.

(1) Those lots platted and recorded after the effective date of this order, but not having a private sewage facility at the time the area is determined by the licensing authority to be urban, are required to be licensed.

(2) This exemption will not bar any action to abate a nuisance as defined in Article 4477-1, Vernon's Texas Civil Statutes. If a system in existence before the effective date of this order is found to be malfunctioning, the licensing authority may require licensing in accordance with Rule .006.

(e) Business-commercial activities and residential developments producing more than 400 gallons per day of sewage shall be rated in terms of single-family equivalents, with each 400 gallons per day of effluent being equivalent to a single-unit dwelling. Wastes from these operations may be disposed of in septic tank systems which meet the same requirements of a single-unit dwelling. No license may be granted for any septic tank system to serve any business or commercial activity located on a lot or tract which is smaller than a land area which bears the same proportion to one acre as the volume of sewage produced bears to 400 gallons per day.

(f) The licensing authority may issue a conditionally permitted license under conditions which are not standard but where the standards would place an unreasonable burden on the licensee, and the deviation would not cause pollution of the Edwards Underground Reservoir or create a public health hazard.

#### *.007. Existing Private Sewage Facilities.*

(a) Every private sewage facility existing within the recharge zone and an urban area on the effective date of this order will be exempt from the licensing provisions of this order if the facility is registered with the licensing authority within one year from the date of adoption of this order or if the facility has been previously licensed or registered under the terms of Texas Water Quality Board Order No. 70-0731-12 or 75-0128-20. This exemption does not legitimize what was a violation of Texas Water Quality Board Order No. 70-0731-12 or 75-0128-20.

(b) Terms of registration for existing private sewage facilities:

(1) Registration forms may be obtained from the licensing authority.

(2) No fees shall be charged for the registration of existing private sewage facilities.

(3) The licensing authority shall register every existing private sewage facility as soon as the appropriate registration form has been received.

(4) A registration issued under the authority of this order will be transferred to a succeeding owner and such registration will continue in existence provided the new owner applies to the licensing authority.

(c) Registration in accordance with this order will not bar any action to abate a nuisance as defined in Article 4477-1, Vernon's Texas Civil Statutes. If a system in existence before the effective date of this order is found to be malfunctioning, the licensing authority may require licensing in accordance with Rule .006.

**.008. Connection of Private Sewage Facilities to Organized Waste Collection, Treatment, and Disposal Systems.**

(a) In order to preserve the quality of the water of the Edwards Underground Reservoir, the board encourages the development and use of organized sewage collection, treatment, and disposal systems in the more heavily populated areas of the recharge zone and accordingly makes the following requirements:

(1) No license shall be issued for any private sewage facility when any part of the facility is closer than 300 feet in horizontal distance to an organized disposal system; rather the facility shall be connected to the organized disposal system, provided that such system has the capacity to handle the additional volume and provided such connection is in fact feasible and practical to achieve.

(2) Whenever an organized disposal system is developed to within 300 feet in horizontal distance from any part of a private sewage facility, licensed or not, that facility shall be connected to the organized disposal system within 120 days following notification to the private sewage facility's owner of the organized system's availability. This is subject to the above exceptions in Rule .008(c)(1).

(3) All private sewage facilities licensed under this order shall be subject to inspection by the licensing authority and its agents at all reasonable times for the purpose of determining compliance with the terms of the license and this order.

(b) Political entities which are empowered by law to have organized sewage disposal systems and which do not have such sewage systems and which lie within the recharge zone are directed to submit evidence to the board showing why they should not immediately begin development of an organized sewage disposal system.

**.009. Subdivision Plans.**

(a) Any developer or other interested person desiring to create a subdivision to be served by either an organized or a private disposal system and located within the recharge zone of Edwards Underground Reservoir must fulfill the following requirements:

(1) An application for approval of the subdivision sewage disposal plan shall be submitted to the board.

(2) The application shall set forth the name and address of the developer, the address or location of the subdivision, a map or plat showing the boundary lines of the subdivision and the lots within the subdivision.

(3) The application shall contain the location of any unplugged wells within the subdivision which are not in use. (The term "wells" refers to all wells whether they be water wells, injection wells, oil wells, etc.) The unplugged abandoned wells will be plugged, utilizing suitable measures as approved by the Edwards Underground Water District, the Texas Water Well Drillers Board, or the Railroad Commission of Texas.

(4) Where applicable, the board may require of a subdivision located on the recharge zone the following:

(A) where the sewer lines must cross significant creek bottoms or other identifiable sensitive recharge areas in the recharge zone, the section of the line in the sensitive recharge area will be encased in concrete with a minimum thickness of five inches;

(B) frequent street cleaning operations by vacuum-type street sweepers;\*

(C) a minimum of six inches topsoil to be provided on all lawn areas. If there are areas not to be maintained on a regular basis, then the six inches of topsoil would be either not required or less rigorously applied;\*

(D) strategically placed water wells, based on geological data, which can be used to monitor the subdivision to delineate any effects the subdivision, i.e., runoff originating in the subdivision and the sewage treatment plant discharge, might have on the Edwards Underground Reservoir;

(E) lawn fertilizers are restricted by this order to pellet-types only.

(F) strategically placed holding and settling ponds designed to retain storm water runoff from watersheds containing significant concentrations of pollutants. These impoundments may also be used to monitor the quality of surface water runoff in order to determine the effects the development could have on the aquifer.

(G) any other provision which the board feels is necessary in order to protect the Edwards Underground Reservoir from pollution.

\*Studies are being conducted to determine what effects these practices may have in reducing the concentration of various pollutional constituents entering the Edwards Underground Reservoir. If the studies show that the practices do not significantly reduce the concentration of these constituents, then the board may eliminate the requirements, based either on preliminary or final results or any other information found subsequent to the adoption of this order.



(H) Construction of the subdivision shall not be initiated prior to approval of the subdivision plan by the board that the subdivision is in compliance with this order.

(b) Solely for the prevention of pollution of the Edwards Underground Reservoir, Sections 305, 400, and 405 of the Texas Water Development Board Rules, Regulations, and Modes of Procedure, as related to the Texas Water Well Drillers Act, which provides for the proper completion and plugging of wells, is adopted by reference as a water quality protection measure.

(c) Bexar County shall be responsible for removing constituents from the streets of existing unincorporated subdivisions by a regular program of vacuum street sweeping, when those subdivisions are located on the recharge zone and when, in the opinion of the board, the lack of the street sweeping program will cause a threat of pollution to the Edwards Underground Reservoir. The incorporated towns located on the recharge zone shall be responsible for the same program when, in the opinion of the board, it is needed to protect the Edwards Underground Reservoir from pollution.

(d) The licensing authority, upon adoption of the order, should forward copies of all governmental entities, to all commercial lending institutions, title companies, engineering firms, and architectural firms in the region.

*.010. Additional Requirements of a Subdivision Using Private Sewage Facilities.*

(a) The developer shall inform each prospective buyer:

(1) that the subdivision is subject to all of the terms and conditions of this order;

(2) that a license will be required for any private sewage facility constructed in the subdivision;

(3) that a sewage disposal plan has been filed for a subdivision and that the areas suitable for private sewage facilities have been defined;

(4) if investigation reveals that a lot is not suitable for use of private sewage facilities, the prospective buyer shall be notified in writing.

(b) The licensing authority will perform necessary tests and inspections to determine whether the subdivision can be served with private sewage facilities. By agreement between the licensing authority and the developer, all or part of the tests may be performed by an engineering firm or soil testing laboratory approved by the licensing authority. The licensing authority will notify the developer of the findings of its examination and will notify the developer of any areas not suitable for the use of private sewage facilities. Approval of a subdivision plan for sewage disposal does not constitute a license for a specific private sewage facility. An approved plan is, however, a prerequisite for obtaining a private sewage facility license in a subdivision.

*.011. Hydrocarbon and Toxic or Hazardous Chemical Storage Facilities and Transmission Lines on the Recharge Zone.*

(a) Facilities used for the underground storage hydrocarbon products, and, in the opinion of the Texas Water Quality Board, other toxic chemicals and hazardous materials, shall be of double-wall construction. The storage facility may be fabricated or constructed on site, utilizing various construction materials and methods to achieve this type of construction. In addition, methods for detecting leaks in the wall of the storage facility shall be included in the facility's design and construction.

(b) Facilities used for the above-ground storage of hydrocarbon products, and, in the opinion of the Texas Water Quality Board, other toxic chemicals and hazardous materials designated by the Texas Water Quality Board shall be constructed within controlled drainage areas sized to capture any spillage that may result from ruptures or leakage from the facilities or appurtenances thereto and direct such spillage to a point convenient to the collection and recovery of the spillage. The controlled drainage area shall be constructed of or in a material suitably impervious to the product being stored. Any spillage from such storage facilities shall be removed from the controlled drainage area to a suitable disposal within 24 hours of spillage. Temporary storage facilities and permanent facilities smaller than 1,000 gallons are exempt from this provision.

(c) Hydrocarbon transmission lines will be constructed in accordance with board specifications in the absence of specifications of some other state or federal agency having the jurisdiction to so regulate. Board specifications will be based solely on the protection of the Edwards Underground Reservoir.

*.012. Areas above Recharge Zone.* Although not subject to control by this order, it shall be the policy of the board to exercise surveillance and control over all streams flowing across the recharge zone and all waste sources entering those streams to insure that the water recharging the Edwards Underground Reservoir is of satisfactory quality.

*.013. Terms and Conditions for Granting Exceptions.*

The board intends that the regulations contained in this order shall be strictly enforced but realizes that certain individual situations may require the granting of an exception to the requirements contained in this order so that hardships may be avoided. The board, additionally, realizes that the nature of the matter makes it impossible to enumerate in this order the many possibilities which might necessitate an exception and, therefore, establishes the following terms and conditions:

(a) Any person desiring an exception shall file an application with the licensing authority for its analysis of specifics of the situation.

(b) The licensing authority shall review the application and issue a recommendation to the Texas Water Quality Board District No. 8 either to grant or deny the application for an exception. When an application is denied, the Texas Water Quality Board District Office No. 8 statement shall set out the reasons for this decision.

(c) Any person aggrieved by an action or decision of the Texas Water Quality Board District Office or licensing authority may appeal to the executive director and the board if the following terms and conditions are met:

(1) all of the appropriate steps required of the aggrieved person by the terms and conditions of this order have been met;

(2) the aggrieved person has made a conscientious effort to resolve his problem with the licensing authority and the Texas Water Quality Board District Office No. 8.

(d) Any exception to the requirements of this order authorized pursuant to the provisions stated above shall be forwarded in writing by the party receiving the exception to the Edwards Underground Water District within 14 days of the date of receiving the exception.

*.014. License, Revocation, and Suspension.* The executive director, for good cause, may revoke or suspend a license for a private sewage facility in accordance with the rules and regulations of the board if the licensee fails to comply with the terms and conditions of his license or of this order.

*.015. Designation of Agents.*

(a) The Bexar County Commissioners Court and Towns of Hollywood Park, Shavano Park, and Hill County Village shall be designated the licensing authorities after they show that the duties enumerated in this order will be performed by either a registered professional engineer or a registered sanitarian.

(b) The county commissioners court may name the county health department or other county department to act for the court.

(c) The board will, on request by the county commissioners court, make a direct designation of a county department or other entity capable of performing the duties under the terms of Section 21.083(g), Texas Water Code.

*.016. Responsibilities of the Edwards Underground Water District.* The Edwards Underground Water District of Texas, responding to the water quality management duties charged by Article 8289-218 (1959), Texas Revised Civil Statutes, may carry out the following functions:

(a) provide maps on which the recharge zone has been located which correspond with the maps located in the offices of the Texas Water Quality Board;

(b) assist the licensing authorities upon request for assistance in carrying out provisions of this order;

(c) conduct such geological investigations as are necessary to continually update the exhibits of the zone defined in this order;

(d) monitor the quality of the water in the reservoir.

*.017. License, Inspection, and Renewal Fees.* License fees, inspection fees, and renewal fees will be in accordance with a fee schedule established by the licensing authorities. These fees shall be paid to and collected by the licensing authority so long as the licensing authority remains the designated agent of the board for the purpose and functions specified in this order. The establishment of this fee schedule does not impair or prohibit the imposition of reasonable charges by the licensing authority for special services performed by it at the request of the applicant in connection with presentation of an application and required data. Percolation tests and other examinations will be performed by the licensing authority or its designee on a cost basis. These tests may also be performed by engineering firms or soils testing laboratories approved by the licensing authority.

*.018. County-wide Regulation.* The county, with a showing of an ability of organization to carry it through, can petition the board to adopt an order to regulate private sewage facilities in that portion of the county not covered by this order. The county may, under the authority of Section 21.084 of the Texas Water Code, adopt on its own initiative an order regulating private sewage facilities within the county, subject to the approval of the Texas Water Quality Board.

*.019. Penalty Clause.* A person who violates any provision of this order is subject to civil penalty for each act of violation and for each day of violation to be recovered as authorized in Sections 21.253 and 21.254 of the Texas Water Code and/or any applicable amendment to the Texas Water Code subsequent to the date of the adoption of this order.

*.020. Supersedure.* This order supersedes and replaces: Texas Water Quality Board Order No. 70-0731-12, except for Rule .009(c) of the order; Texas Water Quality Board Order No. 74-0326-4; and Texas Water Quality Board Order No. 75-0128-20. It does not, however, replace Texas Water Quality Board Order No. 72-1128-9 or Texas Water Quality Board Order No. 75-0128-30(3).

*.021. Severability Clause.* If any provision of this order or the application thereof to any person or cir-

circumstances is held invalid, the validity of the remainder of the order and the application of such provision to other persons and circumstances shall not be affected thereby.

**.022. Edwards Underground Aquifer Maps.**

- (a) Map of Hays County
- (b) Map of Comal County
- (c) Map of Bexar County
- (d) Map of Kendall County
- (e) Map of Medina County
- (f) Map of Uvalde County
- (g) Map of Kinney County.

Doc. No. 771452



**Hays County 130.15.50**

The following rules are adopted under the authority of Section 21.070 of the Texas Water Code, Vernon's Annotated Texas Statutes.

**.001. Definitions.**

- (a) "Executive director" means the executive director of the Texas Water Quality Board or his authorized representative.
- (b) "Board" means the Texas Water Quality Board.
- (c) "Licensing authority" means the commissioners court of Hays County or such administrative body of Hays County as the court may designate to administer this order within Hays County.
- (d) "Organized disposal system" means any system, whether publicly or privately owned, for the collection, treatment, and disposal of sewage. For the purposes of this order, such systems must be operated in accordance with the terms and conditions of a permit issued by the Texas Water Quality Board.

(e) "Private sewage facility" means septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks and all other facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the board.

(f) "Septic tank" means a watertight tank which serves as a sedimentation and a sludge digestion chamber and which is placed between the house sewer and the soil absorption field.

(g) "Septic tank system" means a system of disposing of sewage through soil absorption and consisting of a house sewer, a septic tank, and a soil absorption field. (For purposes of this order, an approved waste treatment device, generally taking the place of a septic tank in a septic tank system, shall be construed as a septic tank system.) Waste treatment devices, of the kind generally intended to serve an individual family or other enterprises where a septic tank might ordinarily be installed, must be of a type or design approved by the Texas Department of Health Resources.

(h) "Sewage" means waterborne human or animal wastes from residences, buildings, industrial establishments, cities, towns or other places together with groundwater infiltration and surface water with which it is commingled.

(i) "Waste" means sewage, industrial waste, municipal waste, recreation waste, agricultural waste, and other wastes, as defined in the Texas Water Code.

(j) "Edwards Underground Reservoir" for the purpose of this order means that portion of an arcuate belt of porous water-bearing limestones composed of the Comanche Peak, Edwards, and Georgetown Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties, respectively. There are other water-bearing Edwards and associated limestone formations in the state; however, they are neither hydrologically connected with the formation identified above nor intended to be affected by this order.

(k) "Subdivision" may be identified as any division of a tract of land into two or more parcels, any one of which parcel is five acres or less.

(l) "Sanitary landfill" means a controlled area of land upon which solid waste is disposed of in accordance with standards, regulations, or orders established by the Texas Department of Health Resources or the Texas Water Quality Board.

(m) "Industrial solid waste" means solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations, including discarded or unwanted solid materials suspended or transported in liquids and discarded or unwanted materials in liquid or semiliquid form.

(n) "Municipal solid waste" means solid waste resulting from or incidental to municipal, community, trade, business and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste.

(o) "Recharge zone" is identified as that area where the Edwards and associated limestones crop out in Kinney, Uvalde, Medina, Bexar, Comal, and Hays Counties, plus that area within the 100-year flood plain of Cibolo Creek where it begins at Herff Falls in Kendall County and downstream to the Edwards and associated limestones outcrop, as well as other formations which, because of their proximity to surface exposures of the Edwards and associated limestones, pose an imminent threat to the quality of the waters of the Edwards Underground Reservoir, as delineated on the maps in the offices of the Texas Water Quality Board. (The Cibolo Creek flood plain has been included as a part of the recharge zone based on studies which show that, although this area consists of the Glen Rose geological formation, it contributes by perched water a very substantial portion of recharge to the Edwards Underground Reservoir. When it is difficult to determine from the maps whether a particular area lies within the recharge zone or not, the licensing authority shall make the determination, based upon a geological inspection of the grounds. Attached to this order are highways maps generally outlining the recharge zone, which should not be construed to be as accurate as the "official" maps in the offices of the Texas Water Quality Board.

(p) "Private service laterals" are sewers which connect houses, buildings, and establishments to an organized sewage collection system.

(q) "Guide" means the most current edition of *A Guide to the Disposal of Household Sewage*, as promulgated by the Texas Department of Health Resources. The Texas Water Quality Board, and the Texas Department of Health Resources concur that the guide should be construed in the light of experience and sound judgment and an overly literal interpretation of the guide should be avoided.

(r) "Urban" is identified as an area having 50 or more platted lots or 50 single family equivalents as defined in Rule .005(e) of this order, or any combination of platted lots and single family equivalents equal to the above, within a radius of 1,320 lineal feet.

(s) "Stub out" is a wye, tee, or other manufactured appurtenance placed in an organized sewage collection system providing a location for private service laterals to connect to the organized collection system.

**.002. Methods of Authorization.** All waste disposal with which this order is concerned and is within the area designated as the recharge zone shall be in accordance with one of the following types of authorizations:

(a) Waste discharges in accordance with the provisions of a valid permit, waste control order, or certificate of registration issued by the board. Materials capable of entering the Edwards Underground Reservoir through the recharge zone so as to cause pollution may be controlled by a permit, so long as the activity may be considered a discharge under the legal definition of the term as found in the Water Quality Act.

(1) It is the policy of the board not to authorize industrial sanitary landfills or confined animal feeding operations in the recharge zone. Any person wishing to propose either of these activities may petition the board for the right to file an application. The board, after a public hearing, will make a determination as to whether or not to receive the application. Should the board's determination be to receive the application, the application will be considered by the board on a fair but rigorous basis. The board will not receive an application unless it feels that in its judgment there is any merit in its consideration.

(2) Municipal sanitary landfill operations are created and operated under the rules and regulations of the Texas Department of Health Resources. The Texas Department of Health Resources, as a part of the review of this order by the director, states that it is not the Texas Department of Health Resources' intention to authorize any municipal sanitary landfill, unless there is a showing that pollutants therefrom will not enter the Edwards Underground Reservoir so as to cause significant pollution.

(b) Waste discharged into a private sewage facility licensed in accordance with the regulations contained in this order.

(c) Waste discharged into a private sewage facility registered in accordance with the regulations contained in this order.

(d) Waste discharges exempt from the terms of this order.

**.003. Waste Collection, Treatment, and Disposal Systems.**

(a) All treated waste effluent shall be transported from the recharge zone whenever the board finds that diversion is feasible from an engineering and economic standpoint or when the board finds it necessary in order to protect the Edwards Underground Reservoir from pollution. The board may also require that the sewage treatment plant not be located on the recharge zone if it is found that its removal is also necessary in order to protect the Edwards Underground Reservoir from pollution.

(b) Waste collection, treatment, and disposal systems to be located within the recharge zone shall conform to the following criteria when applicable:

(1) The design of sewage collection, treatment, and disposal systems shall be in accordance with the most current design criteria of the Texas Department

of Health Resources and the board, in addition to the following applicable requirements of Rule .003(b) of this office; and, when not in conflict with the above, the most current standard specifications for public works construction as utilized by the City of San Antonio Department of Public Works shall apply.

(2) Plans and specifications of the sewage collection, treatment, and disposal systems shall be approved by the Texas Department of Health Resources and the board prior to construction.

(3) Manholes shall be constructed so that flows between manholes can be readily determined. Flow measurement devices with an automatic daily flow recording chart shall be installed at Texas Water Quality Board selected recharge zone terminal points of the collection system serving the recharge zone. Copies of the daily flow chart shall be submitted weekly to the Texas Water Quality Board.

(4) Upon completion of any waste disposal facility which is part of an organized sewage disposal system, a registered professional engineer shall submit signed and sealed as-built plans of the waste disposal facility and collection system to the appropriate state agency and the licensing authority.

(5) Standby electrical power facilities capable of providing sufficient power to operate the waste treatment plant and appurtenant equipment in the event of normal electric power failure shall be equipped with automatic or remote control starting features. Multiple alternate power supplies may be acceptable under this paragraph.

(6) A remote control monitoring system shall be installed to warn against equipment or power failure. The monitoring system shall be connected from the plant site to an approved control location.

(7) Waste treatment plant owners shall install holding ponds having imperviously lined sides and bottoms which can be filled by gravity flow and which have a capacity sufficient to store the amount of input which would come into the plant during a 24-hour period with provision for recycling through the plant or other proper disposal.

(8) Spare parts for critical treatment equipment shall be provided for the use of the maintaining agency. The minimum inventory of required spare parts will be designated by the board on the basis of individual plant requirements.

(9) Sewage treatment plant capacity shall be based on not less than a minimum designed flow of 100 gallons per person per day and a population equivalent of four persons per dwelling unit or equivalent unless the consulting engineer can justify, upon approval of the executive director, a different figure.

(10) Effluent standards for sewage treatment plants discharging on the recharge zone are established as follows:

(A) The monthly average for the five-day Biochemical Oxygen Demand shall not exceed 5.0 mg/l and the seven-day average for the five-day Biochemical Oxygen Demand shall not exceed 10 mg/l.

(B) The monthly average for Total Suspended Solids shall not exceed 5.0 mg/l and the seven-day average of Total Suspended Solids shall not exceed 10 mg/l.

(C) Chlorine residual shall be not less than 5.0 mg/l following a 60-minute detention time based on peak flow.

(D) The monthly average for phosphate expressed as phosphorus shall not exceed 2.0 mg/l.

(E) Dissolved oxygen shall be not less than 5.0 mg/l.

(11) Public health hazards will normally not occur from the concentration of nitrogen and nitrogen compounds normally found in the effluents of conventional sewage treatment plants. Therefore, since there is not adequate plant scale operating experience available in this area of technology, the board does not propose requiring a process to remove it. The board encourages sewage treatment plant processes which intrinsically minimize the concentration of nitrogen in its effluent and may require nitrogen removal should future studies indicate the need. (It should be noted that the high degree of treatment required by this order will provide a very good level of nitrogen removal.)

(12) Sewage treatment plants shall be designed so that they may be modified in order to provide for additional processes which the board may find necessary at a future date.

(13) Sewage treatment plant campuses shall be of sufficient size to provide additional capacity of additional techniques of treatment if and when necessary.

(14) Regionalization of organized systems shall be rigorously enforced.

(15) The construction of sewage collection lines shall comply with the following:

(A) Holes for service lines and other lines shall be cut, not broken.

(B) The service connection will be made with the use of a board-approved manufactured saddle of proper dimension centered over the cut opening.

(C) Where the sewer main is 12 inches in diameter or smaller, a concrete encasement with a minimum thickness of five inches shall completely encircle the main at the connection. The minimum width of the concrete encasement shall be two feet, centered at the point of connection.

(D) Where an existing main is larger than 12 inches in diameter, as an alternative to concrete encasement, the connection may be made by using a concrete bonding epoxy or bonding agent of approved quality. Following the epoxy bond, a cement mortar composed of two parts sand to one part cement should

be applied around the connection point, completely encircling the joint. The cement mortar band shall have a minimum thickness of three inches around the joint and shall extend up the side walls of the house connection joint and the sewer main for five inches.

(E) The angle of connection into an existing sewer main for an individual house connection shall not be more acute than 45 degrees.

(F) All sewer pipes shall have compression or mechanical type joints. When "Schedule 40" PVC pipe (ASTM D-3033 or D-3034, maximum SDR of 33.5) in diameters four inches or less is used for private service laterals, solvent weld joints may be used.

(G) The sewer system, including stub outs, shall be tested under the supervision of a registered professional engineer at the time of installation and shall be certified by him to meet or exceed the requirements of the latest revision of the City of San Antonio "Standard Specifications for Public Works Construction," Item 518, or its equivalent, relative to establishing a minimum infiltration/exfiltration rate.

(H) Whenever Y's or T's are designed in the approved plans, they shall be manufactured Y's or T's.

(I) Blasting for sewer line excavation must be done in such a manner as to minimize the fracturing of rock beyond the required excavation.

(J) Materials used in the construction of the sewer system lines shall be approved at the time of review of the plans and specifications.

(K) Pipe and joint assemblies for laterals shall be designed for the maximum working pressure which can be placed on the pipe, plus a factor of safety.

(L) Pipe and joint assemblies for laterals shall be designed to have a crushing capacity in excess of that which can be expected to be experienced, plus a factor of safety.

(M) Pipe and joint materials in both laterals and mains shall be resistant to decomposition from chemicals in domestic sewage or other materials which it may be called upon to transport.

(N) All pipe shall be embedded in materials giving adequate protection to the pipe from other back-fill material.

(O) The results of an infiltration/exfiltration test, the type of which to be approved by the executive director, shall be biennially reported to the board and the tests certified by a registered professional engineer as having been correctly performed.

(P) To the maximum extent feasible, the sewer mains shall be located so that no manhole falls within a street or drainage channel and shall be constructed so that the top of the ring is at least two inches above the finished grade of the surrounding ground. This shall be done in order to avoid locating the manhole in an area which is regularly flooded.

(Q) Manholes for new construction shall be monolithic, cast in place. Repair or replacement work

shall be done as approved by the repairing engineer.

(R) Manholes, including rings and covers, shall be constructed so that they are watertight.

(S) Lift stations shall be provided with standby emergency power similar to that required for treatment plants.

(T) All connections shall be constructed with compression or mechanical joints.

(U) Any caverns or solution channels encountered during construction shall be reported to the Texas Water Quality Board District Office No. 8 with a request for approval of construction design when the pipe, due to its structural integrity, is not sufficient to bridge the gap.

(V) All "stub outs" for connections shall be installed and tested as outlined in Rule .003(b)(15), paragraph (G), of this order as part of main construction. "Stub outs" so installed shall extend beyond the street pavement toward the property of all properties to be served whenever feasible. All services shall connect only to "stub outs" installed and tested as part of the original construction. After original construction additional "stub outs" can only be installed with the approval of the Executive Director of the Texas Water Quality Board.

(W) All blasting which is to occur within 25 feet of an existing and previously tested sanitary sewer main shall require prior notice to the Texas Water Quality Board District Office No. 8 and the licensing authority.

Blasting within such areas shall be accomplished with the following guidelines:

Approximate Distance from Sanitary Sewer Main	Pounds of Explosive per Cubic Yard of Rock to be Blasted		Maximum Hole Spacing
	Nitro Carbo Nitrate	Dynamite (60% Extra)	
5'	1#/CY	0.6#/CY	2'
10'	1#/CY	0.7#/CY	3'
15'	1.2#/CY	0.8#/CY	5'
20'	1.4#/CY	0.9#/CY	8'
25'	1.7#/CY	1.0#/CY	12'

In addition to the above general criteria, all blasting shall be in accordance with appropriate criteria established in the *National Fire Protection Association Publication* and the contractor shall consider the elevation of the existing sanitary sewer main in relation to the blasting charge and the relative direction of existing and proposed trenches. Blasting within such areas shall be accomplished by only qualified blasting con-

tractors who hold blasting licenses from a qualifying agency such as the San Antonio Fire Department in Bexar County.

Should the Texas Water Quality Board find that damage has been done to an existing sanitary sewer main resulting from such blasting, it may require the responsible party to repair and retest such mains.

(X) Where fully supported by relevant information provided by the consulting engineer, the executive director may substitute an alternate procedure for any of the foregoing.

(Y) Notwithstanding all the above, it shall be required that the system operate satisfactorily and any failure for any cause whatsoever shall be required to be corrected in a satisfactory manner.

*.004. Private Service Laterals on Organized Sewage Collection Systems Located with the Recharge Zone.*

(a) Any new private service lateral shall conform to design and construction criteria as established in Rule .003(b)(15) of this order.

(b) Prior to connecting the private service lateral into an organized sewage collection, treatment, and disposal system, a registered professional engineer shall visually inspect the private service lateral after installation and prior to covering and certifying it to have been constructed in conformity with the applicable provisions of Rule .003(b)(15) dealing with construction standards for sewage collection lines. The permit holder of the organized disposal system shall be responsible for forwarding this certification to the Texas Water Quality Board, as will be provided for in the special conditions attached to the discharge permit.

*.005. Licensing Requirements for New Private Sewage Facilities.*

(a) Private sewage facilities to be operated within an urban area and within the boundaries of the recharge zone must meet the following requirements:

(1) A license must be obtained for the use of the facilities from the designated licensing authority.

(2) The lot or tract in question must be large enough, considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of a private sewage facility without causing water pollution, nuisance conditions, or danger to public health.

(3) No license may be issued for a septic tank system located on a lot or tract of land in the recharge zone having an area of less than one-acre, unless an exception is granted in accordance with Rule .012 of this order. If at some future date an organized collection, treatment, and disposal system replaces the private sewage facility disposal system, the one-acre minimum lot size requirement is no longer applicable.

(4) Whenever the natural percolation rate is faster than one minute per inch, an alternate site for a septic tank system should be sought. If there is no suitable alternate site, the licensing authority shall grant or deny a permit on the basis of all relevant factors. Reference is here made to the evapotranspiration system for sewage disposal.

(5) A septic tank system shall be installed only in areas where the slope of the ground surface in the area of the absorption field to a distance of 12 feet horizontally from the absorption field is less than one foot vertical to three feet horizontal, unless proper construction techniques are employed in order to overcome the slope.

(6) Except when the septic tank system utilizes an evapotranspiration disposal system, a soil profile to a depth of seven feet shall be established.

(7) A minimum of six percolation tests spaced uniformly over the proposed absorption field site shall be performed. Percolation test holes and performance of the percolation test measurements should be in accordance with the guide.

(8) Any new private sewage facility should conform to the design criteria established in the guide. However, the board is aware that the guide cannot be literally applied in every situation and in such cases the guide should not be substituted for sound judgment.

(9) The use of natural or artificially produced holes, cavities, or drilled wells to ease the disposal of private sewage facility effluent is prohibited.

(10) Pit privies, cesspools, or injection wells used to dispose of sewage from private sewage facilities are prohibited from being constructed on the recharge zone after the effective date of this order.

(b) Terms of license for new private sewage facilities:

(1) Any license issued under the authority of this order will be transferred to a succeeding owner and such license will continue in existence for the unexpired term of the license.

(2) The licensing authority will perform or direct the performance of such inspections and tests as may be deemed necessary to determine the suitability of the land for a private sewage facility. Whenever good practice accords, all tests, design, and construction shall be in conformity with provisions of the guide.

(3) Upon a finding by the licensing authority that use of the private sewage facility will not cause pollution or injury to the public health and is not in conflict with the terms and regulations of this order:

(A) A license effective for a term of five years will be issued.

(B) A new license issued under the above terms may be renewed for successive terms of five years.



(4) The licensee shall notify the licensing authority of any subdivision or resubdivision of the property served by the private sewage facility or if the capacity or loading of the system is altered from that state in the license. Any alteration of the system shall render the license voidable and require of the licensee the burden to show why his license shall not be revoked.

(5) Upon a decision by the licensing authority that the private sewage facility will not be licensed, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

(c) Application forms may be obtained from the licensing authority. To initiate consideration of the application, the forms must be completed in duplicate and returned to the licensing authority and must conform to the following:

(1) The name and address of the person making the application, the address or location of the property on which the system is to be built, the legal description and dimensions of the property, a description of the structure or structures that the system is proposed to serve, any map with sufficient detail to clearly locate the land on which the system will be constructed, unless the land is within a platted and recorded subdivision, in which case the applicant may substitute a reference to the lot number and plat in lieu of the map.

(2) The licensing authority shall notify the applicant whether or not a satisfactory private sewage facility reasonably meeting the requirements of this order and the guide, where applicable, can be built on the property for which the application is made.

(3) If it is found that a private sewage facility can be built, the licensing authority shall inform the applicant of the minimum requirements for such a system. The applicant must then submit detailed plans for the system, accompanied by the applicant's certificate that the system will be built according to the submitted plans.

(4) The applicant shall notify the licensing authority, at least five days in advance of the proposed completion of a septic tank system, before the facility is covered in order that a final inspection can be made to determine whether the system was installed in accordance with the plans and specifications submitted with the application. Once this final inspection is made and everything is found to be in order, a license will then be issued.

(5) An applicant need not be an owner. Although the owner is ultimately responsible, applications may be accepted from the party renting or leasing the property. In cases of dispute, the owner is considered fundamentally responsible.

(d) A tract of land located on the recharge zone but not within an urban area is exempt from the licensing requirements set out in Rule .005 of this order.

(1) Those lots platted and recorded after the effective date of this order, but not having a private sewage facility at the time the area is determined by the licensing authority to be urban, are required to be licensed.

(2) This exemption will not bar any action to abate a nuisance as defined in Article 4477-1 (Vernon's Texas Civil Statutes). If a system in existence before the effective date of this order is found to be malfunctioning, the licensing authority may require licensing in accordance with Rule .005.

(e) Business-commercial activities and residential developments producing more than 400 gallons per day of sewage shall be rated in terms of single-family equivalents, with each 400 gallons per day of effluent being equivalent to a single-unit dwelling. Wastes from these operations may be disposed of in septic tank systems which meet the same requirements of a single-unit dwelling. No license may be granted for any septic tank system to serve any business or commercial activity located on a lot or tract which is smaller than a land area which bears the same proportion to one acre as the volume of sewage produced bears to 400 gallons per day.

(f) The licensing authority may issue a conditionally permitted license under conditions which are not standard but where the licensing authority finds that to require the standards would place an unreasonable burden on the licensee, and the deviation would not cause pollution of the Edwards Underground Reservoir or create a public health hazard.

#### *.006. Existing Private Sewage Facilities.*

(a) Every private sewage facility existing within the recharge zone and an urban area on the effective date of this order will be exempt from the licensing provisions of this order, if the facility is registered with the licensing authority within one year from the date of adoption of this order or if the facility has been previously licensed or registered under the terms of Texas Water Quality Board Order No. 70-0731-12 or 75-0128-20. This exemption does not legitimize what was a violation of Texas Water Quality Board Order No. 70-0731-12 or 75-0128-20.

(b) Terms of registration for existing private sewage facilities:

(1) Registration forms may be obtained from the licensing authority.

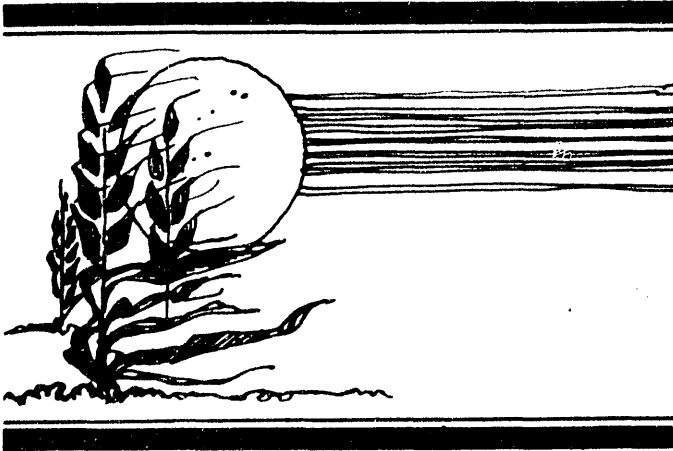
(2) No fees shall be charged for the registration of existing private sewage facilities.

(3) The licensing authority shall register every existing private sewage facility as soon as the appropriate registration form has been received.

(4) A registration issued under the authority of this order will be transferred to a succeeding owner and such registration will continue in existence, provided the new owner applies to the licensing authority.



(c) Registration in accordance with this order will not bar any action to abate a nuisance as defined in Article 4477-1 (Vernon's Texas Civil Statutes). If a system in existence before the effective date of this order is found to be malfunctioning, the licensing authority may require licensing in accordance with Rule .005.



*.007. Connection of Private Sewage Facilities to Organized Waste Collection, Treatment, and Disposal Systems.*

(a) In order to preserve the quality of the water of the Edwards Underground Reservoir, the board encourages the development and use of organized sewage collection, treatment, and disposal systems in the more heavily populated areas of the recharge zone and accordingly makes the following requirements:

(1) No license shall be issued for any private sewage facility when any part of the facility is closer than 300 feet in horizontal distance to an organized disposal system; rather the facility shall be connected to the organized disposal system, provided that such system has the capacity to handle the additional volume and provided such connection is in fact feasible and practical to achieve.

(2) Whenever an organized disposal system is developed to within 300 feet in horizontal distance from any part of a private sewage facility, licensed or not, that facility shall be connected to the organized disposal system within 120 days following notification to the private sewage facility's owner of the organized system's availability. This is subject to the above exceptions in Rule .007(a)(1).

(3) All private sewage facilities licensed under this order shall be subject to inspection by the licensing authority and its agents at all reasonable times for the purpose of determining compliance with the terms of the license and this order.

(b) Political entities which are empowered by law to have organized sewage disposal systems and which do not have such sewage systems and which lie within the recharge zone are directed to submit evidence to the board showing why they should not immediately begin development of an organized sewage disposal system.

*.008. Subdivision Plans.*

(a) Any developer or other interested person desiring to create a subdivision to be served by either an organized or a private disposal system and located within the recharge zone of the Edwards Underground Reservoir must fulfill the following requirements:

(1) An application for approval of the subdivision sewage disposal plan shall be submitted to the board.

(2) The application shall set forth the name and address of the developer, the address or location of the subdivision, a map or plat showing the boundary lines of the subdivision and the lots within the subdivision.

(3) The application shall contain the location of any unplugged wells within the subdivision which are not in use. (The term "wells" refers to all wells whether they be water wells, injection wells, oil wells, etc.) The unplugged, abandoned wells will be plugged, utilizing suitable measures as approved by the Edwards Underground Water District, the Texas Water Well Drillers Board, or the Texas Railroad Commission.

(4) Where applicable, the board may require of a subdivision located on the recharge zone the following:

(A) Where the sewer lines must cross significant creek bottoms or other identifiable sensitive recharge areas in the recharge zone, the section of the line in the sensitive recharge area will be encased in concrete with a minimum thickness of five inches.

\* (B) Frequent street cleaning operations by "vacuum type" street sweepers.

\* (C) A minimum of six inches topsoil to be provided on all lawn areas. If there are areas not to be maintained on a regular basis, then the six inches of topsoil would be either not required or less rigorously applied.

\*Studies are being conducted to determine what effects these practices may have in reducing the concentration of various pollutional constituents entering the Edwards Underground Reservoir. If the studies show that the practices do not significantly reduce the concentration of these constituents, then the board may eliminate the requirements, based either on preliminary or final results or any other information found subsequent to the adoption of this order.

(D) Strategically placed water wells, based on geological data, which can be used to monitor the subdivision to delineate any effects the subdivision, i.e., runoff originating in the subdivision and the sewage treatment plant discharge, might have on the Edwards Underground Reservoir.

(E) Lawn fertilizers are restricted by this order to "pellet-types" only.

(F) Strategically placed holding and settling ponds designed to retain storm water runoff from watersheds containing significant concentrations of pollutants. These impoundments may also be used to monitor the quality of surface water runoff in order to determine the effects the development could have on the aquifer.

(G) Any other provision which the board feels is necessary in order to protect the Edwards Underground Reservoir from pollution.

(H) Construction of the subdivision shall not be initiated prior to approval of the subdivision plan by the board that the subdivision plan is in accordance with this order.

(b) Solely for the prevention of pollution of the Edwards Underground Reservoir, Sections 305, 400, and 405 of the Texas Water Development Board Rules, Regulations, and Modes of Procedure, as related to the Texas Water Well Drillers Act which provides for the proper completion and plugging of wells, is adopted by reference as a water quality protection measure.

(c) Hays County shall be responsible for removing constituents from the streets of existing unincorporated subdivisions by a regular program of vacuum street sweeping, when those subdivisions are located on the recharge zone and when, the opinion of the board, the lack of the street sweeping program will cause a threat of pollution to the Edwards Underground Reservoir. The incorporated towns located on the recharge zone shall be responsible for the same program when, in the opinion of the board, it is needed to protect the Edwards Underground Reservoir from pollution.

(d) The licensing authority, upon adoption of the order, should forward copies to all governmental entities, to all commercial lending institutions, title companies, engineering firms, and architectural firms in the region.

#### *009. Additional Requirements of a Subdivision Using Private Sewage Facilities.*

(a) The developer shall inform each prospective buyer:

(1) That the subdivision is subject to all of the terms and conditions of this order.

(2) That a license will be required for any private sewage facility constructed in the subdivision.

(3) That a sewage disposal plan has been filed for a subdivision and that the areas suitable for private sewage facilities have been defined.

(4) If investigation reveals that a lot is not suitable for use of private sewage facilities, the prospective buyer shall be so notified in writing.

(b) The licensing authority will perform necessary tests and inspections to determine whether the subdivision can be served with private sewage facilities. By agreements between the licensing authority and the developer, all or part of the tests may be performed by an engineering firm or soils testing laboratory approved by the licensing authority. The licensing authority will notify the developer of the findings of its examination and will point out any deficiencies in the plan for sewage disposal. Specifically, the licensing

authority will notify the developer of any areas not suitable for the use of private sewage facilities and whether the proposed developmental density is consistent with the use of private sewage facilities. Approval of a subdivision plan for sewage disposal does not constitute a license for a specific private sewage facility. An approved plan is, however, a prerequisite for obtaining a private sewage facility license in a subdivision.

#### *010. Hydrocarbon and Toxic or Hazardous Chemical Storage Facilities and Transmission Lines on the Recharge Zone.*

(a) Facilities used for the underground storage of hydrocarbon products and, in the opinion of the Texas Water Quality Board, other toxic chemicals and hazardous materials designated by the Texas Water Quality Board shall be of double wall construction. The storage facility may be fabricated or constructed on site, utilizing various construction materials and methods to achieve this type of construction. In addition, methods for detecting leaks in the wall of the storage facility shall be included in the facility's design and construction.

(b) Facilities used for the above-ground storage of hydrocarbon products and, in the opinion of the Texas Water Quality Board, other toxic chemicals and hazardous materials designated by the Texas Water Quality Board shall be constructed within controlled drainage areas sited to capture any spillage that may result from rupture or leakage from the facilities or appurtenances thereto and direct such spillage to a point convenient to the collection and recovery of the spillage. The controlled drainage area shall be constructed of or in a material suitably impervious to the product being stored. Any spillage from such storage facilities shall be removed from the controlled drainage area for suitable disposal with 24 hours of spillage. Temporary storage facilities and permanent facilities smaller than 1,000 gallons are exempt from this provision.

(c) Hydrocarbon transmission lines will be constructed in accordance with board specifications in the absence of specifications of some other state or federal

agency having the jurisdiction to so regulate. Board specifications will be based solely on the protection of the Edwards Underground Reservoir.

.011. *Areas above Recharge Zone.* Although not subject to control by this order, it shall be the policy of the board to exercise surveillance and control over all streams flowing across the recharge zone and all waste sources entering those streams to insure that the water recharging the Edwards Underground Reservoir is of satisfactory quality.

.012. *Terms and Conditions for Granting Exceptions.* The board intends that the regulations contained in this order shall be strictly enforced but realizes that

certain individual situations may require the granting of an exception to the requirements contained in this order so that hardships may be avoided. The board additionally realizes that the nature of the matter makes it impossible to enumerate in this order the many possibilities which might necessitate an exception and, therefore, establishes the following terms and conditions:

(a) Any person desiring an exception shall file an application with the licensing authority for its analysis of specifics of the situation.

(b) The licensing authority shall review the application and issue a recommendation to the Texas Water Quality Board District Office either to grant or deny the application for an exception. When an application is denied, the Texas Water Quality Board District Office statement shall set out the reasons for the decision.

(c) Any person aggrieved by an action or decision of the Texas Water Quality District Office or licensing authority may appeal to the executive director and the board if the following terms and conditions are met:

(1) All of the appropriate steps required of the aggrieved person by the terms and conditions of this order have been met.

(2) The aggrieved person has made a conscientious effort to resolve his problem with the licensing authority and the Texas Water Quality Board District Office No. 8.

(d) Any exception to the requirements of this order authorized pursuant to the provisions stated above shall be forwarded in writing by the party receiving the exception to the Edwards Underground Water District within 14 days of the date of receiving the exception.

.013. *License, Revocation, and Suspension.* The executive director, for good cause, may revoke or suspend a license for a private sewage facility in accordance with the rules and regulations of the board if the licensee fails to comply with the terms and conditions of his license or of this order.

.014. *Designation of Agents.*

(a) The Hays County Commissioners Court shall be designated the licensing authority after it shows that the duties enumerated in this order will be performed by either a registered professional engineer or a registered sanitarian.

(b) The county commissioners court may name the county health department or other county department to act for the court.

(c) The board will, on request by the county commissioners court, make a direct designation of a county department or other entity capable of performing the duties under the terms of Section 21.083(g), Texas Water Code.

.015. *Responsibilities of the Edwards Underground Water District.* The Edwards Underground Water District of Texas, responding to the water quality management duties charged by Article 8289-218, Texas Revised Civil Statutes Annotated (1959), may carry out the following functions:

(a) provide maps on which the recharge zone has been located which correspond with the maps located in the offices of the Texas Water Quality Board;

(b) assist the licensing authority upon request for assistance in carrying out provisions of this order;

(c) conduct such geological investigations as are necessary to continually update the exhibits of the zone defined in this order; and

(d) monitor the quality of the water in the reservoir.

.016. *License, Inspection, and Renewal Fees.* License fees, inspection fees, and renewal fees will be in accordance with a fee schedule established by the licensing authority. These fees shall be paid to and collected by the licensing authority so long as the licensing authority remains the designated agent of the board for the purposes and functions specified in this order. The establishment of this fee schedule does not impair or prohibit the imposition of reasonable charges by the licensing authority for special services performed by it at the request of the applicant in connection with presentation of an application and required data. Percolation tests and other examinations will be performed by the licensing authority or its designee on a cost basis. These tests may also be performed by engineering firms or soils testing laboratories approved by the licensing authority.

.017. *Countywide Regulation.* The county, with a showing of an ability of organization to carry it through, can petition the board to adopt an order to regulate private sewage facilities in that portion of the county not covered by this order. The county may, under the authority of Section 21.084 of the Texas Water Code, adopt on its own initiative an order regulating private sewage facilities within the county

subject to the approval of the Texas Water Quality Board.

**.018. Penalty Clause.** A person who violates any provision of this order is subject to civil penalty for each act of violation and for each day of violation to be recovered as authorized in Section 21.253 and Section 21.254 of the Texas Water Code and/or any applicable amendment to the Texas Water Code subsequent to the date of the adoption of this order.

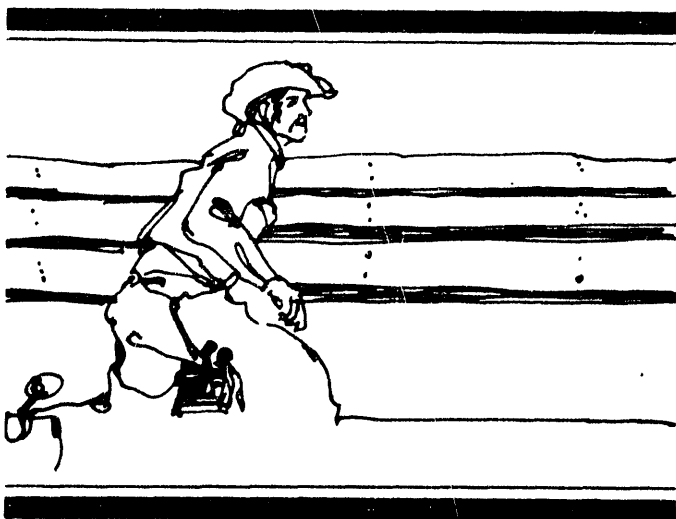
**.019. Supersedure.** This order supersedes and replaces: Texas Water Quality Board Order No. 70-0731-12 except for Article VIII, Section C of the order; Texas Water Quality Board Order No. 74-0326-4; and Texas Water Quality Board No. 75-0128-20. It does not, however, replace Texas Water Quality Board Order No. 72-1128-9.

**.020. Severability Clause.** If any provision of this order or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the order, and the application of such provision to other persons and circumstances shall not be affected thereby.

**.021. Edwards Underground Aquifer Maps.**

- (a) Map of Hays County
- (b) Map of Comal County
- (c) Map of Bexar County
- (d) Map of Kendall County
- (e) Map of Medina County
- (f) Map of Uvalde County
- (g) Map of Kinney County

Doc. No. 771453



## Edwards Aquifer

The adopted rules for Comal, Medina, and Kendall Counties are identical to those concerning Hays County except where the county name appears and the licensing authority is named. Because these texts are identical, the rules for Comal, Medina, and Kendall Counties will not be published. They have the same effective date, April 21, 1977, as the other rules concerning the Edwards Aquifer. The rule numbers, licensing authority, and docket number for each of the unpublished counties are as follows:

Comal County, 130.15.001-.021, Comal County Commissioners Court, Doc. No. 771454

Kendall County, 130.15.65.001-.021, Kendall County Commissioner Court, Doc. No. 771456

Medina County, 130.15.60.001-.021, Medina County Commissioners Court, Doc. No. 771455

Copies of all of the above are available upon request from the Texas Water Quality Board, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7861.

## Uvalde County 130.15.70

The following rules are adopted under the authority of Section 21.070 of the Texas Water Code, Vernon's Annotated Texas Statutes.

**.001. Definitions.**

(a) "Executive director" means the executive director of the Texas Water Quality Board or his authorized representative.

(b) "Board" means the Texas Water Quality Board.

(c) "Licensing authority" means the Commissioners Court of Uvalde County or such administrative body of Uvalde County as may be designated by the court to administer this order.

(d) "Organized disposal system" means any system, whether publicly or privately owned, for the collection, treatment, and disposal of sewage. For the purposes of this order, such systems must be operated in accordance with the terms and conditions of a permit issued by the Texas Water Quality Board.

(e) "Private sewage facility" means septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks, and all other facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the board.

(f) "Septic tank" means a watertight tank which serves as a sedimentation and sludge digestion chamber and which is placed between the house sewer and the soil absorption field.

(g) "Septic tank system" means a system of disposing of sewage through soil absorption and consisting of a house sewer, a septic tank, and a soil absorption field. (For purposes of this order, an approved waste treatment device, generally taking the place of a septic tank in a septic tank system, shall be construed as a septic tank system.) Waste treatment devices, of the kind generally intended to serve an individual family or other enterprise where a septic tank might ordinarily be installed, must be of a type or design approved by the Texas Department of Health Resources.

(h) "Sewage" means waterborne human or animal wastes from residences, buildings, industrial establishments, cities, towns, or other places, together with groundwater infiltration and surface water with which it is commingled.

(i) "Waste" means sewage, industrial waste, municipal waste, recreation waste, agricultural waste, and other wastes, as defined in the Texas Water Code.

(j) "Edwards Underground Reservoir" for the purpose of this order means that portion of an arcuate belt of porous water-bearing limestones composed of the Comanche Peak, Edwards, and Georgetown Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal, and Hays Counties, respectively. There are other water-bearing Edwards and associated limestone formations in the state; however, they are neither hydrologically connected with the formation identified above nor intended to be affected by this order.

(k) "Subdivision" may be identified as any division of a tract of land into two or more parcels, any one of which parcel is five acres or less.

(l) "Sanitary landfill" means a controlled area of land upon which solid waste is disposed of in accordance with standards, regulations, or orders established by the Texas Department of Health Resources or the Texas Water Quality Board.

(m) "Industrial solid waste" means solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations, including discarded or unwanted solid materials suspended or transported in liquids and discarded or unwanted materials in liquid or semiliquid form.

(n) "Municipal solid waste" means solid waste resulting from or incidental to municipal, community, trade, business, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste.

(o) "Recharge zone" is identified as that area where the Edwards and associated limestones crop out in Kinney, Uvalde, Medina, Bexar, Comal, and Hays Counties, plus that area within the 100-year flood plain of Cibolo Creek where it begins at Herff Falls in Kendall County and downstream to the Edwards and associ-

ated limestones outcrop, as well as other formations which, because of their proximity to surface exposures of the Edwards and associated limestones, pose an imminent threat to the quality of the waters of the Edwards Underground Reservoir, as delineated on the maps in the offices of the Texas Water Quality Board. (The Cibolo Creek flood plain has been included as a part of the recharge zone based on studies which show that, although this area consists of the Glen Rose geological formation, it contributes by perched water a very substantial portion of recharge to the Edwards Underground Reservoir.) Attached to this order are highway maps generally outlining the recharge zone, which should not be construed to be as accurate as the official maps in the offices of the Texas Water Quality Board.

(p) "Private service laterals" are sewers which connect houses, buildings, and establishments to an organized sewage collection system.

(q) "Guide" means the most current edition of *A Guide to the Disposal of Household Sewage*, as promulgated by the Texas Department of Health Resources. (The Texas Water Quality Board and the Texas Department of Health Resources concur that the guide should be construed in the light of experience and judgment and an overly literal interpretation of the guide should be avoided.)

(r) "Urban" is identified as an area having 50 or more platted lots or 50 single-family equivalents as defined in Rule .003(a)(4) of this order, or any combination of platted lots and single-family equivalents equal to the above, within a radius of 1,320 lineal feet.

(s) "Stub-out" is a wye, tee, or other manufactured appurtenance placed in an organized sewage collection system providing a location for private service laterals to connect to the organized collection system.

(t) "Regulated areas" are (1) urban areas on the recharge zone; (2) areas within 500 feet of the Nueces, Dry Frio, Frio, or Sabinal Rivers upstream from the south boundary of the recharge zone and downstream from the northern Uvalde County line where there are 20 or more private sewage facilities on both banks within one-half mile of river length; and (3) lots of five acres or less in subdivisions with five or more lots where the subdivision is located on the recharge zone or within 500 feet of the Nueces, Dry Frio, Frio, or Sabinal Rivers upstream from the recharge zone and downstream from the northern Uvalde County line. For the purposes of this order, horizontal distances from the Nueces, Dry Frio, Frio, and Sabinal Rivers will be measured from the water's edge at normal flow.

.002. *Methods of Authorization.* All waste disposal with which this order is concerned and is within the area designated as the recharge zone shall be in accordance with one of the following types of authorizations:

(a) waste discharges in accordance with the provisions of a valid permit, waste control order, or certifi-

cate of registration issued by the board. Materials capable of entering the Edwards Underground Reservoir through the recharge zone so as to cause pollution may be controlled by a permit, so long as the activity may be considered a discharge under the legal definition of the term as found in the Water Quality Act.

(1) It is the policy of the board not to authorize industrial sanitary landfills or confined animal feeding operations in the recharge zone. Any person wishing to propose either of these activities may petition the board for the right to file an application. The board, after a public hearing, will make a determination as to whether or not to receive the application. Should the board's determination be to receive the application, the application will be considered by the board on a fair but rigorous basis. The board will not receive an application unless it feels that in its judgment there is any merit in its consideration.

(2) Municipal sanitary landfill operations are created and operated under the rules and regulations of the Texas Department of Health Resources. The Texas Department of Health Resources, as a part of the review of this order by the director, states that it is not the Texas Department of Health Resources' intention to authorize any municipal sanitary landfill, unless there is a showing that pollutants therefrom will not enter the Edwards Underground Reservoir so as to cause significant pollution:

(b) waste discharged into a private sewage facility licensed in accordance with the regulations contained in this order;

(c) waste discharges exempt from the terms of this order.

### .003. *Private Sewage Facility Regulations.*

(a) Licensing requirements for new private sewage facilities.

(1) Private sewage facilities operated within regulated areas must meet the following requirements:

(A) A license must be obtained for the use of the facilities from the licensing authority.

(B) Those lots platted and recorded after the effective date of this order but not having a private sewage facility at the time the area is determined by the licensing authority to be a regulated area are required to be licensed.

(C) No license may be issued for a septic tank system located on a lot or tract of land in the recharge zone or within 500 feet of the Nueces, Frio, or Sabinal Rivers upstream from the recharge zone that has an area less than one acre unless an exception is granted in accordance with this order.

(D) No license may be issued for a septic tank system located less than 200 feet from the Nueces, Frio, or Sabinal Rivers upstream from the south boundary of the recharge zone.

(E) Whenever the natural percolation rate is faster than one minute per inch, an alternate site for a septic tank system should be sought. If there is no suitable alternate site, the licensing authority shall grant or deny a permit on the basis of all relevant factors.

(F) A septic tank system shall be installed only in areas where the slope of the ground surface in the area of the absorption field to a distance of 12 feet horizontally from the absorption field is less than one foot vertical to three feet horizontal, unless proper construction techniques are employed in order to overcome the slope.

(G) A minimum of six percolation tests spaced uniformly over the proposed absorption field site shall be performed. Percolation test holes and performance of the percolation test measurements should be in accordance with the guide. Percolation tests and other examinations may be performed by the licensing authority or the designee of the owner with the approval of the licensing authority.

(H) Any new private sewage facility should conform to the design criteria established in the guide. However, the board is aware that the guide cannot be literally applied in every situation and in such cases the guide should not be substituted for sound judgment.

(I) The use of natural or artificially produced holes, cavities, or drilled wells to ease the disposal of private sewage facility effluent is prohibited.

(J) Pit privies, cesspools, or injection wells used to dispose of sewage from private sewage facilities are prohibited from being constructed on the recharge zone after the effective date of this order.

(2) Terms of license for new private sewage facilities:

(A) Any license issued under the authority of this order will be transferred to a succeeding owner and such license will remain effective.

(B) The licensing authority will perform or direct the performance of such inspections and tests as may be deemed necessary to determine the suitability of the land for a private sewage facility. Whenever good practice accords, all tests, design, and construction shall be in conformity with provisions of the guide.

(C) Upon a finding by the licensing authority that use of the private sewage facility will not cause pollution or injury to the public health and is not in conflict with the terms and regulations of this order, a license will be issued.

(D) The licensee shall notify the licensing authority of any subdivision or resubdivision of the property served by the private sewage facility or if the capacity or loading of the system is altered from that stated in the license. Any alteration of the system shall render the license voidable and require of the licensee the burden to show why his license shall not be revoked.

(E) Upon a decision by the licensing authority that the private sewage facility will not be licensed, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

(3) Application forms may be obtained from the licensing authority. To initiate consideration of the application, the forms must be completed in duplicate and returned to the licensing authority and must conform to the following:

(A) The name and address of the person making the application, the address or location of the property on which the system is to be built, the legal description and dimensions of the property, a description of the structure or structures that the system is proposed to serve, any map with sufficient detail to clearly locate the land on which the system will be constructed, unless the land is within a platted and recorded subdivision, in which case the applicant may substitute a reference to the lot number and plat in lieu of the map.

(B) The licensing authority shall notify the applicant whether or not a satisfactory private sewage facility reasonably meeting the requirements of this order and the guide, where applicable, can be built on the property for which the application is made.

(C) If it is found that a private sewage facility can be built, the licensing authority shall inform the applicant of the minimum requirements for such a system. The applicant must then submit detailed plans for the system, accompanied by the applicant's certificate that the system will be built according to the submitted plans.

(D) The applicant shall notify the licensing authority, at least five days in advance of the proposed completion of a septic tank system, before the facility is covered, in order that a final inspection can be made to determine whether the system was installed in accordance with the plans and specifications submitted with the application. Once this final inspection is made and everything is found to be in order, a license will then be issued.

(E) An applicant must be an owner or his designee.

(4) Business-commercial activities and residential developments producing more than 400 gallons per day of sewage shall be rated in terms of single-family equivalents, with each 400 gallons per day of effluent being equivalent to a single-unit dwelling. Wastes from these operations may be disposed of in septic tank systems which meet the same requirements of a single-unit dwelling. No license may be granted for any septic tank system to serve any business or commercial activity located on a lot or tract which is smaller than a land area which bears the same proportion to one acre as the volume of sewage produced bears to 400 gallons per day.

(5) The licensing authority may issue a condi-

tionally permitted license under conditions which are not standard but where the licensing authority finds that to require the standards would place an unreasonable burden on the licensee, and the deviation would not cause pollution of the Edwards Underground Reservoir or create a public health hazard.

(b) Existing private sewage facilities.

(1) Every private sewage facility existing within the recharge zone or within 500 feet of the Nueces, Dry Frio, Frio, or Sabinal Rivers upstream from the recharge zone on the effective date of this order will be exempt from the licensing provisions of this order.

(2) This exemption will not bar any action to abate a nuisance as defined in Article 4477-1, Vernon's Texas Civil Statutes. If a system in existence before the effective date of this order is found to be malfunctioning, the licensing authority may require licensing in accordance with Rule .003(a).

(c) Connection of private sewage facilities to organized waste collection, treatment, and disposal systems.

(1) In order to preserve the quality of the water of the Edwards Underground Reservoir, the board encourages the development and use of organized sewage collection, treatment, and disposal systems in the more heavily populated areas affected by this order.

(2) No license shall be issued for any private sewage facility when any part of the facility is closer than 300 feet in horizontal distance to an organized disposal system; rather, the facility shall be connected to the organized disposal system, provided that such system has the capacity to handle the additional volume and provided such connection is, in fact, feasible and practical to achieve.

(3) Whenever an organized disposal system is developed to within 300 feet in horizontal distance from any part of a private sewage facility, licensed or not, that facility shall be connected to the organized disposal system within 120 days following notification to the private sewage facility's owner of the organized system's availability, unless the licensing authority determines that such connection would place an undue economic hardship on the owner of the private sewage facility and that the facility does not pose a significant threat to waters in the state.

(d) Requirements of a subdivision using private sewage facilities.

(1) The developer shall inform each prospective buyer:

(A) that the subdivision is subject to all of the terms and conditions of this order;

(B) whether a license will be required for a private sewage facility constructed on a lot or lots subject to purchase;

(C) that a sewage disposal plan has been filed for a subdivision and that the areas suitable for private sewage facilities have been defined;



(D) if investigation reveals that a lot is not suitable for use of private sewage facilities, the prospective buyer shall be so notified in writing.

(2) The licensing authority may perform or may require to be performed, necessary tests and inspections to determine whether the subdivision can be served with private sewage facilities. All or part of the tests may be performed by an engineering firm, soils-testing firm, or other qualified firm approved by the licensing authority. Upon conclusion of any determination as to the suitability of private sewage facilities in a subdivision, the licensing authority will notify the developer of the findings of its examination and will point out any deficiencies in the plan for sewage disposal by private sewage facilities. Specifically, the licensing authority will notify the developer of any areas not suitable for the use of private sewage facilities and whether the proposed developmental density is consistent with the use of private sewage facilities. Approval of a subdivision plan by the board does not constitute a license for a specific private sewage facility. An approved plan is, however, a prerequisite for obtaining a private sewage facility license in a subdivision.

(e) Terms and conditions for granting exceptions. The board intends that the regulations contained in this order shall be strictly enforced but realizes that certain individual situations may require the granting of an exception to the requirements contained in this order so that hardships may be avoided. The board additionally realizes that the nature of the matter makes it impossible to enumerate in this order the many possibilities which might necessitate an exception and, therefore, establishes the following terms and conditions:

(1) Any person desiring an exception shall file an application with the licensing authority for its analysis of specifics of the situation.

(2) The licensing authority shall review the application and issue a recommendation to the Texas Water Quality Board District Office either to grant or deny the application for an exception. When an application is denied, the Texas Water Quality Board District Office statement shall set out the reasons for the decision.

(3) Any person aggrieved by an action or decision of the Texas Water Quality Board District Office or licensing authority may appeal to the executive director and the board if the following terms and conditions are met:

(A) all of the appropriate steps required of the aggrieved person by the terms and conditions of this order have been met;

(B) the aggrieved person has made a conscientious effort to resolve his problem with the licensing authority and the Texas Water Quality Board District Office.

(f) License, revocation, and suspension. The licensing authority, for good cause, may revoke or suspend a license for a private sewage facility if the licensee fails to comply with the terms and conditions of his license.

(g) Inspection by licensing authority. All private sewage facilities licensed under this order shall be subject to inspection by the licensing authority and its agents at all reasonable times for the purpose of determining compliance with the terms of the license and this order.

(h) License and inspection fees. License fees and inspection fees will be in accordance with a fee schedule established by the licensing authority. These fees shall be paid to and collected by the licensing authority so long as the licensing authority remains the designated agent of the board for the purposes and functions specified in this order. The establishment of this fee schedule does not impair or prohibit the imposition of reasonable charges by the licensing authority for services performed by it at the request of the applicant for the development of information and data required by the application.

(i) County-wide regulation. The county, with a showing of an ability of organization to carry it through, can petition the board to adopt an order to regulate private sewage facilities in that portion of the county not covered by this order. The county may, under the authority of Section 21.084 of the Texas Water Code, adopt on its own initiative an order regulating private sewage facilities within the county, subject to the approval of the Texas Water Quality Board.

#### .004. *Subdivision Plans.*

(a) Any developer or other interested person desiring to create a subdivision to be served by either an organized or a private disposal system and located within the recharge zone or within 500 feet of the Nueces, Dry Frio, Frio, or Sabinal Rivers upstream from the recharge zone and downstream from the Uvalde County line must fulfill the following requirements:

(1) An application for approval of the subdivision sewage disposal plan shall be submitted to the board.

(2) The application shall set forth the name and address of the developer, the address or location of the subdivision, a map or plat showing the boundary lines of the subdivision and the lots within the subdivision.

(3) The application shall contain the location of any unplugged wells within the subdivision which are not in use. (The term "wells" refers to all wells, whether they be water wells, injection wells, oil wells, etc.) The unplugged, abandoned wells will be plugged, utilizing suitable measures as approved by the Edwards



Underground Water District, the Texas Water Well Drillers Board, or the Texas Railroad Commission.

(4) If private sewage facilities are proposed for the subdivision, the application shall include the results from at least six percolation tests conducted at points uniformly distributed over the area to be developed. More than six percolation tests may be required by the board or the licensing authority where the additional tests will be necessary to adequately describe the percolation characteristics of the soil in the subdivision. If the licensing authority reviews proposed subdivisions in accordance with Rule .003(d)(2), these tests will be conducted in accordance with the requirements of the licensing authority and the results will be provided to the licensing authority. The Texas Water Quality Board and the licensing authority will coordinate their evaluations of these tests.

(5) Where applicable, the board may require of a subdivision located on the recharge zone or within 500 feet of the Nueces, Dry Frio, Frio, or Sabinal Rivers upstream from the recharge zone and downstream from the Uvalde County line the following:

(A) Strategically placed water wells, based on geological data, which can be used to monitor the subdivision to delineate any effects the subdivision, i.e., runoff originating in the subdivision and the sewage treatment plant discharge, might have on the Edwards Underground Reservoir.

(B) Strategically placed holding and settling ponds designed to retain storm water runoff from watersheds containing significant concentrations of pollutants. These impoundments may also be used to monitor the quality of surface water runoff in order to determine the effects the development could have on the aquifer.

(C) Any other provision which the board feels is necessary in order to protect the Edwards Underground Reservoir from pollution.

(6) Construction of the subdivision shall not be initiated prior to approval of the subdivision plan by the board that the subdivision plan is in accordance with this order.

(b) Solely for the prevention of pollution of the Edwards Underground Reservoir, Sections 305, 400, and 405 of the Texas Water Development Board Rules, Regulations, and Modes of Procedure, as related to the Texas Water Well Drillers Act, which provides for the proper completion and plugging of wells, is adopted by reference as a water quality protection measure.

#### *.005. Waste Collection, Treatment, and Disposal Systems.*

(a) All treated waste effluent shall be transported from the recharge zone whenever the board finds that diversion is feasible from an engineering and economic standpoint or when the board finds it necessary in order to protect the Edwards Underground

Reservoir from pollution. The board may also require that the sewage treatment plant not be located on the recharge zone if it is found that its removal is also necessary in order to protect the Edwards Underground Reservoir from pollution.

(b) Waste collection, treatment, and disposal systems to be located within the recharge zone or within 500 feet of the Nueces, Dry Frio, Frio, or Sabinal Rivers upstream from the recharge zone shall conform to the following criteria when applicable:

(1) The design of sewage collection, treatment, and disposal systems shall be in accordance with the most current design criteria of the Texas Department of Health Resources and the board, in addition to the following applicable requirements of this article.

(2) Plans and specifications of the sewage collection, treatment, and disposal systems shall be approved by the Texas Department of Health Resources and the board prior to construction.

(3) Upon completion of any waste disposal facility which is part of an organized sewage disposal system, a registered professional engineer shall submit signed and sealed as-built plans of the waste disposal facility and collection system to the appropriate state agency and the licensing authority.

(4) Standby electrical power facilities capable of providing sufficient power to operate the waste treatment plant and appurtenant equipment in the event of normal electric power failure shall be equipped with automatic or remote-control starting features. Multiple alternate power supplies may be acceptable under this paragraph.

(5) A remote-control monitoring system shall be installed to warn against equipment or power failure. The monitoring system shall be connected from the plant site to an approved control location.

(6) Waste treatment plant owners shall install holding ponds having imperviously lined sides and bottoms which can be filled by gravity flow and which have a capacity sufficient to store the amount of input which would come into the plant during a 24-hour period with provision for recycling through the plant or other proper disposal.

(7) Spare parts for critical treatment equipment shall be provided for the use of the maintaining agency.

(8) Sewage treatment plant capacity shall be based on not less than a minimum designed flow of 100 gallons per person per day and a population equivalent of four persons per dwelling unit or equivalent unless the consulting engineer can justify, upon approval of the executive director, a different figure.

(9) Effluent standards for sewage treatment plants discharging on the recharge zone are established as follows:

(A) The monthly average for the five-day biochemical oxygen demand shall not exceed 5.0 mg/l

and the seven-day average for the five-day biochemical oxygen demand shall not exceed 10 mg/l.

(B) The monthly average for total suspended solids shall not exceed 5.0 mg/l and the seven-day average of total suspended solids shall not exceed 10 mg/l.

(C) Chlorine residual shall be not less than 5.0 mg/l following a 60-minute detention time based on peak flow.

(D) The monthly average for phosphate expressed as phosphorus shall not exceed 2.0 mg/l;

(E) Dissolved oxygen shall be not less than 5.0 mg/l.

(10) Sewage treatment plants shall be designed so that they may be modified in order to provide for additional processes which the board may find necessary at a future date. Sewage treatment plant campuses shall be of sufficient size to provide additional capacity or additional techniques of treatment if and when necessary.

(11) Regionalization of organized systems shall be rigorously enforced.

(12) The construction of sewage collection lines shall comply with the following:

(A) Holes for service lines and other lines shall be cut, not broken.

(B) Where stub-out is not provided, the service connection will be made with a manufactured saddle of proper dimension centered over the cut opening.

(C) Where a stub-out is not provided and where the sewer main is 12 inches in diameter or smaller, a concrete encasement with a minimum thickness of five inches shall completely encircle the main at a connection. The minimum width of the concrete encasement shall be two feet, centered at the point of connection.

(D) Where an existing main is larger than 12 inches in diameter, as an alternative to concrete encasement, the connection may be made by using a concrete bonding epoxy or bonding agent of approved quality. Following the epoxy bond, a cement mortar composed of two parts sand to one part cement should be applied around the connection point, completely encircling the joint. The cement mortar band shall have a minimum thickness of three inches around the joint and shall extend up the side walls of the house connection joint and the sewer main for five inches.

(E) The angle of connection into an existing sewer main for an individual house connection shall not be more acute than 45 degrees from the horizontal.

(F) All sewer pipes shall have compression- or mechanical-type joints. When schedule 40 PVC pipe (ASTM D-3033 or D-3034, maximum SDR of 33.5) in diameters four inches or less is used for private service laterals, solvent weld joints may be used.

(G) The sewer system, including stub-outs, shall be tested under the supervision of a registered professional engineer at the time of installation and shall be certified by him to meet or exceed the requirements of the latest revision of the City of San Antonio "Standard Specifications for Public Works Construction," Item 518, or its equivalent, relative to establishing a minimum infiltration/exfiltration rate.

(H) Whenever Y's or T's are designed in the approved plans, they shall be manufactured Y's or T's.

(I) Blasting for sewer line excavation must be done in such a manner as to minimize the fracturing of rock beyond the required excavation.

(J) Materials used in the construction of the sewer system lines shall be approved at the time of review of the plans and specifications.

(K) Pipe and joint assemblies for laterals shall be designed for the maximum working pressure which can be placed on the pipe.

(L) Pipe and joint assemblies for laterals shall be designed to have a crushing capacity in excess of that which can be expected to be experienced.

(M) Pipe and joint materials in both laterals and mains shall be resistant to decomposition from chemicals in domestic sewage or other materials which it may be called upon to transport.

(N) All pipe shall be embedded in materials giving adequate protection to the pipe from other back-fill material.

(O) The results of an infiltration/exfiltration test, the type of which to be approved by the executive director, shall be biennially reported to the board and the tests certified by a registered professional engineer as having been correctly performed.

(P) To the maximum extent feasible, the sewer mains shall be located so that no manhole falls within an area which is regularly flooded.

(Q) Where the sewer lines must cross significant creek bottoms or other identifiable sensitive recharge areas in the recharge zone, the section of the line in the sensitive recharge area will be encased in concrete with a minimum thickness of five inches.

(R) Manholes for new construction shall be watertight. Acceptable construction techniques shall include monolithic cast-in-place, pre-cast concrete, pre-cast fiberglass, or pre-cast ring type with O-ring compression type seal. Repair or replacement work shall be done as approved by the repairing engineer.

(S) Rings and covers of manholes shall be constructed so that they are watertight.

(T) Lift stations shall be provided with standby emergency facilities similar to that required for treatment plants.

(U) Any caverns or solution channels encountered during construction shall be reported to the Texas Water Quality Board District Office No. 8 with a

request for approval of construction design when the pipe, due to its structural integrity, is not sufficient to bridge the gap.

(V) All blasting which is to occur within 25 feet of an existing and previously tested sanitary sewer main shall require prior notice to the Texas Water Quality Board District Office No. 8 and the licensing authority.

Blasting within such areas shall be accomplished with the following guidelines:

Approximate Distance from Sanitary Sewer Main	Pounds of Explosive per Cubic Yard of		Maximum Hole Spacing
	Rock to be Blasted		
	Nitro Carbo Nitrate	Dynamite (60% Extra)	
5'	1#/CY	0.6#/CY	2'
10'	1#/CY	0.7#/CY	3'
15'	1.2#/CY	0.8#/CY	5'
20'	1.4#/CY	0.9#/CY	8'
25'	1.7#/CY	1.0#/CY	12'

In addition to the above general criteria, all blasting shall be in accordance with appropriate criteria established in the *National Fire Protection Association Publication* and the contractor shall consider the elevation of the existing sanitary sewer main in relation to the blasting charge and the relative direction of existing and proposed trenches.

Should the Texas Water Quality Board find that damage has been done to an existing sanitary sewer main resulting from such blasting, it may require the responsible party to repair and retest such mains.

(W) Where fully supported by relevant information provided by the consulting engineer, the executive director may substitute an alternate procedure for any of the foregoing.

(X) Notwithstanding all the above, it shall be required that the system operate satisfactorily and any failure for any cause whatsoever shall be required to be corrected in a satisfactory manner.

(13) Prior to connecting the private service lateral into an organized sewage collection, treatment, and disposal system, an agent of the owner of the organized disposal system shall visually inspect the private service lateral after installation and prior to covering and certify it to have been constructed in conformity with the applicable provisions of Rule .005(b)(12) dealing with construction standards for sewage collection lines.

(14) Tracts of land to be utilized for irrigation of sewage that has not been treated to the degree

specified by subsection (9) of this section may not be located less than 1,000 feet from the recharge zone or the Nueces, Dry Frio, Frio, or Sabinal Rivers upstream from the recharge zone.

.006. *Hydrocarbon and Toxic or Hazardous Chemical Storage Facilities Transmission Lines on the Recharge Zone or within 500 Feet of the Nueces, Dry Frio, Frio, or Sabinal Rivers Upstream from the Recharge Zone.*

(a) Facilities used for the underground storage of hydrocarbon products and other toxic chemicals and hazardous materials designated by the Texas Water Quality Board shall be of double-wall construction. The storage facility may be fabricated or constructed on site, utilizing various construction materials and methods to achieve this type of construction. In addition, methods for detecting leaks in the wall of the storage facility shall be included in the facility's design and construction.

(b) Facilities used for the above-ground storage of hydrocarbon products and other toxic chemicals and hazardous materials designated by the Texas Water Quality Board shall be constructed within controlled drainage areas sized to capture any spillage that may result from ruptures or leakage from the facilities or appurtenances thereto and direct such spillage to a point convenient to the collection and recovery of the spillage. The controlled drainage area shall be constructed of or in a material suitably impervious to the product being stored. Any spillage from such storage facilities shall be removed from the controlled drainage area to a suitable disposal within 24 hours of spillage. Temporary storage facilities and permanent storage facilities smaller than 1,000 gallons are exempt from this provision.

(c) Hydrocarbon transmission lines will be constructed in accordance with board specifications in the absence of specifications of some other state or federal agency having the jurisdiction to so regulate. Board specifications will be based solely on the protection of the Edwards Underground Reservoir.

.007. *Measurement of Distances.* For the purposes of this order, horizontal distances from the Nueces, Dry Frio, Frio, and Sabinal Rivers will be measured from the water's edge at normal flow.

.008. *Areas Above Recharge Zone.* Although not subject to control by this order, it shall be the policy of the board to exercise surveillance and control over all streams flowing across the recharge zone and all waste sources entering those streams to insure that the water recharging the Edwards Underground Reservoir is of satisfactory quality.

.009. *Responsibilities of the Edwards Underground Water District.* The Edwards Underground Water District of Texas, responding to the water quality manage-

ment duties charged by Article 8289-218 (1951), Texas Revised Civil Statutes Annotated, may carry out the following functions:

(a) Provide maps on which the recharge zone has been located which correspond with the maps located in the offices of the Texas Water Quality Board

(b) Assist the licensing authority upon request for assistance in carrying out provisions of this order.

(c) Conduct such geological investigations as are necessary to continually update the exhibits of the zone defined in this order.

(d) Monitor the quality of the water in the reservoir.

*.010. Penalty Clause.* A person who violates any provision of this order is subject to civil penalty for each act of violation and for each day of violation to be recovered, as authorized in Section 21.253 and Section 21.254 of the Texas Water Code and/or any applicable amendment to the Texas Water Code subsequent to the date of this order.

*.011. Supersedure.* This order supersedes and replaces: Texas Water Quality Board Order No. 70-0731-12, except for Rule .008(c) of this order; Texas Water Quality Board Order No. 74-0326-4; and Texas Water Quality Board Order No. 75-0128-20.

*.012. Severability Clause.* If any provision of this order or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the order and the application of such provision to other persons and circumstances shall not be affected thereby.

*.013. Edwards Underground Aquifer Maps.*

- (a) Map of Hays County
- (b) Map of Comal County
- (c) Map of Bexar County
- (d) Map of Kendall County
- (e) Map of Medina County
- (f) Map of Uvalde County
- (g) Map of Kinney County

Issued in Austin, Texas on March 18, 1977.

Doc. No. 771457      Paul A. Seals  
Assistant General Counsel  
Texas Water Quality Board

Effective Date: April 11, 1977

For further information, please call (512) 475-7861.

Due to the length of the Edwards Aquifer rules, the adopted rules for Kinney County will appear in the April 1, 1977 issue. The effective date for those rules is April 11, 1977.

## Legislative Report

### Consumer Affairs

SB 3, prohibiting telephone companies from charging for directory assistance calls, was referred to the House Committee on State Affairs on March 22. The bill was passed by the senate on March 21.

SCR 16, encouraging cities to adopt ordinances regulating automobile repair businesses, was reported favorably by the Committee on Human Resources on March 21.

### Criminal Justice

SB 152, requiring that paroled inmates be released to mandatory supervision for the duration of their sentence terms, was passed by the senate on March 23.

SB 153, requiring courts to instruct juries that convicted defendants can be paroled before their sentences are served, was passed by the senate on March 23.

SB 217, prohibiting the sale or purchase of a child outside of normal adoption channels, was sent to the governor for his signature on March 21. The bill was passed by the senate on February 2 and by the house on March 14.

SB 695, allowing courts to probate a sentence after an inmate begins serving time, was referred to the House Committee on Criminal Jurisprudence on March 22. The bill was passed by the senate on March 21.

SJR 3, relating to denial of bail in certain circumstances, was referred to the House Committee on Constitutional Amendments on March 22. The resolution was passed by the senate on March 17.

### Economic Development

Three bills prohibiting the employment of illegal aliens, were referred to Labor subcommittee on March 21. They are HB 174, HB 374, and HB 406.

### Education

HB 833, restricting the number of teaching assistants who may be employed in state colleges and universities, was passed by the house on March 17 and referred to the Senate Committee on Education on March 21.

### Energy

SB 1176 (Natural Resources) would prohibit curtailment of natural gas for agricultural purposes. The bill is similar to HB 2129 (Agriculture and Livestock).

HB 858, exempting the manufacture, sale, and installation of solar energy devices from franchise taxation, was reported favorably from the Committee on Ways and Means on March 21.

### Environment

SB 1194 (Natural Resources) would create the Texas Urban and Local Parks, Recreation, and Open Space Fund to provide for state financing of local parks acquisition, development, and maintenance. The fund would be based on taxes on the sale and use of recreation equipment and sporting goods.

Four bills which would form a comprehensive coastal zone management program were passed by the senate on March 23. They are SB 576, SB 577, SB 578, and SB 579.

SB 626, exempting from taxation property dedicated to the preservation of wildlife, was reported favorably by the Committee on Finance on March 22.

### Government Administration

HB 931, providing for legislative review of proposed state agency rules, was referred to State Affairs subcommittee on March 21.

SB 127, creating a state personnel system, was referred to State Affairs subcommittee on March 21.

SB 189, prohibiting cities from requiring their employees to be city residents, was referred to the House Committee on Intergovernmental Affairs on March 21. The bill was passed by the senate on March 16.

SB 518, allowing cities to enforce the Clean Air Act in their areas of extraterritorial jurisdiction, and SB 520, permitting cities to prevent extraterritorial pollution of streams which supply city water, were referred to Intergovernmental Relations subcommittee on March 22.

SB 820, authorizing Texas' participation in the Southern Growth Policies Agreement, was passed by the senate on March 21 and referred to the House Committee on Business and Industry on March 22.

### Highways

HB 971, increasing the state's minimum reimbursement rate to cities and counties for the acquisition of rights-of-way, was referred to the Transportation Subcommittee on Motor Transportation on March 22.

### Human Services

SB 1189 (Human Resources) would require recipients of Aid to Families with Dependent Children to register for employment with the Texas Employment Commission before they could receive AFDC payments. The bill is a companion measure to HB 2003 (Health and Welfare).

SB 148, allowing terminal patients to request the removal of life-sustaining treatment and equipment, was passed by the senate on March 23.

## Tax

SB 635, allowing cities to finance urban redevelopment through tax increments on urban property, and SJR 44, giving constitutional authorization for tax increment financing, were reported favorably by the Committee on Intergovernmental Relations on March 23.

SB 659, dedicating a portion of the state cigarette tax to the operation of state parks, was passed by the senate on March 21 and referred to the House Committee on Ways and Means on March 22.

## House of Representatives

### Bills Introduced

#### Committee Referrals

HB 2134 Simpson-- Relating to the creation, jurisdiction, administration, and procedures of the County Court at Law of Randall County. (Judicial Affairs)

HB 2135 Looney-- Relating to terms of the County Court at Law of Hidalgo County. (Judicial Affairs)

HB 2136 Powers-- Creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as "West Jefferson County Municipal Water District." (Natural Resources)

HB 2137 Collazo-- Relating to the use of fishing nets and trawls in the coastal water of Jefferson County. (Environmental Affairs)

HCR 113 Bird-- Creating a special interim committee to study recommendations of the Metcalf-Eddy Study and other aquifer studies. (Natural Resources)

HSR 59 Reyes-- Amending HSR 5. (House Administration)

HCR 114 Ribak-- Requesting the State Board of Control to construct a ramp at the east entrance of the capitol. (State Affairs)

HCR 115 Hudson-- Creating a special interim study committee to study capital punishment in Texas. (Criminal Jurisprudence)

HB 2138 Looney and A. Garcia-- Relating to use of bonds of the Hidalgo County Drainage District Number One as investments for certain entities and security for certain funds. (Natural Resources)

HB 2139 Semos, *et al.*-- Relating to the creation, jurisdiction, administration, and procedures of the Courts of Domestic Relations Nos. 5, 6, 7, and 8 of Dallas County. (Judicial Affairs)

HB 2140 Semos, *et al.*-- Relating to the creation, jurisdiction, administration, and procedures of the Juvenile Court No. 3 of Dallas County. (Judicial Affairs)

HB 2141 Semos, *et al.*-- Relating to the creation, jurisdiction, administration, and procedures of the County Criminal Courts Nos. 6 and 7 of Dallas County and making other provisions relative to the County Criminal Courts of Dallas County. (Judicial Affairs)

HB 2142 Semos, *et al.*-- Relating to the creation, jurisdiction, administration, and procedures of the County Court at Law No. 5 of Dallas County. (Judicial Affairs)

HB 2143 Semos, *et al.*-- Relating to the creation of two judicial districts, each composed of Dallas County. (Judicial Affairs)

### Meetings

#### Meetings Filed March 21, 1977

*State Affairs*, Monday, March 21, 1977, 9 a.m., House Floor, to consider HB 1359, HB 890, HB 943, HB 931, HB 940, and HB 1206.

*Elections Subcommittee on HB 436*, Monday, March 21, 1977, 10 a.m., Room 154B, State Capitol, to consider HB 436.

*Regions, Compacts, and Districts Subcommittee on Districts*, Monday, March 21, 1977, 10 a.m., Room 346, State Capitol, to consider HB 418, HB 1116, HB 1291, and HB 1312.

*Public Education*, Monday, March 21, 1977, 11 a.m., Room 300, State Capitol, to consider HB 750.

*State Affairs Subcommittee on Licensing Agencies*, Monday, March 21, 1977, 1:30 p.m., Room 110D, State Capitol, to consider HB 901.

*Labor*, Monday, March 21, 1977, 2 p.m., Old Supreme Court Room, to consider HB 174, HB 374, HB 406, HB 816, and HB 855.

*Ways and Means*, Monday, March 21, 1977, 2 p.m., Room 300, State Capitol, to consider HB 82, HB 101, HB 519, and HB 764.

*Ways and Means Subcommittee on Revenue Administration*, Monday, March 21, 1977, on adjournment of full Ways and Means Committee, Members' Lounge, to consider HB 1255, HB 837, HB 1542, HB 1330, HB 1098, HB 1546, and HB 1361.

*Business and Industry*, Monday, March 21, 1977, 2 p.m., Speaker's Committee Room, to consider HB 180, HB 378, HB 862, HB 863, HB 864, HB 899, HB 1158, HB 1083, and SB 203.

*Environmental Affairs*, Monday, March 21, 1977, 7:30 p.m., Room 346, State Capitol, to consider HB 1195, HB 1411, HB 1357, HB 1508, HB 467, HB 776, and HB 777.

*State Affairs*, Monday, March 21, 1977, 7:30 p.m., House Floor, to consider HB 1497, HB 1021, HB 1032, HB 1033, and HB 481.

*Judicial Affairs*, Monday, March 21, 1977, 2:15 p.m., Room 346, to consider HB 1319, HB 1152, HB 486, SB 108, HCR 54, SCR 25, SCR 34, SCR 37, and SCR 39.

*Insurance Subcommittee on HB 175*, Monday, March 21, 1977, 2:30 p.m., House Floor, to consider HB 175.

*Ways and Means Subcommittee on State Finance*, Monday, March 21, 1977, 3 p.m., Room 300, State Capitol, to consider HB 1219, HB 1413, SB 110, SB 59, and SB 382.

*Health and Welfare*, Monday, March 21, 1977, 7 p.m., Old Supreme Court Room, to consider HB 444, SB 94, SB 446, HB 1074, HB 1876, and HB 1878.

*Regions, Compacts, and Districts*, Tuesday, March 22, 1977, 11 a.m., Room 346, State Capitol, to consider HB 1571, HB 1623, HB 1989, SCR 45, and HB 1514.

**Environmental Affairs Subcommittee on Parks,** Tuesday, March 22, 1977, 1:30 p.m., Members' Lounge, to consider HB 1052 and HB 1194.

**Energy Resources,** Tuesday, March 22, 1977, 2 p.m., Room 300, to consider HB 85, HB 1415, and HCR 59.

**Public Education,** Tuesday, March 22, 1977, 2 p.m., House Floor, to consider HB 799, HB 932, HB 1045, HB 884, HB 349, and a subcommittee report on HB 297.

**Intergovernmental Affairs,** Tuesday, March 22, 1977, 2 p.m., Speaker's Committee Room, to consider SB 543, SB 338, HB 657, HB 1140, HB 1519, HB 1371, HB 751, HB 753, and HB 1347.

**Criminal Jurisprudence,** Tuesday, March 21, 1977, 2 p.m., Old Supreme Court Room, to consider HB 293, HB 692, HB 693, HB 848, HB 935, HB 1034, HB 1089, HB 1391, HB 1522, HB 1619, SB 39, a subcommittee report on HB 113, and HB 1403.

**State Affairs Subcommittee on Sunset Legislation,** Tuesday, March 22, 1977, 4 p.m., Members' Lounge, to consider HB 579, HB 335, HB 154, HB 632, HB 938, and SB 54.

**Judiciary,** Tuesday, March 22, 1977, 7 p.m., Speaker's Committee Room, to consider HB 565, HB 857, HB 1926, HB 1586, HB 795, HB 895, HB 1222, HB 1304, HB 1239, HB 829, HB 1141, HB 1584, HB 1585, HB 1541, HB 1792, and HB 1793.

**Insurance,** Tuesday, March 22, 1977, 7:30 p.m., House Floor, to consider HB 937, HB 963, HB 1177, and HB 721.

**Transportation,** Tuesday, March 22, 1977, 7:30 p.m., Old Supreme Court Room, to consider HB 664, HB 971, HB 1121, HB 1127, HB 1211, HB 1178, SB 526, and SB 76.

**Health and Welfare Subcommittee on Public Welfare,** Wednesday, March 23, 1977, 8:30 a.m., Old Supreme Court Room, to consider HB 547 and HB 549.

**Criminal Jurisprudence Subcommittee on HB 255,** Wednesday, March 23, 1977, 9 a.m., Room 407A, State Capitol, to consider HB 255.

**Transportation Subcommittee on Motor Transportation,** Wednesday, March 23, 1977, 1:30 p.m., Room G-13-A1, State Capitol, to consider HB 71, HB 757, and HB 765.

**Financial Institutions,** Wednesday, March 23, 1977, 2 p.m., House Floor, to consider HB 785, HB 77, HB 1378, SB 388, HB 1365, HB 1416, HB 1341, and HB 1342.

**Social Services,** Wednesday, March 23, 1977, 2 p.m., Old Supreme Court Room, to consider HB 1205, HB 1420, HB 1421, and HB 1448.

**Public Education Subcommittee on Teacher Retirement System,** Wednesday, March 23, 1977, 2 p.m., Room 117, Sam Houston Building, to consider HB 75, HB 612, and HB 979.

**Elections,** Wednesday, March 23, 1977, 2 p.m., Room 346, State Capitol, to consider HB 808, HB 42, HB 104, HB 172, HB 2058, HB 303, HB 1362, HB 1583, HB 1315, and HB 640.

**Constitutional Amendments,** Wednesday, March 23, 1977, 2 p.m., Speaker's Committee Room, to conduct work session on HJR 68.

**Agriculture and Livestock,** Wednesday, March 23, 1977, 6 p.m., House Floor, to consider HB 189, HB 277, HB 529, HB 824, HB 1547, HB 1691, HCR 101, and HSR 54.

**Higher Education,** Wednesday, March 23, 1977, 6:30 p.m., Old Supreme Court Room, to consider HB 14, HB 1012, SB 142, SCR 27, and the report of the appropriate matters subcommittee.

**Natural Resources,** Wednesday, March 23, 1977, 7:30 p.m., Speaker's Committee Room, to consider HB 1408, HB 1429, HB 1430, HB 1431, HB 1602, and HB 1653.

## Senate

### Bills Introduced

#### Committee Referrals

SB 1173 Hance-- Changing the name of the "corporation court" in home-rule cities to the "municipal court," and changing the title of the judge in such court to "judge of the municipal court" or other title as provided by charter, and validating the appointment or election of all such judges appointed or elected in accordance with the provisions of the charters or ordinances of such cities. (Intergovernmental Relations)

SB 1174 Hance-- Relating to the dates for registration and payment of fees to the State Board of Architectural Examiners. (State Affairs)

SB 1175 Hance-- Relating to regulation of certain transactions with regard to obtaining control of a state savings and loan association. (Economic Development)

SB 1176 Hance-- Relating to the extent that natural gas supplies are required to maintain natural gas service to residential users or hospitals and similar uses vital to public health and safety, no person, firm, corporation, partnership, association, or cooperative shall curtail the supply of natural gas for agricultural purposes, including but not limited to irrigation pumping and crop drying. (Natural Resources)

SB 1177 Brooks-- Relating to the appointment of bailiffs by the judges of the district courts in certain counties. (Intergovernmental Relations)

SB 1178 Parker-- Creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas, to be known as "Northwest Forest Municipal Utility District." (Natural Resources)

SB 1179 Adams-- Relating to certain conflicts of interest of members of the Finance Commission of Texas, the State Banking Board, and the State Depository Board. (Economic Development)



**SB 1180 Adams--** Ratifying, confirming, approving, and validating the creation and organization of hospital districts created under the provisions of Article IX, Section 9, of the Constitution of Texas, all proceedings and actions taken by the boards of directors or governing bodies of such districts in organizing, selecting officers, voting taxes, voting, authorizing, selling or issuing bonds of such districts. (Intergovernmental Relations)

**SB 1181 Brooks--** Relating to eligibility for participation in the Texas County and District Retirement System of a person receiving supplemental compensation from a county. (State Affairs)

**SB 1182 Brooks--** Relating to the use of criminal convictions by certain state licensing authorities to suspend or revoke existing valid occupational licenses, to deny applications for these licenses, or to deny the opportunity to be examined for them. (Jurisprudence)

**SB 1183 Traeger--** Relating to the Texas Employees Uniform Group Insurance Benefits Act. (State Affairs)

**SCR 68 Sherman--** Granting Phillips Petroleum Company permission to sue the State of Texas. (Administration)

**SCR 70 Schwartz--** Granting Shirley and Paul Danesi permission to sue the State of Texas. (Administration)

**SB 1184 Meier--** Relating to the appointment of court reporters in the Courts of Domestic Relations, Tarrant County. (Intergovernmental Relations)

**SB 1185 Meier--** Relating to the appointment of county auditors in certain counties. (Intergovernmental Relations)

**SB 1186 Schwartz and Brooks--** Relating to the expansion of the Governor's Coordinating Office for the Visually Handicapped to provide services for severely handicapped individuals with other than visual disabilities. (Human Resources)

**SB 1187 Schwartz and Brooks--** Relating to comprehensive special education for multiply handicapped and other severely handicapped children. (Education)

**SB 1188 Traeger--** Relating to the creation, establishment, administration, maintenance, operation, and financing of Wilson County Memorial Hospital District of Wilson County. (Intergovernmental Relations)

**SB 1189 Mengden--** Relating to an employment program for certain welfare recipients. (Human Resources)

**SB 1190 Mauzy--** Relating to reporting certain information about a transfer of real property as a condition of recordation of the instrument of transfer. (Economic Development)

**SB 1191 Mauzy--** Relating to the appointment of members of the board of managers of the Dallas County Hospital District. (Intergovernmental Relations)

**SB 1192 Sherman--** Relating to the creation, jurisdiction, administration, and procedures of the County Court at Law of Randall County. (Intergovernmental Relations)

**SB 1193 Hance--** Relating to the interest rate charged on certain purchases, sales, and transfers by the Texas Water Development Board. (Natural Resources)

**SB 1194 Hance--** Relating to the creation and use of the Texas Urban and Local Park, Recreation, and Open Space Fund. (Natural Resources)

**SJR 57 Mengden--** Relating to the division of counties into precincts for the election of justices of the peace, constables, and county commissioners. (State Affairs)

**SB 1195 Patman--** Relating to the right of river authorities to obtain legal opinions from the attorney general. (Natural Resources)

**SB 1197 Jones of Taylor--** Relating to state aid to private medical and dental schools. (Education)

**SB 1198 Jones of Taylor--** Relating to a change of the name of the Railroad Commission of Texas. (State Affairs)

## Meetings

### Meetings Filed March 24, 1977

**Economic Development**, Monday, March 28, 1977, 9 a.m., Lieutenant Governor's Committee Room, State Capitol.

**Finance**, Monday, March 28, 1977, 2 p.m., Finance Committee Room, State Capitol.

**State Affairs**, Monday, March 28, 1977, 2 p.m., Senate Chamber, State Capitol.

**Human Resources**, Monday, March 28, 1977, 4 p.m., Lieutenant Governor's Committee Room, State Capitol.

**Nominations**, Tuesday, March 29, 1977, 9 a.m., Lieutenant Governor's Committee Room, State Capitol.

**Finance**, Tuesday, March 29, 1977, 9:30 a.m., Finance Committee Room, State Capitol.

**Finance**, Tuesday, March 29, 1977, 2 p.m., Finance Committee Room, State Capitol.

**Jurisprudence**, Tuesday, March 29, 1977, 2 p.m., Senate Chamber, State Capitol.

**Intergovernmental Relations**, Tuesday, March 29, 1977, 3 p.m., Lieutenant Governor's Committee Room, State Capitol.

**Administration Subcommittee on Local Calendar**, Tuesday, March 29, 1977, 4:30 p.m., Senate Reception Room, State Capitol.

**Nominations**, Wednesday, March 30, 1977, 9 a.m., Senate Reception Room, State Capitol.

**Education**, Wednesday, March 30, 1977, 9 a.m., Lieutenant Governor's Committee Room, State Capitol.

**Finance**, Wednesday, March 30, 1977, 9:30 a.m., Finance Committee Room, State Capitol.

**Finance**, Wednesday, March 30, 1977, 2 p.m., Finance Committee Room, State Capitol.

**State Affairs**, Wednesday, March 30, 1977, 2 p.m., Senate Chamber, State Capitol.

**Natural Resources**, Wednesday, March 30, 1977, 3 p.m., Lieutenant Governor's Committee Room, State Capitol.

**Intergovernmental Relations**, Thursday, March 31, 1977, 9 a.m., Lieutenant Governor's Committee Room, State Capitol.

**Finance**, Thursday, March 31, 1977, 9:30 a.m., Finance Committee Room, State Capitol.

**Human Resources**, Thursday, March 31, 1977, 2 p.m., Lieutenant Governor's Committee Room, State Capitol.



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 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.

## State Banking Board

### Hearing Cancelled

A hearing before the hearing officer of the State Banking Board, which was scheduled for Monday, March 28, 1977, 9 a.m., at 2601 North Lamar, Austin, on the proposed domicile change for the First State Bank, Dimmitt, was cancelled.

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

Filed: March 22, 1977, 8:55 a.m.

Doc. No. 771236A

### Hearing Cancelled

A hearing before the hearing officer of the State Banking Board, which was scheduled for Monday, March 28, 1977, 2 p.m., at 2601 North Lamar, Austin, on the proposed domicile change for the Bridge City State Bank, Bridge City, was cancelled.

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

Filed: March 22, 1977, 8:55 a.m.

Doc. No. 771237A

## State Board of Barber Examiners

### Meeting

A meeting of the State Barber Board of the State Board of Barber Examiners will be held on Monday, April 4, 1977, 8 a.m., in Room 510, Sam Houston Building, 201 East 14th Street, Austin, to discuss current business and to conduct interviews with people meeting with the board.

Additional information may be obtained from O. W. McStay, 512 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2289.

Filed: March 22, 1977, 10:38 a.m.

Doc. No. 771441



## State Building Commission

### Meeting

A meeting of the Energy Conservation Division of the State Building Commission will be held on Friday, April 22, 1977, 10 a.m., on the 1st floor of the Texas Department of Community Affairs building, 210 Barton Springs Road, Austin, to conduct a work session for the Advisory Committee on Model Energy Conservation Codes for Cities.

Additional information may be obtained from William M. Bowen, P.O. Box 12427, Austin, Texas 78711, telephone (512) 475-2941.

Filed: March 23, 1977, 3:44 p.m.

Doc. No. 771481

## State Depository Board Meeting

A meeting of the State Depository Board will be held on Tuesday, April 5, 1977, 10 a.m., at the Office of the State Treasurer, Lyndon Baines Johnson Building, 111 East 17th Street, Austin, to consider applications for designation of state depositories, as made by the following banks: Republic National Bank, Austin; Chemical National Bank, Clute; Empire Bank, Dallas; Northwest Bank and Trust, Houston; First National Bank, Rio Grande City; and Sugar Creek National Bank, Sugarland.

Additional information may be obtained from Jesse James, P.O. Box 12608, Austin, Texas 78711, telephone (512) 475-2591.

Filed: March 24, 1977, 10:55 a.m.

Doc. No. 771488

## Texas Education Agency Meeting

A meeting of the State Board of Education of the Texas Education Agency will be held on Friday, April 1, 1977, 5 p.m., at 150 East Riverside Drive, Austin. The meeting will be conducted in executive session under the authority of Article 6252-17, Section 2(g), Vernon's Texas Civil Statutes, for the purpose of considering personnel appointments.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: March 24, 1977, 12:00 p.m.

Doc. No. 771489

## Meeting

A meeting of the State Board of Education of the Texas Education Agency will be held on Saturday, April 2, 1977, 8:30 a.m., at 150 East Riverside Drive, Austin.

The agenda includes consideration of: agency administration; Teacher of the Year; the appointment of board members for Congressional Districts 22 and 23; appeals on decisions of the commissioner; good neighbor scholarships; textbooks; teacher certification; committees of the board; the agency's operating plan/budget; a request for finding to hold another position; special schools, principles, and standards for accreditation; the

permanent school fund; and other business. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: March 24, 1977, 12:00 p.m.

Doc. No. 771490

## General Land Office Meeting

A meeting of the Board for Lease of Texas Parks and Wildlife Department of the General Land Office will be held on Tuesday, March 29, 1977, 11 a.m., in Room 831, 1700 North Congress, Austin, to consider offering a portion of the Chapparral Wildlife Management Area, Dimmit County, for the oil and gas lease sale.

Additional information may be obtained from H. E. White, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6491.

Filed: March 21, 1977, 4:45 p.m.

Doc. No. 771437

## Office of the Governor Meeting

A meeting of the Juvenile Justice and Delinquency Prevention Advisory Board of the Governor's Criminal Justice Division will be held on Friday, April 1, 1977, 10 a.m., at the Texas Law Center, 15th and Colorado, Austin, to consider various grant applications for juvenile justice projects. The complete list of grant applications and project titles is posted in the East Wing of the State Capitol.

Additional information may be obtained from Willis Whatley, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-6065.

Filed: March 23, 1977, 11:42 p.m.

Doc. No. 771469

## Texas Health Facilities Commission

### Emergency Additions to Agenda

Emergency additions were made to the agenda of a meeting of the Texas Health Facilities Commission held

on Thursday, March 24, 1977, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to include consideration of the following applications and requests:

Grimes Memorial Hospital, Navasota-- two exemption certificates

A. W. Schlesinger Geriatric Center, Beaumont-- exemption certificate

King's Care Center, Inc., San Antonio-- administrative order

Baylor University Medical Center, Dallas-- administrative order

Denison Hospital Authority, doing business as Texoma Medical Center, Denison-- reconsideration of certificate of need

Shannon West Texas Hospital, San Angelo-- declaratory ruling

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: March 23, 1977, 11:56 a.m.

Doc. No. 771470

## Additions to Agenda

Additions are being made to the agenda of a meeting of the Texas Health Facilities Commission to be held on Thursday, March 31, 1977, 10 a.m., in Suite 450, One Highland Center 314 Highland Mall Boulevard, Austin, to include consideration of the following applications and requests:

Homemakers Upjohn, Kalamazoo, Michigan-- declaratory ruling

Heritage Manor, Sherman-- exemption certificate

Hermann Hospital, Houston-- exemption certificate

Gulf Coast Medical Center, Wharton-- exemption certificate

Texas Children's Hospital, Houston-- three exemption certificates

St. Luke's Episcopal Hospital, Houston-- exemption certificate

Cartwheel Lodge Nursing Center, Wharton-- exemption certificate

Sherman Community Hospital, Sherman-- exemption certificate

Terry Haven Nursing Home, Inc., Mount Vernon-- exemption certificate

Memorial Medical Center, Corpus Christi-- exemption certificate

Angleton-Danbury General Hospital, Angleton-- declaratory ruling

Marion County Hospital, Jefferson-- certificate of need

Bayou Glen, Houston-- certificate of need

Methodist Hospital, Houston-- certificate of need

Uvalde Hospital Authority for Memorial Hospital, Uvalde-- certificate of need

The complete supplemental agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: March 23, 1977, 11:57 a.m.

Doc. No. 771471



## Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, April 7, 1977, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider the following applications and requests:

Sierra Medical Center, El Paso-- declaratory ruling

Best Home Care, Big Spring-- certificate of need

St. Paul Hospital, Dallas-- certificate of need

Larkwood Convalescent Home, Kenedy-- certificate of need

Surgical Center of El Paso, El Paso-- exemption certificate

Travis General Hospital, Austin-- exemption certificate

St. Luke's Episcopal and Texas Children's Hospital, Houston-- declaratory ruling

Austin-Travis County MH/MR Center for Darrell Royal Workshop, Austin-- declaratory ruling

Austin-Travis County MH/MR Center for Adult Activity Center, Austin-- declaratory ruling

The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed March 23, 1977, 11:57 a.m.

Doc No. 771472

## Texas Department of Health Resources

### Hearings

Hearings by the Texas Department of Health Resources will be held to consider applications to locate solid waste disposal sites. Listed below are the dates, times, and locations of the hearings; the applicants; and the locations of the sites.

#### *Tuesday, April 12, 1977*

9 a.m., City Council Chambers, City Hall, 901 Broadway, Plainview; City of Plainview; two sites in Plainview (300 Joliet Street and 1705 Southwest Third Street)

10 a.m., same location as above; City of Lockney; site northeast of the city limits of Lockney and .3 mile east of F.M. Highway 378 North in Floyd County

10:30 a.m., same location as above; City of Petersburg; site one mile east of Petersburg, adjacent to and south of Avenue H extension in Hale County

11 a.m., same location as above; City of Olton; site 5.5 miles south of Olton on the east side of F.M. Highway 168 in Lamb County

11:30 a.m., same location as above; City of Floydada; site approximately one mile east of Floydada, 1.2 miles east of F.M. Highway 1958 and .3 mile south of U.S. Highway 62/70 in Floyd County

#### *Wednesday, April 13, 1977*

9 a.m., City Council Chambers, City Hall, West Foster and Russell Streets, Pampa; City of Pampa; site one mile northeast of Pampa, one mile north of AT&SF Railroad on east side of Loop 171 in Gray County

10 a.m., same location as above; City of Lefors; site in the east part of Lefors at the east end of Fifth Street in Gray County

10:30 a.m., same location as above; City of McLean; site .5 mile east of east city limits of McLean, .5 mile north of Interstate Highway 40 on west side of a county road in Gray County

11 a.m., same location as above; City of Claude and Armstrong County; site 3.5 miles south of Claude City

limits in northwest corner of the intersection of State Highway 207 and a county road in Armstrong County

#### *Thursday, April 14, 1977*

9 a.m., City Council Chambers, City Hall, 205 Rock Island, Dalhart; City of Dalhart; two sites near Dalhart (two miles southeast of Dalhart, 2.2 miles east of Dalhart municipal airfield, .8 mile southwest of Rita Blanca airfield in Hartley County and 3.9 miles northwest of Dalhart, three miles northwest of intersection of U.S. Highway 87 and F.M. Highway 1727 on southwest side of Fort Worth and Denver Railroad in Dallam County

#### *Tuesday, April 19, 1977*

9 a.m., County Courtroom, Jack County Courthouse, Jacksboro; City of Newcastle; site on the southeast side of the City of Newcastle and .5 mile east of F.M. Highway 251 and U.S. Highway 380 in Young County

9:30 a.m., same location as above; City of Olney; site 1.5 miles southeast of downtown Olney and .5 mile east of State Highway 79 in Young County

10 a.m., same location as above; City of Henrietta; site in the northwest part of the City of Henrietta, 1000 feet west of F.M. Highway 148 in Clay County

10 a.m., County Courtroom, County Courthouse, Rio Grande City; City of La Grulla; site .3 mile west of F.M. Highway 2360 immediately east of a county road and immediately north of the north city limits of La Grulla in Starr County

10:30 a.m., County Courtroom, Jack County Courthouse, Jacksboro; City of Bowie; site northeast of Armory Road and Roach Street intersection in the City of Bowie in Montague County

#### *Wednesday, April 20, 1977*

1 p.m., Council Room, City Hall, 111 North Church Street, Dayton; City of Dayton; site 1.6 miles southeast of U.S. Highway 90, .6 mile north of F.M. Highway 1413 immediately west of Cox Road and five miles southwest of the south city limits of Dayton in Liberty County

Additional information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7271.

Filed: March 24, 1977, 10:21 a.m.

Doc No. 771486

## State Department of Highways and Public Transportation

### Meetings/Hearings

Meetings and hearings of the State Highway and Public Transportation Commission of the State Department of

Highways and Public Transportation will be held on Thursday and Friday, March 31 and April 1, 1977, in the State Highway Building, 11th and Brazos, Austin. Listed below are the specific times, locations, and agendas for the meetings and hearings:

**9 a.m., Thursday, in Room 207:** execution of contract awards and routine minute orders; consideration of decisions on presentations from public hearing dockets; review of staff reports relative to planning and construction programs and projects; and consideration of remaining old business, if any, from previous meetings.

**9 a.m., Friday, in the large hearing room on the first floor:** consideration of various highway, bridge, and F.M. road requests concerning the following counties: Lipscomb, Wood, Cass, Cherokee, and Nolan.

**Upon completion of public hearings, Friday, in Room 207:** consideration of items remaining from Thursday's meeting, as may be required.

The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from the Office of the Engineer-Director, State Department of Highways and Public Transportation, Room 203, State Highway Building, 11th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-3525.

Filed: March 23, 1977, 11:42 a.m.  
Doc. No. 771468

## Texas Historical Commission

### Meeting

A meeting of the Texas Historical Commission will be held on Friday, April 1, 1977, 8:30 a.m., in the Driskill Room of the Driskill Hotel, 117 East 7th, Austin.

The agenda includes: approval and designation of official Texas historical markers; the financial report; the chairman's report; the executive director's report; report of the Texas Historical Foundation; and reports from the Director of Programs, the Director of Research, the Museum Services' Director, the State Archaeologist, the Director of National Register Programs, and the publications editor.

Additional information may be obtained from Truett Latimer, P.O. Box 12276, Austin, Texas 78711, telephone (512) 475-3092.

Filed: March 24, 1977, 11:23 a.m.  
Doc. No. 771487

## State Board of Insurance Meeting

A meeting of the State Board of Insurance will be held on Wednesday, April 6, 1977, 10 a.m., in Room 408, 1110 San Jacinto, Austin, to consider the general liability experience rating plan revision.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: March 23, 1977, 3:43 p.m.  
Doc. No. 771476

### Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, April 6, 1977, 10 a.m., in Room 343, 1110 San Jacinto, Austin, to consider the application of Texas Credit Life Insurance Company, Fort Worth, for an initial certificate of authority.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: March 23, 1977, 3:43 p.m.  
Doc. No. 771479



## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, April 6, 1977, 2 p.m., in Room 343, 1110 San Jacinto, Austin, to consider the application of American Financial Corporation for approval of acquisition of U.S. Life Insurance Company, Waco, under Article 21.49-1, Section 5.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: March 23, 1977, 3:43 p.m.  
Doc. No. 771480

## Hearing

A hearing of the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, May 17, 1977, 10 a.m., in Room 343, 1110 San Jacinto, Austin, to determine compliance with Commissioner's Order No. 56274, dated March 15, 1977, by Trade Indemnity Company, Georgetown, Grand Cayman Island, British West Indies.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: March 23, 1977, 3:43 p.m.  
Doc. No. 771477

## Hearing

A hearing of the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, May 17, 1977, 2 p.m., in Room 343, 1110 San Jacinto, Austin, to determine compliance with Commissioner's Supervision Order No. 56273, dated March 15, 1977, by Atlantic Credit Assurance Company, Georgetown, Grand Cayman Island, British West Indies.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: March 23, 1977, 3:43 p.m.  
Doc. No. 771478

## Board of Pardons and Paroles

### Meeting

A meeting of the Board of Pardons and Paroles will be held on Monday through Friday, April 4-8, 1977, 9 a.m.

daily, in Room 711, Stephen F. Austin Building, Austin, to review cases of inmates for parole consideration, to act on emergency reprieve requests and other acts of executive clemency, and to review reports regarding persons on parole.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: March 22, 1977, 11:19 a.m.  
Doc. No. 771443

## Meeting

A meeting of the Board of Pardons and Paroles will be held on Wednesday, April 6, 1977, 9 a.m., at the Diagnostic Unit, Texas Department of Corrections, Huntsville. 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.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: March 22, 1977, 11:19 a.m.  
Doc. No. 771444

## Public Utility Commission of Texas

### Hearing Rescheduled

A hearing by the Public Utility Commission of Texas will be held on Monday, April 4, 1977, 9:30 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider the application of West Texas Utilities Company for an amended certificate of convenience and necessity within Presidio County (Docket 316). The hearing was originally scheduled for March 31, 1977.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: March 22, 1977, 4:37 p.m.  
Doc. No. 771461

## Pre-Hearing

A pre-hearing conference by the Public Utility Commission of Texas will be held on Tuesday, April 5, 1977, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider the application of the Lower Colorado River Authority for a rate increase. The conference will include rulings and interventions, alignment of parties, and establishing a hearing schedule (Docket 366).

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: March 22, 1977, 4:37 p.m.

Doc No. 771462

## Hearing

A hearing by the Public Utility Commission of Texas will be held on Monday, April 25, 1977, 9:30 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, concerning Docket 150 on the merits heretofore set for March 28, 1977.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: March 22, 1977, 10:39 a.m.

Doc. No. 771442

## State Department of Public Welfare

### Meeting

A meeting of the Medical Care Advisory Committee of the State Department of Public Welfare will be held on Saturday, April 2, 1977, 9 a.m., in Room 411, John H. Reagan Building, Austin.

The agenda includes: the commissioner's report; the status of the department's appropriations request; findings and recommendations of the Task Force for the Evaluation of Medicaid in Texas; the status of major legislation affecting the department (reorganization legislation); review of Department of Health, Education and Welfare reorganization; and the medical programs report.

Additional information may be obtained from John Boff, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-6391.

Filed: March 22, 1977, 11:58 a.m.

Doc. No. 771447

## Structural Pest Control Board

### Meeting

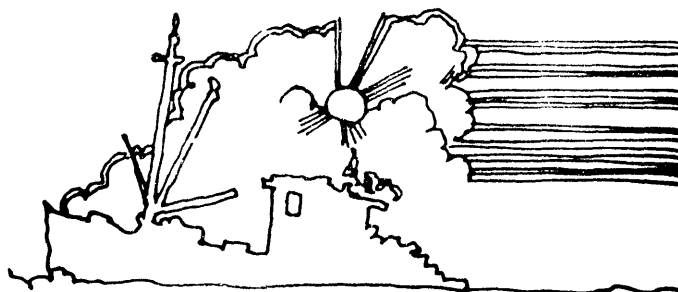
A meeting of the Structural Pest Control Board will be held on Friday, April 8, 1977, 8:30 a.m., in Room 108, Chevy Chase III, 313 East Anderson Lane, Austin.

The agenda includes the executive director's report; consideration and decision on James N. Grace, doing business as Grace Pest Control (case heard at February 17, 1977, board meeting); and board-requested appearances by Perry James Howell, doing business as Security Pest Control, and Charles E. Howell, doing business as General Pest Control.

Additional information may be obtained from Charlie Chapman, Room 108, Chevy Chase III, 313 East Anderson Lane, Austin, Texas 78752, telephone (512) 454-3617.

Filed: March 23, 1977, 3:46 p.m.

Doc. No. 771482



## Texas Water Rights Commission

### Emergency Amendment to Agenda

An emergency amendment was made to the agenda of a hearing by the Texas Water Rights Commission held on Monday, March 28, 1977, 10 a.m., at the Stephen F. Austin Building, Austin, to correct the hearing item for final determination in the matter of the Upper Guadalupe River Segment, Guadalupe River Basin. This matter was previously posted as a part of the March 28, 1977, agenda, however, the item reflected that the Upper Guadalupe River Segment was in the Colorado River Basin.

Additional information may be obtained from **Mary Ann Hefner**, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: March 22, 1977, 8:37 a.m.

Doc. No. 771439

## Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Water Rights Commission held on Monday, March 28, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to include consideration of recognizing Certified Filing 99 and involving it in the adjudication of water rights in the Concho River Segment of the Colorado River Basin.

Additional information may be obtained from **Mary Ann Hefner**, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed March 22, 1977, 3:15 p.m.

Doc No 771449

## Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Water Rights Commission held on Monday, March 28, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to include consideration of an order granting an extension of time for commission consideration of the motion for rehearing by Westador Municipal Utility District on an application for use of surplus funds.

Additional information may be obtained from **Mary Ann Hefner**, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed March 23, 1977, 10:29 a.m.

Doc No 771465

## Meeting

A meeting of the Texas Water Rights Commission will be held on Monday, April 4, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin.

The agenda includes consideration of: an application by Nueces County Water Control and Improvement District 5, an application by Thunderbird Utility District of Fort Bend County, and a petition for the creation of San

Jacinto County Municipal Utility District 14. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from **Mary Ann Hefner**, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: March 24, 1977, 10:17 a.m.

Doc. No. 771484

## Hearing

A hearing by the Texas Water Rights Commission will be held on Wednesday, April 20, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to consider a petition for the creation of Harris County Municipal Utility District 33.

Additional information may be obtained from **Mary Ann Hefner**, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: March 23, 1977, 10:29 a.m.

Doc. No. 771466

## Hearing

A hearing by the Texas Water Rights Commission will be held on Tuesday through Thursday, April 26-28, 1977, 10 a.m. daily, at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider annulment of the permits listed below since commission records reflect that water was used under each of the permits before the fees were paid.

Texas Parks and Wildlife Department, Permits 878, 1173, 1770, and 2077

Lower Colorado River Authority, Permits 951, 952, 998, 953, 953a, 954, 955, 1259, 1259a, and 1260

Texas Department of Corrections, Permits 1795, 1796, 1796a, 1302, 1302a, 1302b, 1861, 1301, 1301a, and 1883

Texas A&M University, Permits 1713 and 1713a

Fourth and Fifth U.S. Army, Permits 1689 and 1689a

Sabine River Authority, Permits 1792 and 1792a

Canadian River Municipal Water Authority, Permit 1815

Guadalupe-Blanco River Authority, Permit 1886

Upper Neches River Municipal Water Authority, Permit 1832

Texas Forest Service, Permit 1876

Collingsworth County WCID 1, Permits 2168 and 2168a

Texas Commission of Indian Affairs, Permit 2544

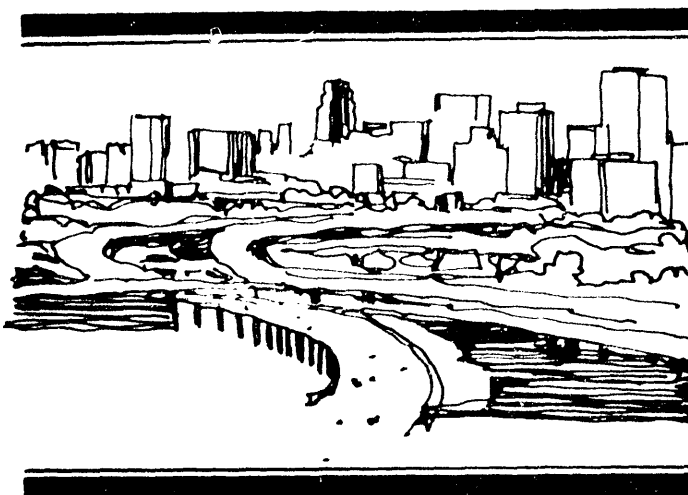
Brazos River Authority, Permit 2110



Sulphur Springs Water District, Permit 2411  
 San Jacinto River Authority, Permits 1962 and 1962a  
 City of Clyde, Permit 2154  
 Fort Worth-Benbrook Storage, Permit 2413  
 Westside Calhoun County ND, Permit 1375  
 The complete hearing docket is posted in the East Wing  
 of the State Capitol.

Additional information may be obtained from Mary  
 Ann Hefner, P.O. Box 13207, Austin, Texas 78711,  
 telephone (512) 475-4514.

Filed: March 22, 1977, 3:15 p.m.  
 Doc. No. 771450



## Hearing

A hearing by the Texas Water Rights Commission will be held on Friday, April 29, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin.

The commission will consider an application for a permit by Tuck Land Company, Houston, to maintain an existing dam and on-channel reservoir (Clear Spring Lake), and an application for a permit by John W. Zimmerman, Pflugerville, to maintain an existing on-channel dam and reservoir (Lake El Leo). The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: March 22, 1977, 3:15 p.m.  
 Doc. No. 771451

## Hearing

A hearing by the Texas Water Rights Commission will be held on Tuesday, May 3, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider two applications by the City of Grapevine to amend Permits 3040 and 1603, to add diversion points just downstream of Grapevine Dam on the south bank of the reservoir outlet channel, pursuant to Rule 129.06.05.001. The reservoir is on Denton Creek, Trinity River Basin, Denton County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: March 24, 1977, 10:17 a.m.  
 Doc. No. 771485

## Quasi-State Agencies Meetings Filed March 21, 1977

*The Austin-Travis County MH/MR Center*, Board of Trustees, met at 1430 Collier Street, Austin, on March 24, 1977, at 7 p.m. Further information may be obtained from John W. Weimer, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

Doc. No. 771438

## Meetings Filed March 22, 1977

*The Austin-Travis County MH/MR Center*, Board of Trustees, met at 1430 Collier Street, Austin, on March 22, 1977, at 7 p.m., in emergency session. The board met in executive session following the meeting. Further information may be obtained from John W. Weimer, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

Doc. No. 771448

## Meetings Filed March 23, 1977

*The Central Texas MH/MR Center*, Board of Trustees, will meet at 308 Lakeway, Brownwood, on March 29, 1977, at 4:30 p.m. Further information may be obtained from James H. Dudley, P.O. Box 250, Brownwood, Texas 76801, telephone (915) 646-9574.

*The Edwards Underground Water District*, Board of Directors, will meet at the Hermann Sons' Restaurant, Highway 90, Hondo, on April 12, 1977, at 1 p.m. Further information may be obtained from McD. D. Weinert, 2603 Tower Life Building, San Antonio, Texas 78205, telephone (512) 222-2204.

*The Pecan Valley MH/MR Region*, Board of Directors, will meet at the Senior Citizens Center, Weatherford, on April 7, 1977, at 7:30 p.m. Further information may be obtained from Mary E. Briggs, P.O. Box 1207, Mineral Wells, Texas 76067.

*The Middle Rio Grande Development Council*, Criminal Justice Advisory Committee, will meet at the Kinney County Commissioners Courtroom, Brackettville, on April 1, 1977, at 4:30 a.m. Further information may be obtained from Dee Dee Schueler, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

Doc. No. 771463

**Meetings Filed March 24, 1977**

*The South Texas Development Council*, Board of Directors, will meet at the Rio Grande City Community Service Center, Rio Grande City, on April 1, 1977, at 10:30 a.m. Further information may be obtained from Kathy Henderson, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

Doc. No. 771483

## Texas Aeronautics Commission

### Notice of Hearing

#### Texicana Commuter Airlines, Inc.

The Texas Aeronautics Commission will conduct a hearing at 10 a.m. May 5, 1977, in Room 503G, Sam Houston Building, 14th and Brazos, Austin, to consider an application by Texicana Commuter Airlines, Inc., for a Texas Air Carrier Certificate of Public Convenience and Necessity. The applicant seeks authority to provide scheduled air service for passengers and cargo between and among Austin, Brownsville, Corpus Christi, San Angelo, San Antonio, and Waco.

Filed: March 22, 1977, 4:01 p.m.

Doc. No. 771464

## Comptroller of Public Accounts

### Administrative Decisions

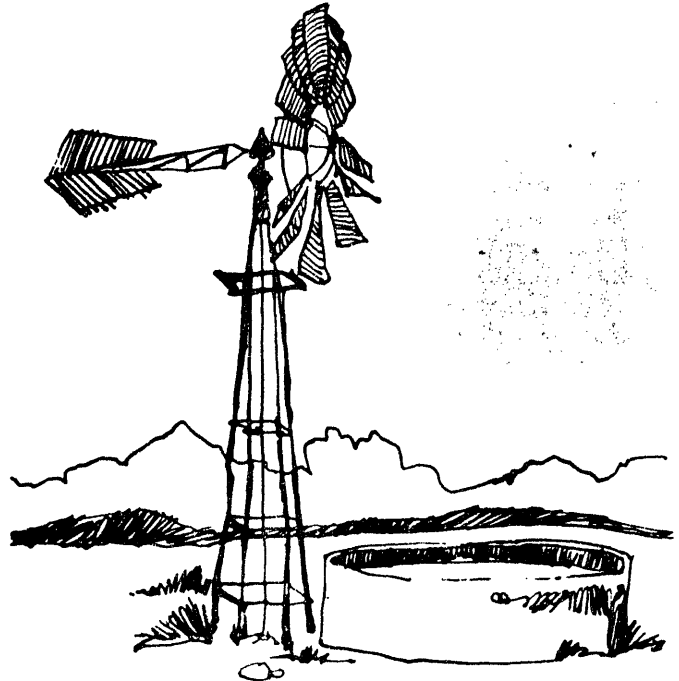
#### Summary of Administrative Decision H-7727

**Summary of Decision:** Deferred portions of investment credits taken by a corporation against its federal income tax with respect to its acquisition of public utility property should be included as surplus for franchise tax purposes.

For copies of the following recent opinion selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with our confidentiality statutes.

Filed: March 16, 1977, 3:05 p.m.

Doc. No. 771387



## Texas Register

### Correction of Error

Rule 051.04.03.023, Filing of Tariffs, adopted by the Railroad Commission of Texas, contained an error as published in the March 4, 1977 issue of the *Texas Register*. Section (b) should read as follows:

Whenever there is a change in any of the matters required to be filed by paragraph (a), specifically including but not limited to base rates or adjustments thereto, rules, and regulations, there shall be filed appropriate amendments or revisions to the previously filed schedules within 30 days of the effective date of the change.

## House of Representatives

### Members

The following list contains the names, home cities, and representative district numbers of the members of the Texas House of Representatives, 65th Session. The mailing address for members during the session is P.O. Box 2910, Austin, Texas 78769. The telephone numbers of members' offices in the Capitol complex may be obtained by calling (512) 475-2323.

Herman Adams, Jr.  
Silsbee  
District 5

Fred Agnich  
Dallas  
District 33-R

Henry E. Allee  
Houston  
District 98

Joe Allen  
Baytown  
District 78

Dave Allred  
Wichita Falls  
District 52

Hamp Atkinson  
Texarkana  
District 1

Andrew Z. Baker  
Galveston  
District 19-B

Gonzalo Barrientos  
Austin  
District 37-A

Jerry L. Benedict  
Angleton  
District 20

Hugo Berlanga  
Corpus Christi  
District 48-B

John R. Bigham  
Belton  
District 44

Ronald C. Bird  
San Antonio  
District 57-D

Roy M. Blake  
Nacogdoches  
District 4

William W. Blanton  
Carrollton  
District 33-B

W. J. (Bill) Blythe, Jr.  
Houston  
District 91

Bennie Bock II  
New Braunfels  
District 38

Leonard Edward Briscoe  
Fort Worth  
District 32-H

Jim Browder  
Coldspring  
District 16

Albert (Al) Brown  
San Antonio  
District 57-C

John W. Bryant  
Dallas  
District 33-L

Robert Bush  
Sherman  
District 22

David H. Cain  
Dallas  
District 33-K

Bill Caraway  
Houston  
District 100

Donald M. Cartwright  
San Antonio  
District 57-H

Phil Cates  
Shamrock  
District 66

Bill Ceverha  
Dallas  
District 33-P

Melchor Chavez  
Harlingen  
District 51

Bill Clark  
Tyler  
District 12

Jim Clark  
Pasadena  
District 99

Bill Clayton  
Springlake  
District 74

G. R. (Bob) Close  
Perryton  
District 64

Ronald D. Coleman  
El Paso  
District 72-B

Frank Collazo, Jr.  
Port Arthur  
District 7-C

W. G. (Bill) Coody  
Weatherford  
District 42

Tom Craddick  
Midland  
District 68

Robert E. (Bob) Davis  
Irving  
District 33-A

Wilhelmina R. Delco  
Austin  
District 37-D

Betty Denton  
Waco  
District 35-A

Jerry (Nub) Donaldson  
Gatesville  
District 34

Jimmie C. Edwards III  
Conroe  
District 18

Roy English  
Arlington  
District 32-G

Charles W. Evans  
Hurst  
District 32-A

Michael H. Ezzell  
Snyder  
District 63

Charles A. Finnell  
Holliday  
District 53

Buck Florence  
Hughes Springs  
District 2

Milton E. Fox  
Houston  
District 93

A. C. (Tony) Garcia  
Pharr  
District 59-B

Matt Garcia  
San Antonio  
District 57-K

Frank Gaston Dallas District 33-M	Danny E. Hill Amarillo District 67	Cullen Rogers Looney Edinburg District 59-A
Smith E. Gilley Greenville District 10	Gerald W. Hill Austin District 37-C	Susan Gurley McBee Del Rio District 70
Ernestine V. Glossbrenner Alice District 58	John Hoestenbach Odessa District 73	T. H. McDonald, Sr. Mesquite District 33-I
Arnold Gonzales Corpus Christi District 48-A	Bill Hollowell Grand Saline District 11	Bob McFarland Arlington District 32-B
Ben Z. Grant Marshall District 3	Joe A. Hubenak Rosenberg District 21	E. Douglas McLeod Galveston District 19-A
Forrest Green Corsicana District 27	Samuel W. Hudson III Dallas District 33-C	Frank Madla San Antonio District 57-A
R. E. (Gene) Green Houston District 95	Lee F. Jackson Dallas District 33-Q	Robert (Bob) Maloney Dallas District 33-E
L. DeWitt Hale Corpus Christi District 48-C	Eddie Bernice Johnson Dallas District 33-O	Jimmy Mankins Kilgore District 13
Anthony Hall Houston District 85	Luther Jones El Paso District 72-A	Elmer Martin Colorado City District 61
William N. (Billy) Hall, Jr. Laredo District 57	James J. Kaster El Paso District 71	Tom Martin George West District 47
Joe C. Hanna Breckenridge District 54	Bill Keese Somerville District 29	Tom C. Massey San Angelo District 60
Frank E. Hartung Houston District 92	Dan Kubiak Rockdale District 36	Ed Mayes Granbury District 33
Fred Head Athens District 14	Lance Lalor Houston District 80	Chris Miller Fort Worth District 32-I
W. S. (Bill) Heatly Paducah District 101	James E. (Pete) Laney Hale Center District 76	Mike Millsap Fort Worth District 32-C
Don Henderson Houston District 94	Herman E. Lauhoff Houston District 84	Paul Moreno El Paso District 72-C
Bob Hendricks McKinney District 24	George (Mickey) Leland Houston District 88	Lynn Nabers Brownwood District 55
Joe L. Hernandez San Antonio District 57-J	Gibson (Gib) Lewis Fort Worth District 32-E	James Nowlin San Antonio District 57-F

James E. (Jim) Nugent  
Kerrville  
District 56

Lyndon Olson, Jr.  
Waco  
District 35-B

Fred Orr  
DeSoto  
District 33-H

Walt Parker  
Denton  
District 25

L. P. (Pete) Patterson  
Brookston  
District 9

Wayne Peveto  
Orange  
District 8

Anthony L. (Tony) Polumbo  
Houston  
District 96

Pike Powers  
Beaumont  
District 7-B

Bill Presnal  
Bryan  
District 28

Albert J. Price  
Beaumont  
District 7-A

Paul Ragsdale  
Dallas  
District 33-N

Don Rains  
San Marcos  
District 45

Irma Rangel  
Kingsville  
District 49

Ben T. Reyes  
Houston  
District 87

Abraham D. Ribak  
San Antonio  
District 57-G

Joe Robbins  
Lubbock  
District 75-A

Jim D. Rudd  
Brownfield  
District 77

Froy Salinas  
Lubbock  
District 75-B

Tom Schieffer  
Fort Worth  
District 32-D

Stan Schlueter  
Belton  
District 43

Chris V. Semos  
Dallas  
District 33-F

Bob Simpson  
Amarillo  
District 65

Richard C. Slack  
Pecos  
District 69

Carlyle Smith  
Grand Prairie  
District 33-J

Clay Smothers  
Dallas  
District 33-G

David Stubbeman  
Abilene  
District 62

Bill Sullivant  
Gainesville  
District 23

Lou Nelle Sutton  
San Antonio  
District 57-E

Frank M. Tejada  
San Antonio  
District 57-B

Arthur Temple III  
Diboll  
District 6

Senfronia Thompson  
Houston  
District 89

Ruben M. Torres  
Brownsville  
District 50

D. R. (Tom) Uher  
Bay City  
District 31

Chase Untermeyer  
Houston  
District 83

R. L. (Bob) Vale  
San Antonio  
District 57-I

Robert Valles  
El Paso  
District 72-D

Kenneth Vaughan  
Garland  
District 33-D

Tim Von Dohlen  
Goliad  
District 39

Ralph Wallace III  
Houston  
District 97

Craig Washington  
Houston  
District 86

Ron Waters  
Houston  
District 79

Ed R. Watson  
Deer Park  
District 17

Sarah Weddington  
Austin  
District 37-B

Emmett H. Whitehead  
Rusk  
District 15

John Whitmire  
Houston  
District 82

Leroy J. Wieting  
Portland  
District 41

Doyle Willis  
Fort Worth  
District 32-F

John Wilson  
LaGrange  
District 30

Ron Wilson  
Houston  
District 81

Brad Wright  
Houston  
District 90

Joe Wyatt, Jr.  
Victoria  
District 40