

TEXAS REGISTER

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TEXAS REGIMENT

In This Issue...

Emergency licensing rules adopted by the Texas Board of Private Investigators and Private Security Agencies

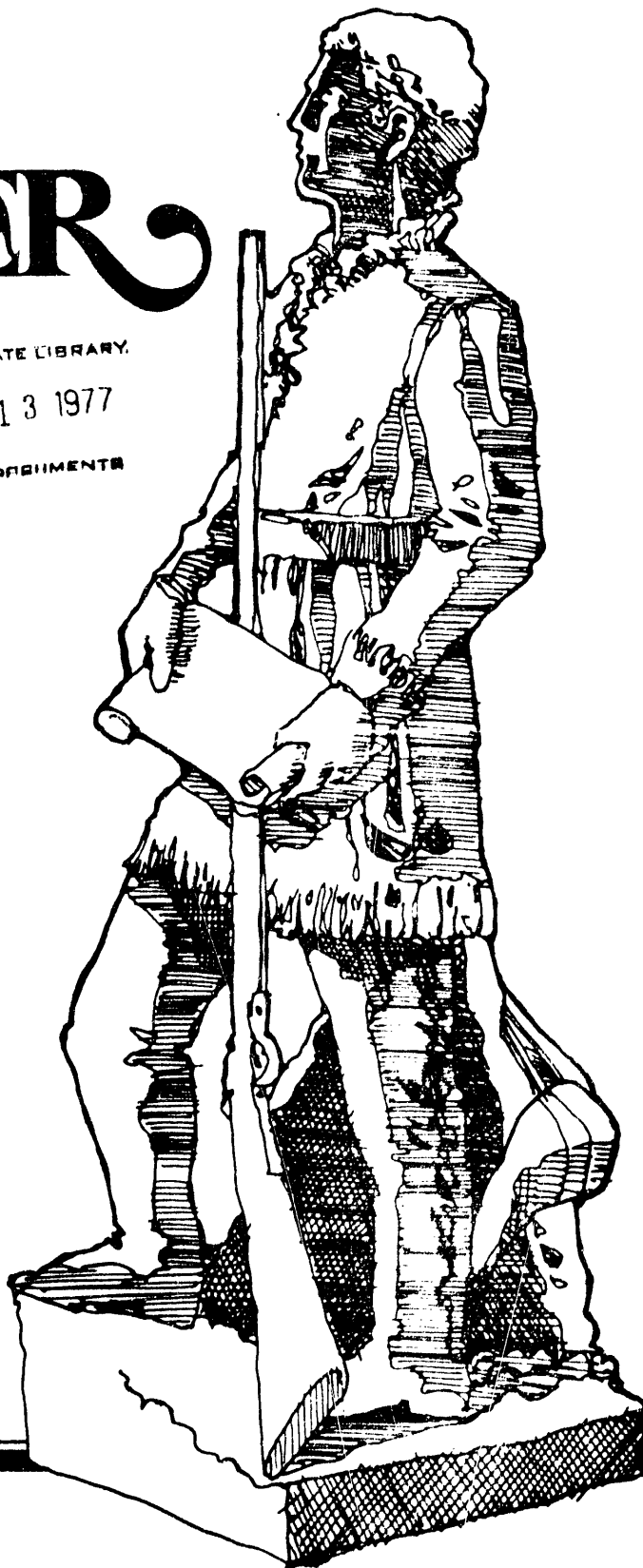
Rules concerning deprivation of parental support proposed by the State Department of Public Welfare

Rules governing the Livingston Reservoir proposed by the Texas Water Quality Board

Greater South Texas Cultural Basin rules adopted by the Office of the Governor

Drinking water standards adopted by the Texas Department of Health Resources

Quality of service rule adopted by the Gas Utilities Division of the Railroad Commission of Texas



Office of the Secretary of State

USPS Publication Number 120090

NOTES ON THE ISSUE

The Public Utilities Regulatory Act of 1975 gave the Railroad Commission of Texas original jurisdiction over gas utilities in rural areas and appellate jurisdiction to review regulation of gas utilities by municipalities. In October of 1976, the Railroad Commission proposed new rules and amendments to existing rules to fulfill its broadened responsibilities under this act, which also created the Public Utility Commission of Texas. The most extensive of these rules, one concerning quality of service, has been adopted and appears in this issue. The proposal for this rule was submitted to the Railroad Commission by Common Cause of Texas as a petition for rulemaking under the provisions of the Administrative Procedure and Texas Register Act.

The Texas Department of Health Resources has been designated by the governor to conduct the drinking water supply supervision program under the Safe Drinking Water Act. The standards being adopted in this issue are in conformance with the "Interim Primary Drinking Water Regulations" adopted by the U.S. Environmental Protection Agency and are required by federal law in order for Texas to obtain primary enforcement responsibility in that area.

The attorney general has ruled that the legislature is constitutionally prohibited from delegating to any administrative agency the authority to set interest rates on loans. A summary of the letter advisory addressing this issue appears in the Attorney General section of this issue.

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

Artwork: Gary Thornton



Mark White
Secretary of State

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Opinions

Summary of Opinion H-1007

Request from Senator A. R. Schwartz, Texas Senate, Austin, concerning whether a chartered life underwriter may be licensed as a life insurance counselor without examination.

Summary of Opinion: Article 21.07-2 of the Insurance Code does not exempt a chartered life underwriter from the requirement of taking an examination as a prerequisite to licensing as a life insurance counselor.

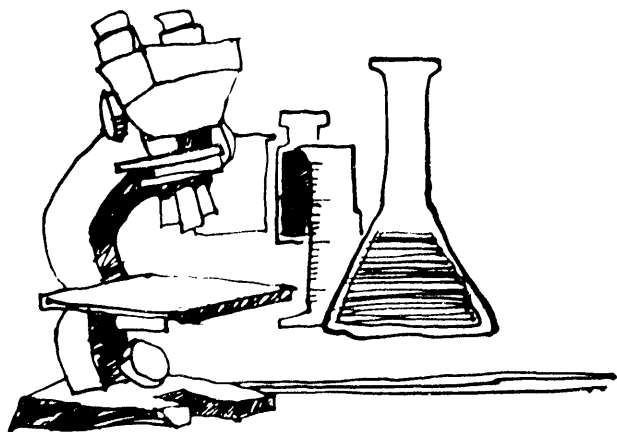
Doc No 772771

Summary of Opinion H-1008

Request from Gene R. Danish, Chairman, Board of Polygraph Examiners, Austin, concerning the authority of the Board of Polygraph Examiners to pay a 1975-76 travel claim when all 1975-76 funds have been spent.

Summary of Opinion: The Board of Polygraph Examiners may not use funds appropriated for the fiscal year 1976-77 to reimburse a board member for travel expenses incurred during the 1975-76 fiscal year.

Doc No 772772



Summary of Opinion H-1009

Request for opinion from Tom Hanna, Criminal District Attorney, Jefferson County, Beaumont, concerning the compensation of grand jury bailiffs.

Summary of Opinion: The county commissioners court may set the compensation and expenses of grand jury bailiffs in Jefferson County pursuant to Article 3912k, Vernon's Texas Civil Statutes.

Issued in Austin, Texas, on June 3, 1977

Doc No 772803 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed June 7 1977 4 16 p m

For further information please call (512) 475-5445

Letters Advisory

Summary of Letter Advisory 146

Request for letter advisory from Senator William N. Patman, Senate Subcommittee on Agriculture, Texas Senate, Austin, concerning the constitutionality of SB 1019, which would authorize the Finance Commission to set interest rates on certain loans.

Summary of Letter Advisory: The legislature may not validly delegate its authority to establish maximum rates of interest.

Doc No 772817

Summary of Letter Advisory 147

Request for letter advisory from Senator A. R. Schwartz, Texas Senate, Austin, concerning the investment of sinking funds by a county in savings and loan associations under Article 836, Vernon's Texas Civil Statutes.

Summary of Letter Advisory: The governing body of a county may invest its sinking funds for the redemption and payment of outstanding bonds in shares, share accounts, or savings accounts of building and loan associations organized under the laws of Texas where such shares or accounts are insured under and by virtue of the Federal Savings and Loan Insurance Corporation.

Issued in Austin, Texas, on June 2, 1977.

Doc No 772770 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed June 6 1977 2 30 p m

For further information please call (512) 475-5445

Open Records Decisions

Summary of Open Records

Decision 162

Request for open records decision from Kenneth D. Gaver, M.D., Commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning whether the Department of Public Safety investigation report concerning the death of a resident of Mexia State School is excepted from required public disclosure under the Open Records Act.

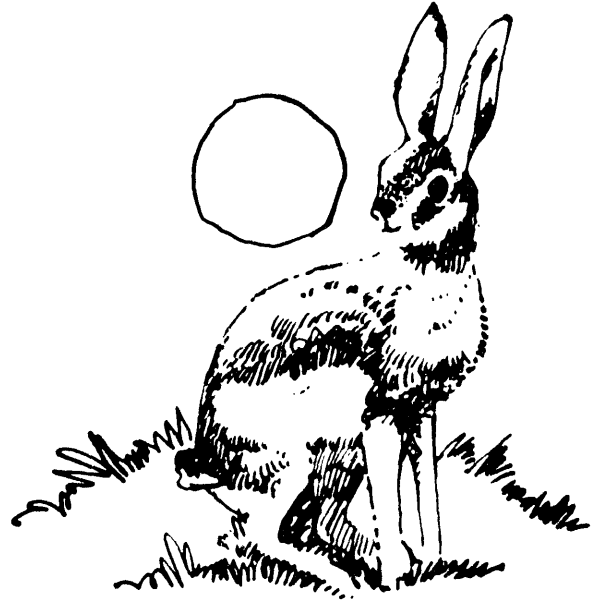
Summary of Decision: Where a document has been released to the press it is available under the Open Records Act even though it might not be required to be released under other circumstances.

Issued in Austin, Texas, on June 3, 1977.

Doc No 772804 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed June 7, 1977 4:16 pm

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



An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules 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.

Texas Board of Private Investigators and Private Security Agencies

License

Handgun; Security Officer Commission 399.03.19

The Texas Board of Private Investigators and Private Security Agencies has determined that it is necessary to amend Rule 399.03.19.001(d), in order to properly implement the law. It has further been determined that it is necessary to make the amendment on an emergency basis. An emergency amendment is necessary to provide a procedure by which licensees may issue temporary security officer commissions, as set forth in Section 19(j) of Article 4413(29bb), Vernon's Annotated Civil Statutes as amended, to security officers who have successfully completed training in a board-approved training program and whose applications are pending.

Therefore, the Texas Board of Private Investigators and Private Security Agencies, empowered to promulgate rules under the provisions of the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Annotated Civil Statutes, as

amended) has determined that an emergency amendment to Rule 399.03.19.001 is necessary to properly implement and enforce the aforementioned act.

.001. *Security Officer Commission*. Effective November 1, 1976, applications for commissioned security officers using the old provisions for temporary training and Board Application Form Number 307 shall not be acceptable. Only Application Form Number 307, Revised November 1, 1976, using the new provisions contained herein shall be acceptable. New Number 307 Forms will be provided by the board prior to the effective date.

(d) Procedure for a licensee or the security department of a private business to issue a temporary security officer commission to an employee.

(1) Submit employee's application for a security officer commission to the board along with the \$10 fee and all items required by the act and board rules.

(2) After receipt of an acceptable application for a security officer commission, the board will mail a temporary security officer commission to the employer for issuance by the employer to the employee. The temporary commission shall be valid for 60 days, issued in the form of an authorization similar to that of a temporary driver's license.

(3) A temporary security officer commission shall be valid for 60 days, provided:

(A) the applicant and employer are in compliance with the act and board rules; and

(B) the board has not notified the applicant or employer to return the temporary commission under procedures listed herein

(4) Temporary commissions issued before November 1, 1976, shall expire not later than December 31, 1976, except those expiring under an earlier expiration date or provision. No temporary commission shall be used for a period exceeding the expiration date of the license or letter of authority of the employer.

(5) The board may notify the employer by written notice to obtain immediately a temporary security officer commission for return to the board upon:

(A) receipt of an objection to the issuance of a security officer commission from a law enforcement agency of proper jurisdiction; or

(B) receipt of substantive information indicating the application may contain a material misstatement or misrepresentation of qualifications; or

(C) receipt of substantive information indicating the applicant or employer is not in compliance with the act and board rules.

(6) An employer shall obtain and return to the board an issued temporary security officer commission within 14 days after receiving written notice from the board to surrender the temporary security officer commission.

(7) When a person to whom a temporary security officer commission has been issued terminates employment as a private security officer, the commission shall be surrendered immediately to the employer who shall mail or deliver it to the board within 14 days of the receipt of same, along with a letter setting forth the date the employee terminated.

(8) *The following alternate procedure may be used for an employer to issue a temporary security officer commission to an employee:*

(A) *obtain a supply of 45-day temporary security officer commissions from the board by paying the required fee in advance;*

(B) *complete the employee's application for a security officer commission and attach his photograph, one set of classifiable fingerprints, and a copy of his certificate of completion from a board approved training program;*

(C) *issue the original of the 45-day temporary security officer commission to the employee, after his application has been completed;*

(D) *attach a copy of the issued 45-day temporary security officer commission to the completed application for a security officer's commission;*

(E) *mail the completed application to the board by certified mail, retaining the receipt as proof it was submitted. The application shall be*

postmarked not later than the next working day following the day in which it was issued;

(F) *retain the second copy of the issued 45-day temporary security officer commission in the employer file;*

(G) *no person shall be issued more than one 45-day temporary security officer commission unless the board has received concurrence from the Department of Public Safety;*

(H) *should the board fail to receive concurrence from the Department of Public Safety, the employer will be notified of such and within 14 days after receiving such notice shall obtain the original of the issued 45-day temporary security officer commission and forward it to the board for cancellation.*

Issued in Austin, Texas, on June 7, 1977.

Doc. No. 772796

Clema D. Sanders
Executive Director (Acting)
Texas Board of Private
Investigators and Private
Security Agencies

Effective Date: July 15, 1977

Expiration Date: November 12, 1977

For further information, please call (512) 475-3944.

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.

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Texas Education Agency Pupil Services

Adoptions by Reference: General 226.34.90

The Texas Education Agency proposes to amend Rule 226.34.90.020, the permanent adoption by reference of the *Revised School Bus Driver's Driving Record Evaluation*. The title of this document has been changed; the document was previously called *School Bus Driver's Record Evaluation*.

Public comment on the proposed amendment to Rule 226.34.90.020 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, Associate Commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701.

This rule is promulgated under the authority of Sections 16.201-16.212, Texas Education Code.

.020. *Revised School Bus Driver's Driving Record Evaluation.* [*School Bus Driver's Record Evaluation*] The rules for evaluating a school bus driver's driving record are described in the official Texas Education Agency Standards entitled *Revised School Bus Driver's Driving Record Evaluation as amended, June 1977* [*School Bus Driver's Record Evaluation*], which is adopted by reference as the agency's official

rule. A copy is available for examination at all county and independent school district offices operating a public school transportation program during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) Buildings, 201 East 11th Street, Austin, Texas.

Issued in Austin, Texas, on June 7, 1977.

Doc. No. 772810 M. L. Brockett
Commissioner of Education

Proposed Date of Adoption: July 14, 1977

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



Texas Board of Private Investigators and Private Security Agencies

License

Handgun; Security Officer Commission
399.03.19

The Texas Board of Private Investigators and Private Security Agencies is proposing for permanent adoption the emergency amendment to Rule 399.03.19.001(d), which appears in the Emergency Rules section of this issue. The proposed date of adoption for this amendment is July 14, 1977.

Doc. No. 772797

State Department of Public Welfare

AFDC

Deprivation of Parental Support 326.10.28

The Department of Public Welfare is proposing new rules and amendments to its rules about the determination and definition of incapacity in the Aid to Families with Dependent Children (AFDC) Program. These rules and amendments redefine AFDC incapacity and revise procedures for determining eligibility for AFDC based on incapacity.

Incapacity in the AFDC Program exists if a child is deprived of parental support or care because at least one parent is physically or mentally unable to provide this support or care. Incapacity can be total and permanent, partial and permanent, or total and temporary.

With these rules there will be circumstances in which the department may determine that a person has a vocational handicap and can no longer function in his or her usual occupation but can engage in some other type of work for a full 40-hour week. In this situation a person may still be eligible for assistance, depending upon income.

The department will provide information on types of employment in which a person can engage even through he or she has a vocational handicap. Workers will be required to determine if such types of employment exist in the applicant's area of residence but will not be required to determine if there are any job openings. If a client accepts employment, the worker will determine whether earnings are less than he or she would be able to earn from his or her usual occupation.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 268, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

These amendments are proposed under the authority of Article 695c, Texas Civil Statutes.

.016. *Determining Initial and Continued Incapacity.*

(a) In all cases *when* [where incapacity,] physical or mental *incapacity* is the alleged reason for deprivation of parental support, a medical determination of eligibility must be made by Medical Services Division or the Bureau of Supplement Security Income (SSI). [The financial services worker is responsible for all initial determinations and redeterminations of deprivation due to blindness, incapacity, or permanent and total disability of a parent.] Other aspects of eligibility [i.e.,

age, residence, resources, need, etc.)] must be established prior to exploration of medical eligibility. If the incapacitated parent is a blind or disabled SSI or OASDI recipient, deprivation *because of* [due to] incapacity is established. *The worker makes this decision as prima-facie evidence of incapacity.* [If he does not receive SSI or OASDI, medical services determines incapacity from social and medical information submitted by the worker.]

(b) The Social Security Administration provides SSI eligibility information regularly to DPW on the SSA/State Data Exchange System (SDX). SDX contains all current eligibility information for Texas SSI recipients including the *reason* [basis] for [their] denial. This information is merged with the DPW public assistance master file and is available to staff through the regional telecommunication unit. If *the applicant does not receive SSI or OASDI and there is no medical information available* [no information on a disabled or blind parent exists, and client states he has not filed for SSI or OASDI], the worker authorizes a medical examination and prepares and submits the necessary reports to medical services. *Incapacity is determined by the medical and social information submitted by the worker.* If the *applicant* [client states he] has filed an application for SSI or OASDI, the worker does not authorize a medical examination but notifies medical services. All necessary collateral information is obtained concurrently. If current medical information is available from SSI, this is reported to medical services for their coordination with the SSI Disability Determination Unit [since they have agreed to share copies of medical examinations whenever possible]. A signed authorization to release medical information is always included to expedite the sharing of medical information. Medical services *must decide* [also decides] the incapacity of aged SSI parent(s) (65 years or over) [since no medical information exists on the PA master file for this group].

(c) Medical services *sends its* [directs the] decision and recommendations to the financial services worker [on a decision form] to be filed in the case record with the duplicate copy of the socio-economic report. *Medical services sends* [They send] the original reports of eye and physical examinations, socio-economic reports, and a copy of the decision form to [be filed in] the social services *worker* [case folder], thus altering *that* [the social services] worker of the current status of each incapacity case. [If medical services determines that the recipient is no longer incapacitated and a denial is in order, the financial services worker provides the client with advance notification of his right to appeal prior to the denial.]

(d) *On initial applications, if medical services determines a mental or physical defect, illness, or impairment of a debilitating nature does not exist or will not continue to exist for a period of two months*

from the date of examination, then the applicant does not meet the criteria for incapacity.

(e) If medical services determines that a mental or physical defect, illness, or impairment exists and will continue to exist for two months from the date of examination to such a degree that it eliminates completely the parent's ability to support or care for the otherwise eligible child, then incapacity criteria are met. Eligibility related to deprivation of parental support is established. Some will be excused from further examination. Others will require re-examination to determine continued incapacity. The date for a re-examination is shown on the decision form.

(f) Medical services may determine that the incapacitated parent is not totally incapacitated, but is able to engage in some other types of employment for 40 hours a week based on definitions in the Dictionary of Occupational Titles. The decision form will show the levels of functional capacity of the applicant/recipient, but the worker will have to determine whether the incapacity is debilitating enough to reduce the parent's ability to support or care for the child as evidenced by any reduction in earnings from his usual or former occupation. "Usual occupation" is defined as the longest fulltime occupation in the 15-year period immediately preceding the alleged date of onset of disability.

(g) The test of incapacity is whether the applicant/recipient is capable of substantial gainful employment at any type of work available in his or her area of residence in which earnings are equal to or exceed earnings at his or her usual occupation prior to the onset of the alleged incapacity. Verification of alleged earnings at his or her usual occupation will not be required. Collateral contacts with sources knowledgeable of the current wages paid for that type of work will serve as a comparison with current employment or a field in which an offer of employment could now be accepted. If a person has no prior employment history with which to compare earnings, he or she will be considered to have recovered sufficiently upon obtaining fulltime employment, and the case will be denied even though unmet need still exists. "Available in his or her area of residence" is defined as one which requires no more than one hour of travel by available public or private transportation from home to the place of employment.

(h) If there has been no loss or reduction in earnings, and neither parent is incapacitated to the extent that they are unable to care for the children and no child care expenses are incurred, then the criteria for incapacity are not met. There is no reduction of ability to support and care for the children because of this incapacity and the application would be denied.

(i) The same criteria and procedures are applied to active cases during medical reviews when the decision of medical services is that the incapacitated parent can return to some type of employment.

.017. Examination Procedures.

(a) Medical reports from federally supported hospitals [(VA or U.S. Public Health Service)] in or out of Texas are acceptable if they are:

(1) current (within the past 60 days) and applicable to the present alleged condition constituting the basis of *incapacity* [disability], and

(2) signed by a physician employed by the federal or state government and licensed to practice medicine in any state in the United States.

(b) Current, applicable reports from other hospitals must also be signed by a physician licensed to practice medicine in the United States. Likewise, if the parent has been under a physician's care within the past 60 days, the physician may provide copies of his records or a summary from his files indicating diagnosis and prognosis. However, [none of] this *procedure* is *not* intended to preclude obtaining any collateral medical evidence that might be used as supplementary data. If the applicant has not been under a physician's care or hospitalized prior to making application, he must have a basic physical examination.

(c) [After deciding to refer the parent for a medical examination,] The worker should, whenever possible, refer the parent to his family physician *for a medical examination* if the physician is licensed to practice medicine in the United States. If the parent does not have a family physician or if the physician is not licensed to practice medicine in the United States, the parent is allowed to choose a physician licensed to practice in the United States. The worker should explain that no decision can be reached until the examining physician has completed his report. *The worker* [He] should urge the parent to cooperate immediately by following through with the examination. An applicant should not be referred to a specialist for examination, since most specialists will not do a basic physical examination for the fee the department is authorized to pay. Also, in those instances when the applicant's treating physician is a specialist and medical records are not current, the applicant should be cautioned that the specialist may not agree to do a current basic physical examination for the *authorized* amount [of \$25].

(d) The worker prepares and routes the necessary copies of an authorization for a medical examination, an authorization to release medical information, a report of a physical or mental examination, and a self-addressed envelope to the examining physician. The physician records the examination on a report of examination form and *should return* [returns] the report within two weeks. If the physician feels he cannot com-

plete the examination without x-rays or other special studies, the worker **must** [should] request permission from medical services **before** [prior to] authorizing the physician to proceed. When the worker receives **the report from the physician** [these forms], he **or she** is responsible for seeing that **it** [the report form] is properly completed. If it is necessary to obtain further information or correct erroneous entries, the worker should contact the examining physician and request the correction.

(e) **The types of usual employment and the specific activities prior to application should be thoroughly explored and documented. This information will be pertinent if and when the applicant/recipient returns to work in determining whether his or her employment activities and earning capacity are comparable to the situation before his or her incapacity.**

.018. Special Examinations.

(a) There are occasions when a routine examination procedure is not sufficient to enable medical services to make an eligibility decision. In such cases, **medical services** [the review team] may find that further specialized examinations are needed and will authorize such examinations for the state office. **Medical services can extend the review date for 60 days to evaluate the results of the special examination. Notice of the extension of the review date is filed in the case record.**

(b) These special examinations **are** [must be] necessary to enable medical services to render a decision regarding the degree of **incapacity** [disability] rather than arriving at a diagnosis for treatment or medical management. The original report of all special examinations paid for by the department must be signed by the examining specialist and sent to the medical services, without exception.

.019. Re-examination.

(a) **After** [Upon] establishing eligibility, medical services notifies the financial services worker whether the parent is permanently excused from re-examination. If the parent is not excused, the date on which the next medical report is due [in the state office] is shown on the decision form.

(b) Staff is notified of all **upcoming medical reviews** [redeterminations of deprivation due to incapacity].

(c) The financial services staff has total responsibility for contacting the client, preparing necessary forms for a medical examination with the doctor of his choice, and compiling needed social information. The client is always asked whether he has been examined within the past 60 days for SSI or OASDI. If he has, this is reported to medical services. It is especially important that the social study report submitted to medical services includes any statements of the physician

regarding diagnosis or prognosis. **Medical evidence will always be required.** [Often medical services is able to render a decision from this information, thus eliminating a re-examination.]

(d) If a parent has been permanently excused from further examination, but the social or financial services worker has observed an improvement in his condition or has evidence that there may be a question regarding incapacity, the following procedure applies:

(1) The social services worker prepares a report giving sufficient information to substantiate this claim and submits it to the financial services worker to be sent to medical services.

(2) The financial services worker submits a report to medical services giving sufficient information to substantiate the claim.

(e) Upon review of the information submitted, medical services notifies the financial services worker that:

(1) a special examination is being authorized, or

(2) **the worker** [he] should authorize another basic physical examination, or

(3) **incapacity still exists and no examination is authorized.**

(f) If the worker learns at **a special** [the interim] or periodic review or through the social services worker that SSI disability has been denied, **and it is determined that unmet needs still exist, the worker submits** [this is reported to medical services, who may request submittal of] a **current** report of a physical or mental examination **and** [or] a socio-economic report. The case remains open until medical services renders a decision.

(g) **When the financial services worker learns that the recipient is working fulltime at gainful employment, it must be determined whether he or she is working at reduced earnings from his or her usual occupation because of continuing incapacity. If income is less than potentially could be earned at his or her usual occupation and the family still has unmet needs, he or she continues to be eligible pending a decision from medical services.** [The redetermination of physical or mental incapacity as a factor in continuing eligibility must involve the same factors that were considered in determining its existence-- psychological, environmental, economic, as well as purely physical. Physical or mental incapacity may be said to exist until SSI disability has been denied or until a medical examination and socio-economic report has established that the parent has sufficiently recovered to be ineligible on a basis of incapacity.]

(h) **The worker must notify medical services explaining the circumstances and requesting a review of their decision to determine whether or not a re-examination is required. Medical services will notify the worker of the action to be taken. If medi-**

cal services determines that the recipient is still unable to function in his or her usual former occupation, the grant may be continued if unmet needs still exist. If the incapacitated parent's earnings equal or exceed the current rate of pay for his or her usual type of occupation, the grant will be denied regardless of whether unmet needs continue to exist or not. It will be considered that incapacity no longer exists. The worker must inform medical services of this decision. [However, in instances in which the financial services worker learns that the recipient is working fulltime at gainful employment, it is not necessary to have the recipient re-examined. The fact that he is working fulltime substantiates that he has sufficiently recovered to function adequately in gainful employment. The case is denied and a memorandum is sent to Medical Services Division explaining the circumstances under which the denial is being made.

.020. Temporary Total Incapacity.

(a) [Eligibility is established if the physical or mental incapacity restricts the parent's occupational ability preventing him from providing support or care continuously for at least two months following the date of medical examination. The father must be totally incapacitated for employment. The mother must be substantially incapacitated as a housewife and mother. Longevity of the incapacity prior to application has no direct bearing upon the eligibility. The time considered is the estimated duration after the examination.]

[(b)] An authorization to release medical information and physician's report *is* [may be] used to submit medical and social information to medical services for an immediate decision if there appears to be a temporary total incapacity due to acute cases of trauma [e.g., broken limbs, major abdominal operations, or circumstances in which the client is hospitalized if available medical evidence indicates at least a two-month duration]. This is an emergency measure for immediate assistance, ordinarily approved for two months and *is* [should] not [be] used in cases involving chronic illness [medical condition that has existed for months or years].

(b)(c) If an authorization for release of medical information and physician's report is used as an emergency measure, more complete medical information should be submitted as soon as possible if the incapacity appears to be of long duration.

(c)(d) When temporary total incapacity has been established by *medical services* [an authorization for release of medical information and physician's report,] and the worker learns the recipient has overcome his *incapacity* [disability] and returned to fulltime [gainful] employment before the *expiration of his or her certification period* [allotted time], he *or she* is denied [without re-examination. If an incapacity case was denied due to a socio-economic situation (e.g., tem-

porary excess income), the case may be subsequently reinstated without consulting medical services if the reinstatement is within the stated time limit on the decision form].

(d)(e) The financial services worker may request a reevaluation of incapacity any time there appears to have been a change in the client's incapacity. SSI disability criteria state that "an individual is considered disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months." Therefore, an obviously temporary condition does not qualify an individual for SSI disability. However, if any question regarding the duration of the disability exists, the case should be referred to SSI for an eligibility determination, if the client chooses to apply for SSI.

.021. Permanent Partial Incapacity.

(a) *Some persons who are not totally incapacitated but who have an impairment, illness, or injury that results in a partial limitation also may meet the criteria for incapacity.* [Eligibility may be established if a mother has a partial incapacity of permanent nature that substantially incapacitates her as a housewife and mother.]

(b) [Eligibility may be established if a father has a partial incapacity of a permanent nature precluding him from substantial gainful employment during a major portion of the time as evidenced by a significant decrease in income. There must not only be a definite reduction in income compared to previous earning ability but also compared to other employees in the same employment situation. Employment consistent with physical or mental capabilities is encouraged.] Socio-economic handicaps *are* [e.g., limited education, local employment situations, language barriers, etc.] must be considered but do not constitute an incapacity *in themselves*. *However, in evaluating the limited employment opportunities for an individual with a partially incapacitating mental or physical condition, the availability of other types of employment in which the applicant/recipient could function must be taken into consideration in determining whether he or she meets eligibility criteria for deprivation based upon incapacity. This factor must be determined by efforts in a vocational rehabilitation or other recognized training program. If not actively engaged in some type of recognized rehabilitation training or work-study program, he or she must register with TEC to test employability in his or her area of residence. A job offer which requires no more than one hour's travel by available public or private transportation from home to the place of employment will be considered as employment*

available in his or her area of residence. [Substantial gainful employment necessarily has reference to education, experience, training, age, and health. For eligibility purposes, the test of incapacity is whether the applicant is capable of substantial gainful employment and not whether he can find a job in the area of his residence.]

(c) **For eligibility purposes, the test of incapacity is whether the applicant/recipient is capable of substantial gainful employment at any type of available work in which earnings are equal to or exceed earnings at his or her usual occupation before the onset of the alleged incapacity.**

(d) If ~~the~~ [he has a] mental or physical incapacity is not amenable to treatment or subject to improvement, as evidenced by adequate efforts of treatment, ~~it~~ [we] must **be** assumed the incapacity **is permanent** [has permanency]. There are many degrees of medical and mental incapacities. These must be considered with a thorough socio-economic study to decide eligibility. The concept of the Medical Services **Division** [Review Team] is that both the social and medical aspects of **an incapacity** [a disability] receive joint consideration from a doctor and social worker **in determining whether an individual cannot work in his or her usual occupation but could function in some other type of employment.** [This is the final decision as to incapacity except in cases of appeal.]

(e) [(d)] The socio-economic report must be as complete as possible and efforts must be made to secure available medical information from all possible collaterals for the original eligibility test.

(f) [(e)] If upon referral to SSI a parent is certified for disability, his **or her** needs and income must be removed from the AFDC budget and medical services must be notified. **If at the end of the five months waiting period the individual qualifies for OASDI, and if the OASDI benefit exceeds the SSI payment** [the individual has sufficient quarters of social security covered employment to qualify for disability benefits], **he or she is denied SSI** [transferred from the SSI program to OASDI]. At that time, his **or her** dependents also receive OASDI benefits. [and] This information appears on BENDEX. The worker must then rebudget the case including the disabled parent's needs and income and the OASDI benefits available to his dependents.

.022. Denial Because of Factors Other Than Incapacity [Aged, Blind, and Disabled Parents].

(a) **If an incapacity case was denied because of a socio-economic situation, the case may be subsequently reinstated without consulting medical services if the reinstatement is within the stated time limit on the decision form.** [A child of a parent qualifying for SSI or OASDI benefits due to physical or mental disability or blindness is automatically considered deprived of parental support. However, a child

is not automatically considered deprived if one of his parents qualifies for SSI benefits due only to being aged (65 years or older).

[(b)] A medical examination is required to determine whether the aged parent meets the criteria for AFDC incapacity. The parent's age and physical or mental condition is evaluated in conjunction with socio-economic factors reflected on the socio-economic report to determine eligibility.

[(c)] If a blind parent has not made application for SSI, a report of eye examination must be obtained and submitted to medical services. However, if the individual's vision does not meet the definition of economic blindness under SSI, this does not mean that a child is automatically ineligible for AFDC. Ophthalmic measurements are set up in keeping with an individual's ability to be self-supporting, and in AFDC, the visually handicapped individual has his family and himself to support. If a parent makes application for SSI based on blindness and is not found eligible, a socio-economic report is completed and submitted to medical services with information that SSI has done a medical examination. Upon receipt of a socio-economic report, medical services contacts the SSI Disability Determination Unit and requests a copy of their findings to be used in conjunction with the socio-economic report to determine AFDC incapacity.

[(d)] Any time the worker has a valid reason to question the degree of blindness in AFDC cases, a full report should be submitted to medical services for a decision regarding re-examination steps to be taken.

[(e)] If the disabled parent is (at the time of application or at a later review) determined not to meet criteria for disability under the SSI program, this does not automatically mean that the child is ineligible for AFDC. The worker notifies medical services to request a copy of the SSI medical findings and forwards the socio-economic report for evaluation and a decision as to AFDC incapacity. If the information is inadequate to make a decision, medical services authorizes a special examination.]

Doc No. 772806



326.10.28.031-.033

These amendments are proposed under the authority of Article 695c, Texas Civil Statutes.

.031. Deprivation Because of Physical or Mental Incapacity.

(a) A child is considered deprived of parental support or care if one parent has a physical or mental defect, illness, or impairment of such a debilitating nature that it reduces or eliminates the parent's ability to provide support or care for the otherwise eligible child. This incapacity can be total and permanent, partial and permanent, or total and temporary.

(b) Incapacity may be established if a mother who has no employment history has a partial incapacity of a permanent nature that substantially incapacitates her as a housewife and mother and requires child care expenses or the spouse's giving up employment to care for her and the children. A mother's inability to work outside the home would not make her eligible on the basis of incapacity if she could still care for the children in the home and that is what she was doing before she became incapacitated. If the mother has been employed prior to the onset of her disability, the determination of incapacity will be based on the same criteria as the father.

(c) Incapacity may be established if a father has a partial impairment of a permanent nature precluding him from substantial gainful employment during a major portion of the time as evidenced by a decrease in income. Employment consistent with physical or mental capabilities is encouraged.

(d) If the illness or injury is of a temporary nature, incapacity may be established if the physical or mental impairment restricts the parent's occupational ability to provide support or care continuously for at least two months following the date of medical examination. The father must be totally incapacitated for employment. If the mother has never held employment outside the home, she must be substantially incapacitated as a housewife and mother as evidenced by the necessity of child care expenses or the husband giving up employment to care for the children. Length of the incapacity prior to application has no direct bearing upon eligibility. The time considered is the estimated duration after the date of the medical examination.

.032. Requirement to Pursue Employment Plan.

(a) When the department decides that the applicant/recipient has a limited incapacity and cannot function at his or her usual occupation but can engage in some type of employment, an interview must be held to determine whether or not the applicant/recipient is currently employed. If currently employed, the appropriate worker will determine whether the employment is at reduced earnings or not. If not employed, the worker will explain that medical evidence indicates the

ability to perform some type of employment. As a prerequisite for certification, the applicant/recipient must:

(1) register with the Texas Employment Commission (TEC), and

(2) agree to actively seek employment by contacting at least two prospective employers each month. In addition, the applicant/recipient must report each month to the financial services worker that he or she has been actively seeking employment and to provide identification of employers contacted.

(b) Verification of registration at TEC is made by the ID card issued by TEC showing the date the applicant/recipient registered for employment and the dates he or she again reported to TEC.

(c) If the applicant/recipient has made an effort to secure employment but none is offered, and he or she is able to substantiate this, he or she will continue to be eligible on the basis of deprivation because of incapacity.

(d) If employment in which the applicant/recipient can engage is offered and accepted, but is at a reduced amount of earnings from his or her usual type of employment, then he or she will continue to be eligible as long as there is an unmet need.

(e) If the applicant/recipient obtains fulltime employment in which earnings equal or exceed the amount he or she can earn at his or her usual type of employment, a grant may not be continued. It will be considered that the applicant/recipient has recovered from the incapacity sufficiently to provide support for the children. When it is determined that a case should be denied, the financial services worker provides the recipient with advance notification of the right to appeal before the denial.

(f) In WIN regions, all persons claiming incapacity who are determined by the department to be able to work at some type of employment will be considered mandatory WIN registrants. The requirements and appropriate sanctions will apply for failure to comply.

.033. Rehabilitative Efforts.

(a) An applicant/recipient is exempt from work registration requirements until completion if he or she is actively engaged in a recognized training or work-study program. The recipient will be requested to furnish a status report confirming continued participation at each complete review. The recipient must notify the worker within 10 days if he or she drops out of a program or obtains employment. He or she will be again subject to work registration requirements if he or she voluntarily discontinues a training program.

(b) At each complete review, the work submits a written request to TRC for a status report. The status report is filed in the case record with the medical information.

(c) When the TRC case is closed, an evaluation of the reason given for closure will determine the action to be taken. If the reason for closure indicates that the physical or mental vocational handicap is too severe and it is an unsuccessful closure, eligibility on the basis of incapacity will continue. If the reason for closure is successful employment but earnings are still less than at the usual occupation, eligibility will continue if unmet need exists. If earnings are equal to or exceed earnings for the usual occupation, the recipient will no longer be considered incapacitated and the case will be denied.

Issued in Austin, Texas, on June 7, 1977.

Doc. No. 772807 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption: July 14, 1977

For further information, please call (512) 475-4601.

Texas Turnpike Authority Practice and Procedure 102.01.00

The Texas Turnpike Authority is proposing to amend Rule 102.01.00.002, which places the domicile and principal office of the authority at Arlington, Tarrant County, Texas.

The effect of the amendment would be to change the place of domicile and principal office of the authority from Arlington, Tarrant County, Texas, to Dallas, Dallas County, Texas.

Public comment on the proposed amendment to Rule 102.01.00.002 is invited. Comments may be submitted by telephoning the office of the authority at (817) 261-3151, or by writing to the authority at P. O. Box 5547, Arlington, Texas 76011.

Amendment to Rule 102.01.00.002 is proposed under the authority of Article 6647v, Vernon's Revised Civil Statutes of Texas.

.002. Principal Office. The domicile and principal office of the authority shall be **in Dallas, Dallas County, Texas** [at Arlington, Tarrant County, Texas].

Issued in Arlington, Texas, on June 3, 1977.

Doc. No. 772773 Harry Kabler
Secretary-Treasurer
Texas Turnpike Authority

Proposed Date of Adoption: July 14, 1977

For further information, please call (817) 261-3151.



Texas Water Quality Board Private Sewage Facility Regulations Livingston Reservoir 130.12.01

The Texas Water Quality Board is proposing to amend Rules 130.12.01.002-.015, concerning the establishment of a restricted area and a water quality area around Lake Livingston; promulgating rules and regulations for the control of sewage within the area which is not disposed of in organized disposal systems; providing for licensing of private sewage facilities; and designating the Trinity River Authority of Texas as agent of the board to perform licensing, regulation, and enforcement functions related to the rules and regulations set forth herein.

By this action, the Texas Water Quality Board is proposing to amend Rules 130.12.01.002-.015 and add three new rules (130.12.01.016-.018). The three new rules relate to: the enforcement of these regulations through civil and criminal penalties; the addition of a savings clause; and the establishment of a fee schedule.

Comments regarding these proposed amendments are invited. Please direct any comments or inquiries to Joe O'Neal, Hearings Division, Texas Water Quality Board, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7851.

These proposed rule amendments as well as any comments received will be presented to the Texas Water Quality Board for final adoption at its regular meeting beginning at 9 a.m. on July 14, 1977, in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin, Texas.

Copies of these proposed rule amendments may be examined in or obtained from the Texas Water Quality Board. Copies may also be examined in the Texas Register Division, Office of the Secretary of State.

The Trinity River Authority of Texas owns and operates the Livingston Dam and Reservoir in Walker, Trinity, San Jacinto, and Polk Counties. This reservoir has been constructed primarily as a water supply resource to serve the residents of the lower reaches of the Trinity River Basin and the Houston metropolitan area. An important secondary purpose for the reservoir is to provide an important water-based recreational facility for the state.

Among the potential sources of water pollution which must be controlled in order to maintain these standards of water quality is the disposal of sewage from individual dwellings, motels, marinas, businesses, and other such developments surrounding the reservoir. Sewage discharged into organized waste collection, treatment, and disposal systems is regulated through the permit system of the board. The regulation of sewage discharged into private sewage facilities is the special concern of this order because the area surrounding Lake Livingston is experiencing an increase in population density and because scientific investigation has disclosed that much of the soil found in the area surrounding the lake does not possess absorption characteristics suitable for the use of private sewage facilities.

The board's first order regulating private sewage facilities in the Lake Livingston area was adopted on March 27, 1969, and amended on October 16, 1969, and January 29, 1971. In order to incorporate this regulatory activity into one document and to update or modernize its contents this order has been passed. In no way is this order intended to affect the validity of any license granted or denied under the previous orders or any enforcement action taken under those orders.

These proposed amendments will alter the language in Rules 130.12.01.002-.015 in order to bring these rules, which were last amended in 1971, up to date and modernize the language and requirements. These proposed amendments will add three rules (130.12.01.016-.018).

These amendments are proposed under the authority of Section 21.083 of the Texas Water Code, Vernon's Annotated Texas Statutes.

.002. Definitions.

(a) "Authority" means the Trinity River Authority of Texas.

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

(c) "Executive director" means the Executive Director of the Texas Water Quality Board.

(d) "Holding tank" means an internally vented, watertight tank designed for temporary holding of sewage and so constructed as to prevent the removal of the sewage except by pumping therefrom, for periodic delivery to an approved sewage disposal system.

(e) "House sewer" means the lines which carry sewage from plumbing fixtures to a septic tank, holding tank, or other private sewage facility.

(f) "Lake Livingston" or "Livingston Reservoir" means the lake in Walker, Trinity, San Jacinto, and Polk Counties created by a dam located approximately six miles southwest of the City of Livingston on the Trinity River between Polk and San Jacinto Counties.

(g) "Organized disposal system" means any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Water Quality Board.

(h) "Private sewage facility" means all facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the board.

(i) "Sewage" means waterborne human waste and waste from domestic and commercial activities, such as washing, bathing, and food preparation.

(j) "Soil absorption field" is that part of a septic tank system consisting of drainage tiles and surrounding permeable soil used for the subsurface disposal of septic tank effluent.

(k) "Subdivision" means (1) a subdivision which has been platted and recorded with the county clerk of the county or counties in which the land lies, or which is required by statute to be so platted and recorded; or (2) any four or more adjoining lots or tracts, each of which is less than two acres in size.

(l) "Authority" means the Trinity River Authority of Texas.

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

(n) "Executive Director" means the Executive Director of the Texas Water Quality Board.

(o) "Holding tank" means a vented, watertight tank used for storing sewage until it is hauled to a final disposal place.

(p) "Holding tank system" means a system for collecting and holding sewage and consisting of a holding tank and house sewer.

(q) "House sewer" means the lines which carry sewage from plumbing fixtures to a septic tank or holding tank.

(r) "Lake Livingston" means the lake in Walker, Trinity, San Jacinto, and Polk Counties created by a dam located approximately six miles southwest of the City of Livingston on the Trinity River.

[(h) "Organized disposal system" means any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Water Quality Board.

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

[(j) "Septic tank system" means a system for disposal of sewage through soil absorption and consisting of the following components: the house sewer, the septic tank, the soil absorption field.

[(k) "Sewage" means waterborne human wastes and other domestic wastewater.

[(l) "Soil absorption field" is that part of a septic tank system consisting of drainage tiles and surrounding permeable soil used for the subsurface disposal of septic tank effluent.]

.003. Restricted Area [Zone]. The board hereby designated the Lake Livingston Restricted Area [Zone] as the area adjacent to the normal shoreline of Lake Livingston lying within two parallel lines, one of which is the contour line of elevation 131 feet M.S.L. (mean sea level) and the other of which is a line parallel to the 131 feet M.S.L. line, located at a distance of 75 feet from the 131 feet M.S.L. line, measured horizontally away from the lake. *The restricted area also includes all the area of the lake bed to include all islands.*

.004. Water Quality Area [Zone]. The board hereby designates the Lake Livingston water quality area [zone] as the area adjacent to the restricted area and lying within two parallel lines, one of which is a line parallel to the 131 feet M.S.L. line located at a distance of 75 feet from the 131 feet M.S.L. line, measured horizontally away from the lake, and the other of which is a line parallel to the 131 feet M.S.L. line, located at a distance of 2,000 feet from the 131 feet M.S.L. line, measured horizontally away from the lake.

.005. Regulations Controlling the Discharge of Sewage within the Restricted Area. *[Sewage Discharge Prohibited.] No sewage discharges from private sewage facilities of any kind may be made within the restricted area. However, this does not prohibit the removal and disposal of wastes from boats and other watercraft in accordance with Texas Water Quality Board Order 74-0521-4. The authority may not license any private sewage facility in the restricted area which might allow interchange of sewage with lake water during times of flooding. Upon its finding that a holding tank system, properly constructed and carefully operated, presents only a remote threat to endanger water quality in the lake, the authority may license the system as it would such a system under Section*

(V)(b), et seq., below. [No sewage discharges of any kind may be made within the restricted zone. However, this does not prohibit the removal and disposal of wastes from boats and other watercraft in accordance with the Rules and Regulations Covering Disposal of Waste from Watercraft promulgated by the Texas State Board of Health. Septic tanks, septic tank systems, holding tanks, holding tank systems, tile or concrete sanitary sewers, sewer manholes, or other toilet or sewage facilities which might allow interchange of sewage with lake water during times of flooding may not be located within the restricted area. No sewage discharges of any kind may be made in the water quality zone except as authorized in this order.]

.006. Regulations Controlling the Discharge of Sewage within the Water Quality Area. *[Exceptions to Prohibitions.] All sewage disposal within the water quality area shall be in accordance with one of the following types of authorization:*

(a) sewage discharged into an organized waste disposal system or other facility operating under a valid permit issued by the board; or

(b) sewage discharged into a private sewage facility licensed in accordance with the regulations contained in this order; or, sewage discharged into an alternate type of private sewage facility which meets the standards of the Texas Department of Health Resources and licensed by the authority.

[(a) Organized disposal systems. Discharges of sewage may be made into organized disposal systems from any part of the water quality zone.

[(b) Licensed septic tank systems. Discharges of sewage may be made into septic tank systems licensed in accordance with the provisions of Rule .007 of this order within the water quality zone. No licenses for septic tank systems may be granted within the restricted zone.

[(c) Approved holding tank system. Sewage may be discharged into approved holding tank systems located within the water quality zone. A holding tank system must meet the specifications prescribed in Rule .011 and must be approved by the authority before it is installed or used.]

.007. Licensing Functions. *[Septic Tank License Required.] The Trinity River Authority of Texas is designated by the board to perform all licensing functions of this order.*

(a) The authority shall have the following powers:

(1) To make reasonable inspections of all private sewage facilities located or to be located within the area covered by this order; and

(2) to perform all the duties necessary and proper to fulfill the requirements of this order.

(b) The authority shall make annual reports to the board on all actions taken concerning this order.

[No septic tank system or part thereof may be installed or used in the water quality zone unless a license for it has been issued by the Trinity River Authority of Texas.]

.008. Licensing Requirements for Private Sewage Facilities. *[Application for Septic Tank License.]*

(a) Private sewage facilities installed within the boundaries of the water quality area must meet with the following requirements:

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

(2) The lot or tract which the private sewage facilities will serve must be at least 15,000 square feet in size, except any lot or tract platted and recorded prior to December 31, 1976, must contain at least 4,000 square feet.

(b) All private sewage facilities in the water quality area should generally conform to the minimum standards as contained in the latest edition of *A Guide to the Disposal of Household Sewage*, published by the Texas Department of Health Resources, a copy of which is available from the authority.

(c) Septic tanks for nonresidential institutions (motels, tourist camps, tourist courts, hospitals, service stations, etc.) to be installed or constructed after the effective date of this order should generally conform to the standards contained in *Notes on the Design of Septic Tank Systems for Nonresidential Institutions*, which is an addendum to *A Guide to the Disposal of Household Sewage*.

(d) Terms for licenses of 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, provided the new owner applies to the authority and provided there is no significant change in the amount or quality of waste to be placed in the private sewage facility. The authority must approve and record all transfers in order for a succeeding owner to be compliant with this order.

(2) Application forms for licenses may be obtained from the authority. In order to initiate an application, a completed application form together with the appropriate fee shall be filed with the authority.

(3) The authority will cause to be performed such inspections and tests as may be deemed necessary as soon as practicable.

(4) The authority will cause to be performed such inspections as may be necessary to issue a renewal license.

(5) Upon a finding by the authority that the use of a private sewage facility will not cause pollution or injury to the public health, is not in conflict

with the terms and conditions of this order, and can be operated in general conformance with the latest edition of *A Guide to the Disposal of Household Sewage*, published by the Texas Department of Health Resources, the authority will after its final inspection and receipt of the appropriate fee issue a license or a renewal license.

(6) Upon a finding by the authority that the private sewage facility will not be licensed or not be issued a renewal license, the applicant shall be notified in writing of that finding and of the nature of the faults which prevent licensure.

Application forms may be obtained from the Lake Livingston office of the authority or from the Austin office of the Texas Water Quality Board. The application will include a copy of the plans and specifications for the proposed system, a legal description of the tract on which the system will be located, the name and address of the person making the application, and an aerial photograph (or map of equivalent quality) with sufficient detail to clearly locate the land on which the system will be constructed. The applicant shall show the location of the system on the aerial photograph or map. The application shall be submitted to the Lake Livingston office of the authority. Following examination of the application, inspection of the premises, and recording of the results of percolation tests required, the authority shall find whether:

[(a) the septic tank system is designed in the manner prescribed by *A Guide to the Disposal of Household Sewage*, published by the Texas State Department of Health, or the latest official revision thereof; and

[(b) the soil in which the septic tank system is to be laid has been given percolation tests and has the percolation characteristics required by *A Guide to the Disposal of Household Sewage* or the latest revisions thereof.

[If the authority makes affirmative findings on these two issues, it shall issue the applicant a license for the septic system. If the authority makes a negative finding on either or both of the above issues, the authority shall deny the application for a license. The authority shall report to the executive director all action taken on septic system license applications. A person aggrieved by any action of the authority under this order may appeal to the board for relief.]

.009. Approval of Subdivision Plans for Private Sewage Facilities. *[Connection to Organized Disposal System Required.]*

(a) Any developer or other interested person desiring to create a subdivision which lies partially or wholly within the restricted or water quality areas using private sewage facilities must obtain approval from the authority of his plan for sewage disposal. He must fulfill the following requirements:

(1) *A plat of the proposed subdivision must be filed with, approved by, and recorded by the county commissioners court of the county in which it is located.*

(2) *An application for approval of the subdivision sewage disposal plan and appropriate filing fee shall be submitted to the authority.*

(3) *The developer shall inform each prospective buyer:*

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

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

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

(4) *If investigation pursuant to this section reveals that a lot is not suitable for use of private sewage facilities, the prospective buyer shall be so notified.*

(b) *The authority will perform or cause to be performed tests and inspections deemed necessary by it to determine whether the subdivision can be served with private sewage facilities, such tests to be at the expense of the developer.*

By direction of the authority, all or part of the tests may be performed by an engineering firm or soils testing laboratory approved by the authority. The 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 authority will notify the developer of any areas not suitable for 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 for a subdivision.

[No septic tank system nor part thereof may be operated or maintained within the water quality zone when any part of the system is closer than 300 feet in horizontal distance to an organized disposal system unless it is shown to the satisfaction of the executive director that it is not feasible for the organized disposal system to provide service to the area.]

.010. Existing Private Sewage Disposal Systems. *[License Revocation and Suspension.] All systems within the jurisdiction of Texas Water Quality Board Order 69-5, as amended, should by now be licensed. Licenses issued under the previous orders will remain in effect for the term stated thereon as if issued under this order. [The executive director, for*

good cause shown, may revoke or suspend a license for a septic tank system in accordance with the rules and regulations of the Texas Water Quality Board if the licensee fails to comply with the terms and conditions of the license or this order. The executive director may also amend the license to conform to new conditions and terms imposed by the board.]

.011. Connection of Private Sewage Facilities to Organized Waste Collection, Treatment, and Disposal Systems. *[Holding Tank System Specifications.]*

(a) *In order to implement the stated policy of the legislature and the board that the development and use by interested and affected parties of organized waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state should be encouraged, the board 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 waste collection, treatment, and disposal system capable of serving in lieu thereof; rather, the facility shall be connected to the organized system whenever feasible.*

(2) *Whenever an organized disposal system with service capability is developed within 300 feet in horizontal distance from any part of a private sewage facility, that facility shall be connected to the organized system whenever feasible.*

[A holding tank must be completely watertight and properly vented. The house sewer must be watertight and shall be of cast iron with compressed Elastometer joints or with leaded joints, or shall be of comparable construction.]

.012. Terms and Conditions for Granting Exceptions. *[Wastes Hauled from Holding Tanks or Septic Tanks.] The board intends that the regulations contained in this order shall be enforced but realizes that certain individual situations may require the granting of an exception to the requirements contained in the order so that hardships may be avoided. Therefore, the following terms and conditions are established:*

(a) *any person desiring an exception shall file an application with the authority for its analyses of the specifics of the situation;*

(b) *the authority shall review the application and issue a statement either granting or denying the application. When an application is denied, the statement shall set out what corrective measures, if any, could be undertaken to obtain licensure.*

[All wastes retained in holding tanks and sludge or other wastes removed from septic tank systems must be hauled to an organized disposal system for final disposal. Policies for acceptance of hauled sewage, sludge, or other wastes will be established by the owner of the organized disposal system receiving the waste.]

.013. Terms and Conditions for Appeal to the Executive Director and the Board. [Operation and Maintenance.] *Any person aggrieved by an action or decision of the authority may appeal to the executive director and then to the board if the following terms and conditions are met:*

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

(b) *the aggrieved person has made a conscientious effort to resolve his problem with the authority.*

[Operation and maintenance of the septic tank and holding tank systems described in this order shall be in accordance with *A Guide to the Disposal of Household Sewage*, or any subsequent revisions thereof.]

.014. Effective Date. [Existing Sewage Disposal Facilities.] *This order shall become effective upon the execution by the authority and the board of a cooperative agreement pursuant to Chapter 21 of the Texas Water Code providing for the performance by the authority of the water quality management, inspection, and enforcement functions required to be performed by the authority under this order. At such time, Order 69-5, as amended, shall be replaced by this order.*

(a) This paragraph applies to cesspools, holding tanks, septic tanks, direct sewage discharges, and all other sewage disposal methods and facilities within the Lake Livingston water quality zone or restricted zone. Within a reasonable period of time, not to exceed two years, any person owning sewage disposal facilities to which this paragraph applies shall bring such facilities into compliance with all provisions of this order.

(b) Septic tanks existing within the Lake Livingston restricted zone or water quality zone as of March 27, 1969, shall not be licensed so long as the system is not changed, the loading of the system is not increased from that existing prior to said date, and if there is no subdivision or resubdivision of the property served by the system subsequent to said date, provided that visual inspection of such septic tanks reveals no evidence of inadequate absorption field.

(c) In the event visual inspection of such septic tanks reveals an improperly installed or inadequate system, the authority may require whatever corrective measures are necessary to insure a properly functioning system.

(d) Any person owning sewage disposal facilities within the water quality zone or restricted zone shall

permit employees of the board of authority to make such reasonable inspections of the sewage disposal facilities as may be required to determine whether those facilities comply with this order.]

.015. License Fees. [Authority Agency of the Board.] *License fees, inspection fees, and renewal fees will be in accordance with a fee schedule established by the authority and approved by the Texas Water Quality Board. These fees shall be paid to and collected by the authority so long as the authority remains the designated agent for the Texas Water Quality Board for the purposes and functions specified in this order. The fee schedule is Rule .018 of this order.*

The establishment of this fee schedule does not impair or prohibit the imposition of reasonable charges by the authority for special services performed by the authority at the request of the applicant in connection with presentation of an application and required data. Percolation tests and other examinations may be performed by engineering firms or soils testing laboratories approved by the authority.

[The Trinity River Authority of Texas is hereby designated the agent of the Texas Water Quality Board for purposes of inspecting septic tank systems and holding tank systems and their installation and operation. The authority will provide license application forms, assign inspectors to determine whether any existing or proposed sewage disposal system conforms to the requirements of this order, and will present to the executive director of the board recommendations for or against the granting of any license under this order. The authority is further authorized to enforce this order through any legal or equitable power granted to local governments in the Texas Water Quality Act of 1969, or any law granting powers to the Trinity River Authority.]

.016. Enforcement of this Order. Unauthorized private sewage facilities, unlicensed private sewage facilities, and malfunctioning private sewage facilities, which later systems are a threat to water quality and public health, are subject to, among other enforcement actions, the following:

(a) Criminal Penalty (Section 21.5531, Texas Water Code).

(1) A person who violates any provision of this order is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day that a violation occurs constitutes a separate offense.

(2) Jurisdiction for prosecution of a suit under this section is in the justice of peace courts.

(3) Venue for prosecution of a suit under this section is in the justice of peace precinct in which the violation is alleged to have occurred.

(b) Civil penalty. A person who violates any provision of this order is subject to an injunction by court order and to a civil penalty of not less than \$50 nor more than \$1,000 for each act of violation and for each day of violation, to be recovered as provided in Chapter 21 of the Texas Water Code.

.017. *Saving 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 of the application of such provision to other persons and circumstances shall not be affected thereby.

.018. *Fee Schedule.* The following represents the approved fee schedule for the private sewage facilities regulatory program around Lake Livingston:

Application, inspection and license fee-- \$15

Percolation test-- \$25

Renewal inspection and license fee-- \$5/two years

Subdivision plan review-- \$25

Subdivision percolation test-- \$25/hour.

Issued in Austin, Texas on June 6, 1977.

Doc. No. 772805

Paul Seals

Assistant General Counsel

Texas Water Quality Board

Proposed Date of Adoption: July 14, 1977

For further information, please call (512) 475-7851.

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.

Office of the Governor Criminal Justice Division

LEAA Guidelines Adopted by Reference 001.55.02

The Law Enforcement Assistance Administration, under the authority of Public Law 93-83, Crime Control Act of 1973; Public Law 94-503, Crime Control Act of 1976; and Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974, has issued the following documents: change to Guideline G4340.1A, Variable Pass-Through Classification Procedures and Percentages; Guideline G6010.1A, LEAA Visiting Fellowship Program; Change M4100.1F CHG-1, State Planning Agency Grants; Notice N1821.2, Physical Inventories; and RODAL B 77-4A, State Planning Agency's Supervision and Monitoring Responsibilities for Discretionary Grants. The documents are required to be implemented on their listed issue dates.

The Criminal Justice Division, under the authority of Public Law 90-351, Title I, Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 91-644, Omnibus Crime Control Act of 1970, and Public Law 93-83, Crime Control Act of 1973; Public Law 94-503, Crime Control Act of 1976; and Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974; and rules and guidelines promulgated by the Law Enforcement Assistance Administration; and the provisions of Section 10(a)(3), Article 6252-13a, Texas Civil Statutes, adopts by reference the documents listed above and amends Rule 001.55.02.006, LEAA Guidelines Adopted by Reference, by adding new subsections (qqq), (rrr), (ttt), (uuu), and (vvv).

.006. LEAA Guidelines Adopted by Reference.

(qqq) G4340.1A Chg-2, Variable Pass-Through Classification Procedures and Percentages. (Effective February 23, 1977.)

(rrr) G6010.1A, LEAA Visiting Fellowship Program. (Effective March 23, 1977.)

Please note that this guideline carries an automatic cancellation of G6010.1, LEAA Visiting Fellowship Program Guideline, dated November 7, 1974, which is listed as subsection (u) of LEAA Guidelines Adopted by Reference.

(ttt) M4100.1F CHG-1, State Planning Agency Grants. (Effective May 20, 1977.)

(uuu) N1821.2, Physical Inventories. (Effective April 25, 1977.)

(vvv) RODAL B 77-4A, State Planning Agency's Supervision and Monitoring Responsibilities for Discretionary Grants. (Effective April 26, 1977.)

Issued in Austin, Texas, on June 1, 1977.

Doc. No. 772798-
772802

Robert C. Flowers
Executive Director
Criminal Justice Division

Effective Date: See above

For further information, please call (512) 475-6065.

Greater South Texas Cultural Basin Commission

Grants-in-Aid 001.80.01

Pursuant to the authority of Article 4413(32d), Vernon's Annotated Civil Statutes, the Greater South Texas Cultural Basin Commission has adopted Rules 001.80.01.010-.050, governing grants-in-aid from the GSTCB Commission.

.010. *Eligible Applicants.* Eligible applicants for development grant funds are:

(a) Texas state agencies and institutions of higher education;

(b) local governments located in the basin (including any city, county, local school district, special purpose district, or other political subdivision of the State of Texas); and

(c) public, nonprofit corporations located in the basin.

.020. *Types of Grants.* The types of grants available from the development grant fund are:

(a) direct 100-percent grants;

(b) supplemental grants to provide all or any part of the required state or local share (but not both shares)

of the cost of a project for which financial assistance is authorized under the federal, state, or local law requiring such a contribution.

.030. Project Selection Procedure.

(a) Considerations. The GSTCB Commission will consider the following factors set forth in the statute in selecting projects, programs, and studies for funding:

(1) the relationship of the project or projects to overall cultural basin development, including its location in an area determined to have a significant potential for growth;

(2) the population and area to be served by the project or projects, including the relative per capita income and the unemployment rates in the area;

(3) the relative financial resources available to the state or political subdivision or instrumentalities thereof which seek to undertake the project;

(4) the importance of the project or projects in relation to other projects or classes, or projects which may be in competition for the same funds;

(5) the prospects that the project, on a continuing rather than a temporary basis, will improve the opportunities for employment, the average level of income, or the economic and social development of the area served by the project; and

(6) possible environmental impact.

(b) Project selection factors. There are specific factors that will guide the GSTCB Commission in selecting projects, programs, or studies that will contribute most to greater productivity, improved human services, and growth in the basin. Grant applications must contain information on these relevant factors identified below. All factors are not expected to apply to each proposed grant. The factors include but are not limited to the following:

(1) the degree to which the project program or study relates to approved plans and programs of a community development or service nature; a regional development or service nature, especially adopted plans of regional councils of governments (COGs); and the GSTCB Commission and its state and federal agency members;

(2) the estimated number of people to be served, and the cost per person defined as the ratio of the total cost of the project to the total number of people to be served;

(3) the growth potential of the area in which the project is to be located;

(4) the number of unemployed workers in the project area averaged over the three most recent consecutive months for which data is available at the time of application;

(5) the severity and duration of unemployment, as measured by the unemployment rate prevailing in the project area averaged over the three most recent

consecutive months for which data is available at the time of application;

(6) the cost per person-month of employment defined as the ratio of the total cost of the project to the total number of person-months of employment to be generated (Note: Supplemental assistance will be considered as part of the total project costs);

(7) the per capita personal income of the people in the project area;

(8) the prospects of the project providing continuing opportunities for employment, increases in the average level of income, or improvement in the economic and social development of the area served;

(9) the environmental impact, if any, of the project, both positive and adverse; and

(10) the ability of the project's methodology, findings, results, etc., to be transferred to other areas within the basin.

.040. Application Procedures.

(a) Forms. An application package entitled "Policies and Procedures" has been developed for GSTCB Commission development fund grants and is to be used for all proposed projects, programs, and studies. A copy is found as Appendix A.

(b) Requirements for financial assistance.

(1) An applicant must provide the GSTCB Commission with the following environmental information: those elements of the project that will impact the environment, the nature of the environment to be impacted, data on the expected environmental impact, and alternatives to the proposed project. If available, the applicant must also provide any environmental analysis previously conducted and any documented public reaction. If this material is unavailable, the applicant must so certify. (Note: If the project has no environmental impact, a "negative declaration" may be made instead.)

(2) An applicant must insure that either plans, specifications, and estimates for projects are sufficiently complete so that on-site labor can begin within 90 days of project approval, or program staff, plans, and procedures are sufficiently complete to begin services within 90 days.

(3) A physical project, service program, or study should relate to existing approved plans and programs of a community, regional, or basin-wide development or service nature-- e.g., Comprehensive Plans, OEDPs, HUD 701 Plans, HSA Plans, EPA Areawide 208 Plans, Regional/Basin-wide Human Resource Plans-- as applicable, and should advance long-range plans.

(4) For supplemental grants providing the non-federal or non-state share of a federally or state-funded project, the applicant must obtain certification from the other agency(s) involved in the project that the project is conditionally approved and the funds are im-

mediately available, and either on-site labor can begin within 90 days or services can begin within 90 days.

(5) In the case of a supplemental grant application, the applicant must certify that all other sources of matching funds for the project are unavailable.

(6) In the case of a 100-percent direct grant application, the applicant must certify that all other sources of funds for the project are unavailable and that applications pending under other federal, state, or local programs have been withdrawn.

(7) The applicant must identify other organizations providing similar services in the project area and ensure that coordination (evidenced by project review, letters of support, etc.) has occurred.

(8) The application must be reviewed by the appropriate A-95 areawide clearinghouse-- the regional council of governments. A list of clearinghouses and the counties they serve is provided as Appendix B.

(9) Except in exceptional situations, the maximum amount of a GSTCB Commission development grant is \$25,000.

(10) A complete budget for the proposed project, program, or study must be submitted with the application.

(c) Procedures.

(1) Applications may be accepted for processing only by the executive director of the GSTCB Commission. (Note: An accepted application is one that is eligible for consideration, has been properly prepared, and contains all necessary material. The GSTCB Commission will notify the applicant if the application is accepted.)

(2) The applicant must certify that the full application has been submitted to the appropriate A-95 clearinghouse (regional council of governments) prior to or concurrent with its submission to the GSTCB Commission. (Note: The GSTCB Commission may require certain applications to also be submitted for review to the Governor's Budget and Planning Office (the state clearinghouse). Applicants will be notified individually.)

(3) Applicants which are state agencies and state institutions of higher education must certify that Standard Form 424 and/or Budget and Planning Office Form 1172 has been submitted to the Governor's Budget and Planning Office (the state clearinghouse).

(4) The GSTCB Commission will make no final decision to recommend funding an application unless a response is received from the clearinghouse, or until 30 days after the application has been accepted. The GSTCB Commission will take into consideration the review cycles of the clearinghouses.

(5) As a general rule, applications must be received by the GSTCB Commission's executive director no later than 45 days prior to the commission meeting at which project funding will be considered.

(6) The GSTCB Commission will make a list of all applications they recommend for funding and submit that list, together with a copy of those applications, to the governor for his approval. Applicants will be immediately notified of gubernatorial action.

.050. *Appendices.* Appendix A, Policies and Procedures, and Appendix B, Clearinghouses for Project Review, are adopted by reference. Copies are available at the GSTCB Commission, 104 Sam Houston Building, Austin, Texas 78701.

Issued in Austin, Texas, on June 6, 1977.

Doc. No. 772774 Lauro Cruz
Executive Director
Greater South Texas Cultural
Basin Commission

Effective Date: June 26, 1977

For further information, please call (512) 475-2182



Texas Department of Health Resources

Milk and Dairy

Grade Specifications and Requirements for Milk. 301.72.01

The Texas Department of Health Resources has adopted the proposed amendment to the definition of "lowfat milk," Rule 301.72.01.001(a)(11), with the addition of a definition for "lowfat milk with lactobacillus acidophilus culture added."

Only one comment was received requesting a change and that was to limit the percent of milkfat to two categories of one percent and one and one-half percent. The department considered the change to be reasonable and appropriate and incorporated it into the definition.

Therefore, the department, by authority of Article 165-3, Texas Civil Statutes, has amended Rule 301.72.01.001(a)(11) to read as follows:

.001. Definitions.

(a) The following definitions shall apply in the interpretation and the enforcement of these regulations:

(11) Lowfat Milk.

(A) "Lowfat milk" means milk from which sufficient milkfat has been removed to produce a food having, within limits of good manufacturing practice, one of the following milkfat contents: one-half, one, one and one-half, or two percent. Lowfat milk is pasteurized or ultra-pasteurized, contains Vitamin A, and contains not less than 8-1/4 percent milk solids not fat. Lowfat milk may be homogenized. Vitamin A shall be present in such quantity that each quart of the food contains not less than 2,000 international units thereof within limits of good manufacturing practice. Addition of Vitamin D is optional. If added, Vitamin D shall be present in such quantity that each quart contains 400 international units thereof within limits of good manufacturing practice. Optional ingredients as defined in this Section under Definition (28) may be used in this product.

(B) "Lowfat milk with lactobacillus acidophilus culture added" means milk from which sufficient milkfat has been removed to produce a food having, within limits of good manufacturing practice, a milkfat content of 1 or 1-1/2 percent and to which a pure culture of lactobacillus acidophilus bacteria has been added in a sanitary manner after pasteurization. It may be pasteurized or ultra-pasteurized. It may be homogenized. It shall contain Vitamin A in a quantity not less than 2,000 international units per quart, within good manufacturing practice, and contains not less than 8.25 percent milk solids not fat. Addition of Vitamin D is optional. If added, Vitamin D shall be present in such quantity that each quart contains 400 international units thereof within limits of good manufacturing practice. Optional ingredients as defined in this section under definition(s) may be used in this product.

Issued in Austin, Texas, on June 6, 1977.

Doc. No. 772776 Raymond T. Moore, M.D.
Deputy Director
Texas Department of
Health Resources

Effective Date: July 21, 1977

For further information, please call (512) 458-7236.

Water Hygiene

Drinking Water Standards Governing Drinking Water Quality and Reporting 301.83.01

The Texas Department of Health Resources has adopted new drinking water standards governing drinking water quality and reporting requirements for public water supply systems.

These standards have been developed in partial fulfillment of the requirements for the State of Texas to assume primary enforcement responsibility under the Safe Drinking Water Act, Public Law 93-523. Under the authority granted by the act, the United States Environmental Protection Agency must review each state's program to determine whether or not the requirements for "primacy" are met. In order for state drinking water standards to be acceptable to the U.S.E.P.A., the standards must be no less stringent than those listed in the EPA National Interim Primary Drinking Water Regulations, *Federal Register*, Wednesday, December 24, 1975, Part IV. Consequently, these standards have been given an "in-house" review by the regional staff of EPA Region VI, at the same time that input has been received from interested citizens who have either attended the hearings which were held throughout the state or who submitted written comments. The following changes were made as a result of all of the comments and guidance received.

Rule .002(i) defining "Variance" and Rule .002(j) defining "Exemption" have been moved to Rule .003(g) because the definitions of these terms included procedural requirements for their issuance which had to be included in the text. Conversely, these terms could not be defined without including the procedural requirements. Therefore they were deleted from the definitions and added to the text in Rule .003(g).

Rule .003(d) in the proposed standards has been modified to include a limit of up to 5.0 nephelometric turbidity units as a monthly average, under certain conditions. The original intent was to use the mechanism established under variances and exemptions to handle any problems. However, considerable public comment was received and it was determined that this change would not alter the basic approach to turbidity regulation. The burden of proof still lies with the water utility, in that the utility must demonstrate that the increased turbidity level does not interfere with disinfection, prevent maintenance of an effective disinfectant agent throughout the distribution system, or interfere with microbiological determinations.

Rule .003(e) contains limits for radiological contaminants. A change was requested by EPA in stating the limits in a different manner. Those concentrations

listed for tritium, strontium-90, and other man-made beta particle and photon emitters were those which resulted in an average annual dose equivalent of 4 millirems/year. Therefore the limit was restated in .003(e)(2) as 4 millirems/year. In addition, the heading of "Community type systems serving more than 100,000 people" was dropped to make the 4 millirems/year limit applicable to all community type systems. It should be noted, however, that only those systems of 100,000 people and over are required to monitor samples for compliance with this limit.

Rule .003(h)(2)(A) specifies the conditions for issuance of status reports. These conditions have been modified by the addition of the phrase "and quarterly thereafter" in order to comply with the requirements established by EPA.

Numerous comments were received from owners or operators of non-community supplies concerning Rule .004(a). Many industries treat surface water for boiler feed water, which may require a much higher degree of treatment than water which is to be used for drinking. A valid point was made by the commentators concerning the necessity of such data from non-community systems. Therefore, the control tests other than turbidity are now applicable only to community type systems.

The substitution of one check sample per month for a positive sample, when the first two consecutive daily check samples collected were negative, has been eliminated from Section .006(e). Comments were received from the EPA that this substitution did not qualify as being as stringent as the National Interim Primary Drinking Water Regulations.

Rule .009(e) which concerns modifications of monitoring requirements for consecutive public water systems, was intended to cover all sampling requirements, and not solely the organic chemical sampling. Therefore, it has been moved from .009 and has been made a separate Rule .015, so that it may be applicable to all sampling requirements.

Numerous comments were also received concerning Rule .012 and the necessity for running turbidity and control tests in an approved laboratory. Since it was not the intent of these standards to require such tests to be run in an approved laboratory, Rule .012 was clarified by adding "with the exception to turbidity and any control tests such as chlorine residual, alkalinity, and pH, which are not used to determine compliance with these standards. Such tests may be run in the plant laboratory."

The greatest number of comments received concerned the Secondary Constituent Levels, contained in Rule .014. Many of the comments included requests that the levels for both chlorides and sulphates be set at 350

mg/l. However, a review of the available literature indicated that laxative effects for some sulphate compounds became noticeable at levels just slightly above 300 mg/l. In addition, levels of chloride in excess of 300 mg/l have been demonstrated to increase corrosion and be detectable by many individuals by taste. However, there did not appear to be sufficient jurisdiction for keeping the limits at 250 mg/l. Therefore the limits were raised to 300 mg/l each for sulphate and chloride. In addition the heading of Rule .014 was modified to read "Recommended Secondary Constituent Levels Applicable to all Public Water Systems."

The proposed standards were scheduled for presentation at the May 1977, meeting of the Board of Health Resources, so that they could become effective on June 24, 1977, which is the same as the effective date of the National Interim Primary Drinking Water Regulations. However, the standards were not adopted until the June 1977, meeting of the board, with the subsequent effective date of July 1, 1977. Therefore, all references in the proposed standards which stated "within one year of the effective date of this part", had to be changed to read "by June 24, 1978." Similarly, those sections referring to two years from the effective date and three years from the effective date had to be modified to "by June 24, 1979, and by June 24, 1980."

These standards will become effective on July 1, 1977, and are being adopted under authority of Article 4477-1, Texas Civil Statutes.

.001. Purpose. The purpose of these standards is to assure the safety of public water supplies with respect to bacteriological, chemical, and radiological quality and to further efficient processing through control tests, laboratory checks, operating records and reports of public water supply systems. These standards are written so as to comply with the requirements of Public Law 93-523, the Federal "Safe Drinking Water Act", and the "Interim Primary Drinking Water Regulations" which have been promulgated by the Environmental Protection Agency, under the authority granted by Public Law 93-523.

.002. Definitions. The following definitions shall apply in the interpretation and enforcement of these standards:

(a) "Public water system" means a system for the delivery to the public of piped water for human consumption, if such a system has four or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. However, this does not include any system which is operated under the direction of and services only federal installation(s).

(b) "Community water system" means any system which serves at least four or more service connections or regularly serves 25 permanent type residents for at least 180 days per year.

(c) "Non-community water system" means any public water system which is not a community water system.

(d) "Control tests" means chemical, radiological, physical, or bacteriological tests made by the operator of the water system to control the quality or quantity of water served to the public and recorded regularly in the operating records.

(e) "Laboratory checks" means chemical, radiological, physical, or bacteriological tests made in a laboratory approved by the department on water samples submitted by the operator of the system to confirm the quality of the water.

(f) "Monthly reports of water works operations" means the daily record of data relating to the operation of the system facilities compiled in a monthly report.

(g) "Sanitary survey" means an onsite review of the water source, facilities, equipment, operation, and maintenance of a public water system, for the purpose of evaluating the adequacy for producing and distributing safe drinking water.

(h) "Approved laboratory" means a laboratory certified and approved by the department to analyze water samples to determine their compliance with maximum allowable levels.

(i) "Department" means the Texas Department of Health Resources.

.003. Standards of Chemical and Radiological Quality. All analyses to determine compliance shall be performed by laboratories approved by the department. Analyses shall be performed on treated water as furnished to the customer.

(a) Maximum constituent levels for nitrate are applicable to both the community and non-community water systems. The other constituent limits in the following table are applicable only to community type systems.

Constituent	Level, Milligrams Per Liter
Arsenic	0.05
Barium	1
Cadmium	0.010
Chromium	0.05
Lead	0.05
Mercury	0.002
Nitrate (as N)	10
Selenium	0.01
Silver	0.05

(b) When the annual average of the maximum daily air temperatures for the location in which the community water system is situated is the following, the maximum allowable levels for fluoride are:

Temperature Degrees Fahrenheit	Temperature Degrees Celsius	Level, Milligrams Per Liter
63.9 to 70.6	17.7 to 21.4	1.8
70.7 to 79.2	21.5 to 26.2	1.6
79.3 to 90.5	26.3 to 32.5	1.4

(c) Maximum constituent levels for organic chemicals for community systems.

Constituent	Level, Milligrams Per Liter	Level, Micrograms Per Liter
1. Chlorinated hydrocarbons: Dieldrin (1,2,3,4,10,10-hexachloro- n,7-epoxy-1,4,4a,5,6,7,8, 8a-octahydro-1,4-endo, endo-5, 8-dimethano naphthalene).	0.0002	.2
Lindane (1,2,3,4,5,6-hexachloro- cyclohexane, gamma isomer).	0.004	4.0
Methoxychlor (1,1,1-Trichloro- 2,2-bis [p-methoxyphenyl] ethane).	0.1	100
Toxaphene (C ₁₀ H ₁₀ Cl ₈ - Technical chlorinated camphene, 67-69 percent chlorine).	0.005	5.0
2. Chlorophenoxys: 2,4-D (2,4-Dichlorophenoxyace- tic acid).	0.1	100
2,4,5-TP Silvex (2,4,5-Trichloro- phenoxypropionic acid).	0.01	10

(d) Maximum allowable levels for turbidity. This standard shall apply only to systems which use surface water. The maximum allowable levels for turbidity in drinking water measured at a representative entry point(s) to the distribution systems are:

(1) One turbidity unit (TU), as determined by a monthly average, except that five or fewer turbidity units may be allowed if the supplier of water can demonstrate to the department that the higher turbidity does not do any of the following: (1) interfere with disinfection; (2) prevent maintenance of an effective disinfectant agent throughout the distribution system; or (3) interfere with microbiological determinations.

(2) Five turbidity units based on an average for two consecutive days.

(e) Maximum allowable levels for radiological contaminants, applicable only to community type systems:

Constituent	Level p Ci Per Liter
(1) Combined radium - 226 and radium - 228 Gross alpha particle activity (including radium - 226 but excluding radon and uranium)	5 15
(2) Average annual dose equivalent for beta particle and photon radio- activity from man made radionuclides	4 mrem/yr

(f) Verification of excessive chemical level.

(1) When the results of a chemical analysis indicate that the level of any constituent except nitrate exceeds the maximum allowable level, at least three additional samples shall be collected within one month of notification to the department to determine if the water served to the public exceeds the maximum allowable level.

(2) When a level exceeding the maximum allowable level for nitrate is found, a second analysis must be initiated within 24 hours of receipt of notification. If the mean of the two samples exceeds the allowable level, the supplier of water must report to the department and notify the public, in accordance with .003(h).

(g) Variances and exemptions.

(1) "Variance" means an exception to one or more of the maximum allowable levels which is necessary because the condition of the system's raw water is such that the maximum allowable level cannot be met despite the application of the best available treatment techniques (taking costs into consideration) subject to the following conditions:

(A) The public water systems requesting the variance was in operation on the date these standards became effective.

(B) The granting of the variance will not result in an unreasonable risk to public health.

(C) A schedule is established to bring the system into compliance with the standard in question.

(2) "Exemption" means exception to a provision of these standards where, because of compelling factors (which may include economic), the system is unable to comply with a specified allowable level. An exemption may be granted only under the following circumstances.

(A) The public water system requesting the exemption was in operation on the date these standards became effective.

(B) The granting of the exemption will not result in an unreasonable risk to public health.

(C) A schedule is established to bring the system into compliance with the standard in question by January 1, 1981, if additional treatment is to be provided, or by January 1, 1983, if regional facilities are to be used.

(3) Variances and exemptions, as defined above, may be granted at the discretion of the department. Applications for such variances and or exemptions must be submitted by the water system requesting a variance or exemption and must include the following:

(A) a statement of the standard which is not met;

(B) an estimate of the risk involved to public health with supporting evidence from physicians or dentists in the area;

(C) a long range plan for the correction of the problem. This plan or compliance schedule must be submitted within one year following written notification that a variance or exemption has been granted. For all exemptions, the compliance schedule must specify correction of the problem by January 1, 1981, if

additional treatment is to be provided, or by January 1, 1983, if a regional facility is planned;

(D) a detailed economic evaluation of the current and future situation.

(4) A variance or exemption covering a group or class of systems with a common standard which is not met may be issued by the department without individual application. However, individual compliance schedules will be required for each such system within one year following written notification by the department that such a variance or exemption has been granted. After receiving notification from the department that a group or class variance or exemption has been issued to their system, each system must submit the above items, .003(g)(1)(B), .003(g)(1)(C), and .003(g)(1)(D).

(5) Procedures for public comment and public hearings on variances, exemptions, and compliance schedules as a condition of a variance or exemption will be as stated in the EPA National Interim Primary Drinking Water Regulations, *Federal Register*, Wednesday, December 24, 1975, Part IV.

(h) Public notification requirements.

(1) Status reports are required of any public water supply system which

(A) violates maximum allowable levels,

(B) fails to use prescribed treatment techniques,

(C) is granted a variance or exemption,

(D) fails to comply with a variance or exemption schedule, or

(E) fails to perform required monitoring.

(2) Status reports required under .003(h)(1) must be issued as follows:

(A) with the next water bill or by written notice if water bill is issued quarterly or not issued at all, and quarterly thereafter;

(B) in such other form as may be prescribed by the department, including posting of conspicuous notice for non-community systems.

.004. Control Tests. These tests permit the operator of the system to judge variations in water quality, to identify objectionable water characteristics, and to detect the presence of foreign substances which may adversely affect the potability of the water. These control tests shall be performed in accordance with procedures approved by the department.

(a) Surface supplies. Operators of water treatment plants utilizing coagulation, settling, softening, or filtration shall perform daily the following chemical control tests on the filtered water, list them on the monthly report of water works operation and submit a copy of this report to the department after each month of operation.

TEST	APPLICABILITY
Turbidity	All Public Supplies
pH	Community Type Systems Only
Alkalinity	Community Type Systems Only
Chlorine Residual	Community Type Systems Only

(b) Water samples for bacteriological quality. The minimum number of samples to be collected from a public water supply and submitted for examination shall be in accordance with the following table with the exception of non-community water systems which meet the conditions of .006(b).

Population Served	Minimum Number of Samples Per Month
0 to 1,000	2
1,001 to 1,300	3
1,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 9,400	10
9,401 to 10,300	11
10,301 to 11,100	12
11,101 to 12,000	13
12,001 to 12,900	14
12,901 to 13,700	15
13,701 to 14,600	16
14,601 to 15,500	17
15,501 to 16,300	18
16,301 to 17,200	19
17,201 to 18,100	20
18,101 to 18,900	21
18,901 to 19,800	22
19,801 to 20,700	23
20,701 to 21,500	24
21,501 to 22,300	25
22,301 to 23,200	26
23,201 to 24,000	27
24,001 to 24,900	28
24,901 to 25,000	29
25,001 to 28,000	30
28,001 to 33,000	35
33,001 to 37,000	40
37,001 to 41,000	45
41,001 to 46,000	50
46,001 to 50,000	55
50,001 to 54,000	60
54,001 to 59,000	65
59,001 to 64,000	70
64,001 to 70,000	75
70,001 to 76,000	80
76,001 to 83,000	85
83,001 to 90,000	90
90,001 to 96,000	95
96,001 to 111,000	100
111,001 to 130,000	110
130,001 to 160,000	120
160,001 to 190,000	130
190,001 to 220,000	140
220,001 to 250,000	150
250,001 to 290,000	160
290,001 to 320,000	170
320,001 to 360,000	180
360,001 to 410,000	190
410,001 to 450,000	200
450,001 to 500,000	210
500,001 to 550,000	220
550,001 to 600,000	230
600,001 to 660,000	240
660,001 to 720,000	250
720,001 to 780,000	260
780,001 to 840,000	270
840,001 to 910,000	280
910,001 to 970,000	290
970,001 to 1,050,000	300
1,050,001 to 1,140,000	310
1,140,001 to 1,230,000	320
1,230,001 to 1,320,000	330
1,320,001 to 1,420,000	340
1,420,001 to 1,520,000	350
1,520,001 to 1,630,000	360

Population Served	Minimum Number of Samples Per Month
1,630,001 to 1,730,000	370
1,730,001 to 1,850,000	380
1,850,001 to 1,970,000	390
1,970,001 to 2,060,000	400
2,060,001 to 2,270,000	410
2,270,001 to 2,510,000	420
2,510,001 to 2,750,000	430
2,750,001 to 3,020,000	440
3,020,001 to 3,320,000	450
3,320,001 to 3,620,000	460
3,620,001 to 3,960,000	470
3,960,001 to 4,310,000	480
4,310,001 to 4,690,000	490
4,690,001 or more	500

.005. Maximum Bacteriological Contaminant Levels. The maximum contaminant levels for coliform bacteria, applicable to community water systems and non-community water systems are as follows:

(a) When the membrane filter technique is used, the number of coliform bacteria shall not exceed any of the following:

(1) one per 100 milliliters as the arithmetic mean of all samples examined per month;

(2) four per 100 milliliters in more than one sample when less than 20 are examined per month; or

(3) four per 100 milliliters in more than five percent of the samples when 20 or more are examined per month.

(4) The maximum coliform count for any sample submitted shall be 16 per 100 ml.

(b) When the fermentation tube method and 10 milliliter standard portions are used, coliform bacteria shall not be present in any of the following:

(1) more than 10 percent of the portions examined in any month;

(2) three or more portions in more than one sample when less than 20 samples are examined per month; or

(3) three or more portions in more than five percent of the samples when 20 or more samples are examined per month.

.006. Microbiological Contaminant Sampling and Analytical Requirements.

(a) Suppliers of water for community water systems and non-community water systems shall analyze for coliform bacteria for the purpose of determining compliance with .005. A 100 ml sample is required for the analysis and all samples must be submitted to a laboratory approved by the department. The samples shall be taken at points which are representative of the conditions within the distribution system.

(b) Based on a history of no coliform bacterial contamination and on a sanitary survey by the department showing the water system to be supplied solely by a protected ground water source and free of sanitary defects, a non-community water system, with written

permission from the department, may reduce the number of samples submitted except that in no case shall it be reduced to less than one per month.

(c) When the coliform bacteria in a single sample examined using the membrane filter technique exceed four per 100 milliliters, at least two consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the department, until the results obtained from at least two consecutive check samples show less than one coliform bacterium per 100 milliliters.

(d) When coliform bacteria occur in three or more 10 ml portions of a single sample examined using the multiple tube fermentation technique, at least two consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the department, until the results obtained from at least two consecutive check samples show no positive tubes.

(e) The location at which the check samples were taken shall not be eliminated from future sampling without approval of the department. The results from all coliform bacterial analyses performed pursuant to this subpart, except those obtained from check samples and special purpose samples, shall be used to determine compliance with the maximum contaminant level for coliform bacteria. Check samples shall not be included in calculating the total number of samples taken each month to determine compliance.

(f) When the presence of coliform bacteria in water taken from a particular sampling point has been confirmed by any check samples examined as directed in this section, the supplier of water shall report to the department within 48 hours.

(g) When a maximum contaminant level set forth in this section is exceeded the supplier of water shall report to the department and notify the public, as prescribed in .003(h).

(h) Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement, or repair have been sufficient, shall not be used to determine compliance with this section.

.007. Turbidity Sampling and Analytical Requirements.

(a) Samples shall be taken by suppliers of water for both community water systems and non-community water systems at a representative entry point(s) to the water distribution system at least once per day, for the purpose of making turbidity measurements to determine compliance with .003(d). The measurement shall be made by the Nephelometric Method in accordance with the recommendations set forth in "Standard Methods for the Examination of Water and

Wastewater," American Public Health Association, 14th Edition, pages 132-134, or "Methods for Chemical Analysis of Water and Wastes," pages 295-298, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(b) If the result of a turbidity analysis indicates that the maximum allowable level has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water shall report to the department within 48 hours. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds 5 TU, the supplier of water shall report to the Department and notify the public in accordance with .003(h).

(c) Sampling for non-community water systems shall begin by June 24, 1979.

(d) The requirements of this section shall apply only to public water systems which use water obtained in whole or in part from surface sources.

.008. Inorganic Chemical Sampling and Analytical Requirements.

(a) Analyses for the purpose of determining compliance with .003(a) are required as follows:

(1) analyses for all community water systems utilizing surface water sources shall be completed by June 24, 1978. These analyses shall be repeated at yearly intervals;

(2) analyses for all community water systems utilizing only ground water sources shall be completed by June 24, 1979. These analyses shall be repeated at three-year intervals;

(3) for non-community water systems, whether supplied by surface or ground water sources, analyses for nitrate shall be completed by June 24, 1979. These analyses shall be repeated at intervals determined by this department. None of the other maximum constituent levels for inorganics are applicable to non-community systems.

(b) If the result of an analysis made pursuant to .008(a) indicates that the level of any constituent listed in .003(a) exceeds the maximum constituent level, the supplier of water shall report to the department within seven days and initiate three additional analyses at the same sampling point within one month.

(c) When the average of four analyses made pursuant to .008(b) of this section, rounded to the same number of significant figures as the maximum constituent level for the substance in question, exceeds the maximum constituent level, the supplier of water shall notify the department and give notice to the public, in accordance with .003(h). Monitoring after public

notification shall be at a frequency designated by the department and shall continue until the maximum constituent level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption, or enforcement action shall become effective.

(d) The provisions of paragraph .008(b) and .008(c) of this section notwithstanding, compliance with the maximum constituent level for nitrate shall be determined on the basis of the mean of two analyses. When a level exceeding the maximum constituent level for nitrate is found, a second analysis shall be initiated within 24 hours, and if the mean of the two analyses exceeds the maximum constituent level, the supplier of water shall report his findings to the department and shall notify the public in accordance with .003(h).

(e) For the initial analyses required by paragraph .008(a), .008(a)(1), .008(a)(2), or .008(a)(3) of this section, data for surface waters acquired within one year prior to the effective date and data for ground waters acquired within three years prior to the effective date of this part may be substituted at the discretion of the department.

.009. Organic Chemical Sampling and Analytical Requirements.

(a) An analysis of substances for the purpose of determining compliance with .003(c) shall be made as follows:

(1) for all community water systems utilizing surface water sources, analyses shall be completed by June 24, 1978. Samples analyzed shall be collected during the period of the year designated by the department as the period when contamination by pesticides is most likely to occur. These analyses shall be repeated no less frequently than at three year intervals;

(2) for community water systems utilizing only ground water sources, analyses shall be completed by those systems specified by the department.

(b) If the result of an analysis made pursuant to paragraph .009(a) of this section indicates that the level of any constituent exceeds the maximum constituent level, the supplier of water shall report to the department within seven days and initiate three additional analyses within one month.

(c) When the average of four analyses made pursuant to paragraph .009(a) of this section, rounded to the same number of significant figures as the maximum constituent level for the substance in question, exceeds the maximum constituent level, the supplier of water shall report to the department and give notice to the public pursuant to .003(h). Monitoring after public notification shall be at a frequency designated by the department and shall continue until the maximum constituent level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption, or enforcement action shall become effective.

(d) For the initial analysis required by .009(a), .009(a)(1), and .009(a)(2) of this section, data for surface water acquired within one year prior to the effective date of this part and data for ground water acquired within three years prior to the effective date of this part may be substituted at the discretion of the department.

.010. Radiological Sampling and Analytical Requirements.

(a) Maximum contaminant levels for radium-226, radium-228, and gross alpha particle radioactivity for community systems:

(1) combined radium-226 and radium-228 - five pCi/l;

(2) gross alpha particle activity (including radium-226) but excluding radon and uranium) - 15 pCi/l.

(b) Maximum contaminant levels for beta particle and photon radioactivity from man-made radionuclides in drinking water in community water systems.

(1) The average annual concentration of beta particle and photo radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than four millirem (mrem)/year.

(2) Except for the radionuclides listed in Table A, the concentration of man-made radionuclides causing four mrem total body or organ dose equivalents shall be calculated on the basis of a two liter per day drinking water intake using the 168 hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," NBS Handbook 69 as amended August, 1963, U.S. Department of Commerce. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed four mrem/year. Table A - Average annual concentrations assumed to produce a total body or organ dose of four mrem/year.

Table A - Average annual concentrations assumed to produce a total body or organ dose of 4 mrem/year.

Radionuclide	Critical Organ	pCi Per Liter
Tritium	Total Body	20,000
Strontium-90	Bone marrow	8

(c) Monitoring frequency for radioactivity in community water systems.

(1) Monitoring requirements for gross alpha particle activity, radium-226, and radium-228.

(A) Initial sampling to determine compliance with .010(a) shall begin by June 24, 1979, and the analysis shall be completed by June 24, 1980. Com-

pliance shall be based on the analysis or analyses of four samples obtained at quarterly intervals.

(i) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis provided that the measured gross alpha particle activity does not exceed five pCi/l at a confidence level of 95 percent (1.65 sigma where sigma is the standard deviation of the net counting rate of the sample).

(ii) When the gross alpha particle activity exceeds five pCi/l, the same or an equivalent sample shall be analyzed for radium-226. If the concentration of radium-226 exceeds three pCi/l the same or an equivalent sample shall be analyzed for radium-228.

(B) For the initial analysis required by paragraph .010(c)(1)(A), data required within one year prior to the effective date of this part may be substituted at the discretion of the department.

(C) Suppliers of water shall monitor at least once every four years following the procedure required by paragraph .010(c)(1)(A). At the discretion of the department, when an annual record taken in conformance with paragraph .010(c)(1)(A) has established that the average annual concentration is less than half the maximum contaminant levels established by .010(a), analysis of a single sample may be substituted for the quarterly sampling procedure required by paragraph .010(c)(1)(A).

(i) More frequent monitoring shall be conducted when required by the department in the vicinity of mining or other operations which may contribute alpha particle radioactivity to either surface or ground water sources of drinking water, or when changes in the distribution system or treatment processing occur which may increase the concentration of radioactivity in the finished water.

(ii) A supplier of water shall monitor in conformance with paragraph .010(c)(1)(A) within one year of the introduction of new water sources for a community water system.

(iii) A community water system using two or more sources having different concentrations of radioactivity shall monitor the source of water, in addition to water from a free-flowing tap, when required by the department.

(iv) Monitoring for compliance with .010(a) after the initial period need not include radium-228 provided that the average concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by paragraph .010(c)(1)(A).

(v) Suppliers of water conduct annual monitoring of any community water system in which the radium-226 concentration exceeds three pCi/l when required by the department.

(D) If the average annual maximum contaminant level for gross alpha particle activity or total

radium as set forth in .010(a) is exceeded, the supplier of a community water system shall give notice to the department and notify the public as required by .003(h). Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(2) Monitoring requirements for man-made radioactivity in community water.

(A) By June 24, 1979, systems using surface water sources and serving more than 100,000 persons and such other community water systems as are designated by the department shall be monitored for compliance with .010(b) by analysis of four quarterly samples. Compliance with .010(b) may be assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/l and if the average annual concentration of tritium and strontium-90 are less than those listed in Table A, provided that if both radionuclides are present the sum of their annual dose equivalents to bone marrow shall not exceed four millirem/year.

(i) If the gross beta particle activity exceeds 50 pCi/l, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with .010(b).

(ii) Suppliers of water shall conduct additional monitoring, as required by the department to determine the concentration of man-made radioactivity in principal watersheds designated by the department.

(iii) At the discretion of the department, suppliers of water utilizing only ground waters may be required to monitor for man-made radioactivity.

(B) For the initial analysis required by paragraph .010(c)(2)(A) data acquired within one year prior to the effective date of this part may be substituted at the discretion of the department.

(C) After the initial analysis required by paragraph .010(c)(2)(A), suppliers of water shall monitor at least every four years following the procedure given in paragraph .010(c)(2)(A).

(D) By June 24, 1979, the supplier of any community water system designated by the department as utilizing waters contaminated by effluents from nuclear facilities shall initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.

(i) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/l, the same or an equivalent sample shall be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/l, an analysis of the sample must be performed to identify

the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with .010(b).

(ii) For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. When iodine-131 is identified in the finished water more frequent monitoring shall be conducted as required by the department.

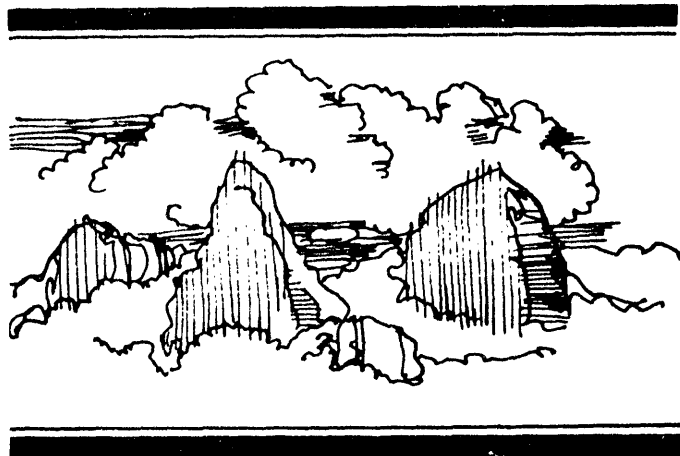
(iii) Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of four quarterly samples.

(iv) The department may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made radioactivity by the supplier of water where the department determines such data is applicable to a particular community water system.

(E) If the average annual maximum contaminant level for man-made radioactivity set forth in .010(b) is exceeded, the operator of a community water system shall give notice to the department and to the public as required by .003(h). Monitoring at monthly intervals shall be continued until the concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

.011. Construction and Siting Requirements. Construction features and siting of all facilities for new water systems, and for major improvements to existing water systems, must be in conformity with applicable rules and regulations, as promulgated by the Texas Board of Health Resources.

.012. Approved Laboratory. All samples for chemical, radiological, or bacteriological analysis must be submitted to a laboratory approved by the department, with the exception of turbidity and any control tests such as chlorine residual, alkalinity, and pH which are not used to determine compliance with these standards. Such control tests may be run in the plant laboratory.



.013. Recordkeeping Required of Water Systems. Any owner or operator at a public water system subject to the provisions of this part shall retain on the water system premises or at a convenient location near the premises the following records:

(a) Records of bacteriological analyses must be retained for no less than five years, and records of chemical analyses must be retained for no less than 10 years.

(b) Records of action taken by the system to correct violations of primary drinking water regulations must be retained for at least three years after the last action taken with respect to the particular violation involved.

(c) Copies of written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by the department shall be kept for a period not less than 10 years after completion of the survey involved.

(d) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than five years following the expiration of such variance or exemption.

.014. Recommended Secondary Constituent Levels Applicable to All Public Water Systems.

Constituent	Level
Chloride	300 mg/l
Color	15 color units
Copper	1.0 mg/l
Corrosivity	non-corrosive
Foaming agents	0.5 mg/l
Hydrogen sulfide	0.05 mg/l
Iron	0.3 mg/l
Manganese	0.05 mg/l
Odor	3 Threshold Odor Number
pH	7.0
Sulfate	300 mg/l
Total Dissolved Solids	1,000 mg/l
Zinc	1.0 mg/l

(a) The above listed secondary constituent levels are recommended limits, except for water systems which are not in existence as of the effective date of these standards. For water systems which are constructed after the effective date, no source of supply which does not meet the recommended secondary constituent levels may be used without written approval by the department. The determining factor will be whether or not there is an alternate source of supply of acceptable chemical quality available to the area to be served.

(b) After July 1, 1977, for all instances in which drinking water does not meet the recommended limits and is accepted for use by the department, such acceptance is valid only until such time as water of acceptable chemical quality can be made available at reasonable cost to the area(s) in question from an alternate source. At such time, the water which was previously accepted would either have to be treated to lower the constituents to acceptable levels, or water would have to be secured from the alternate source.

.015. Modified Monitoring. When a public water system supplies water to one or more other public water systems, the department may modify the monitoring requirements imposed by this part to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the department and concurred in by the Administrator of the U.S. Environmental Protection Agency.

Issued in Austin, Texas, on June 6, 1977.

Doc. No. 772777 Raymond T. Moore, M.D.
Deputy Director
Texas Department of
Health Resources

Effective Date: July 1, 1977

For further information, please call (512) 458-7497.

State Department of Public Welfare

Food Stamps

Fair Hearings 326.15.71

The Department of Public Welfare repeals Rule 326.15.71.006 about notification of adverse action in the Food Stamp Program as proposed in the April 8, 1977, issue of the *Texas Register*. The policy in this rule is covered in greater detail elsewhere in department rules. No negative comments were received on the proposed repeal.

Rule 326.15.71.006 is repealed under the authority of Article 695c, Texas Civil Statutes, with the approval of the State Board of Public Welfare.

Doc No 772778

Medicaid Eligibility

General Information 326.25.10

The Department of Public Welfare (DPW) adopts the amendment to its rule about identification of eligible recipients for Title XIX (Medicaid) benefits as proposed in the March 25, 1977, issue of the *Texas Register*. This amendment adds a procedure for providing certified recipients with a document attesting to their medical eligibility in the absence of a Medical Care Identification Card.

Numerous comments were received on the proposed amendment. Several of these comments concerned internal procedures and will be covered by the instructions to the workers for issuance of the medical eligibility letter.

Another comment addressed the need to ensure that field issued medical eligibility letters not be issued for recipients enrolled in the Recipient Health Care Education Program. Procedures will be developed to provide certification workers with notification when recipients are enrolled in this program so that enrolled recipients requesting eligibility letters can be referred to the Education Program office.

One comment concerned requirements for providers to honor the field issued letter. Providers will be assured of the validity of the letter but cannot be required to provide services on the basis of the letter.

A final comment expressed concern over potential recipient abuse in using this letter to obtain drug prescriptions in excess of the three prescription limit. This problem can be partially resolved if pharmacists use the Medical Assistance Record Book to verify previous services. Additional safeguards will be developed in the future. Internal policy and background information have been deleted from the final rule.

This amendment has been approved by the State Board of Public Welfare and is adopted under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.001. Identification of Eligible Recipients.

(a) Recipients eligible for Medicaid benefits receive a Medical Care Identification Card from the State Department of Public Welfare each month. This card is valid only for the month indicated on it.

(b) A medical care identification letter may be completed by certification staff in lieu of a medical care identification card only in the following situations:

(1) When a recipient (SSI, MAO, AFDC) in need of immediate medical care has lost or has not received a Medical Care Identification Card.

(2) When a newly certified client is in need of immediate medical care. Newly certified SSI recipients may not be issued the letter unless eligibility information appears on the terminal.

The medical care identification letter may be used only for certified clients and may never be issued based on presumed or predicted eligibility. The letter is given directly to the client with a copy retained for the case record.

(c) In instances of retroactive coverage, one Medical Care Identification Card the recipient receives may indicate one or more months in which the recipient is eligible for Medicaid benefits.

Doc. No. 772779



Family Services

Child Care Consultation Services

326.53.70

The Department of Public Welfare adopts the following rules about child care consultation services, which include consultation and training for child care personnel and parents.

The rules include objectives, definitions, administration, resources and delivery, and purchase of consultation services.

The rules were proposed in the April 8, 1977, issue of the *Texas Register*. Public comments were generally favorable. One suggested change was made by allowing regional level approval of large agreements for purchase of training and consultation services. Some editorial changes have been made for clarification. The responsibilities of the trainer/consultant with regard to a facility's compliance with minimum standards and to reporting of situations which are dangerous to children have been better specified.

These rules have been approved by the State Board of Public Welfare and are adopted under the authority of Article 695c, Texas Civil Statutes.

.001. Statewide Operational Objectives.

(a) To involve child care providers and users in assessing the basic training and consultation needs of child care facilities at regional and state levels.

(b) To develop the plans for delivery of child care training and consultation based on needs assessments.

(c) To demonstrate practical, basic, easy to understand child care methods, techniques, and equipment.

(d) To deliver training and consultation through a variety of methods designed to facilitate understanding and use of quality child care concepts.

(e) To assist home-based child care providers in offering a wide variety of experiences to the children in their care.

(f) To offer opportunities that encourage independent growth of child care providers.

(g) To offer parents opportunities to learn more about children's growth and development.

(h) To provide the recipient of training and consultation with a means to assess the quality of the services received.

(i) To ensure that the training and consultation provided are not in conflict with minimum standards.

.002. Definitions.

(a) Child development program staff. Child development program staff are specialized staff in the child development program units relating to day care for children.

(b) Child care training and consultation. Child care training and consultation are consultation and training activities provided to Texas child care facilities regardless of their status in the licensing process and compliance with licensing standards. These services differ from licensing because licensing personnel are responsible for interpreting standards, evaluating compliance, and offering alternative methods for meeting and maintaining state minimum standards. Child care training and consultation are intended to facilitate understanding and use of quality child care concepts through a variety of methods. Child care training and consultation services also include current and potential users of child care to the extent possible.

(c) Resource services. The space, supplies, equipment, staff, and volunteers which support the delivery of child care training and consultation.

(1) Resource centers. A central site which offers a variety of services to support the delivery of child care training and consultation.

(2) Resource vans. Mobile delivery of child care training and consultation.

(d) Individual training and consultation. Visits between individual facilities, parents, caregivers, and the DPW child development program (CDP) staff or consultant with the purpose of helping the parent, caregiver, or facility to gain new information and/or solve programs.

.003. Council and Committees.

(a) State Child Care Training and Consultation Council. A group appointed to advise on the statewide delivery of child care training and consultation services.

(1) The Commissioner of the Department of Public Welfare appoints members to the council for two-year terms, one-half to be appointed each September. Every August the state office child care training and consultation committee presents to the commissioner recommendations for appointments to the council.

(2) The council is composed of one member from each special interest group within five categories and other appropriate members:

- (A) 24-hour child care providers;
- (B) day care providers;
- (C) career development institutions;
- (D) other state agencies;
- (E) other advisory committees.

(b) Regional child care training and consultation council. A group appointed to advise on regional delivery of child care training and consultation services.

(1) The DPW regional administrator appoints members to the council for two-year terms, one-half to be appointed each October. Annually, the regional child care training and consultation committee presents the regional administrator with recommendations for appointments to the council.

(2) The council is composed of representatives of each category of child care provider which exists in the region. Other categories of membership and the number of members are at the discretion of the regional administrator and the regional child care committee.

(c) State office child care training and consultation committee. A committee of state office level representatives responsible for the development of statewide child care training and consultation policies and procedures, review of regional training and consultation plans, and approval of state level contracts.

(d) Regional child care training and consultation committee. A committee of regional representatives responsible for the development of regional child care training and consultation policies and procedures, and the maintenance of their regional child care training and consultation plan.

.004. Training and Consultation Needs Assessment for Day Care Services.

(a) This assessment focuses on the training and consultation needs of the child care providers.

(b) The needs of the users of day care facilities in regard to training and consultation services are also determined through the use of needs assessments. This may be accomplished through a survey of parents, input from providers, and with the assistance of staff who are involved in the placement of children in day care arrangements and who come in contact with the users of day care.

(c) The training and consultation needs assessment has three main components:

(1) identification of child care facilities within the region;

(2) survey to determine consultation needs of child care providers;

(3) provision for continuous input.

(d) As an on-going part of this needs assessment, a central location, such as the resource center, must be designated to receive questions, comments, concerns, and requests for information and training. The presence and function of this location must be known to all DPW staff, child care facilities, parents, and the general public.

.005. *Regional Plan.* Each region must develop a plan for its child care training and consultation services. Annually, this plan is reviewed and revised as needed.

.006. *Areas of Training and Consultation.* Training and consultation services can be grouped into several broad areas:

- (a) management/administration;
- (b) child care programming;
- (c) environmental health/safety;
- (d) child-family health;
- (e) first aid;
- (f) parenting;
- (g) other areas to meet special needs, such as for bilingual children.

These areas were identified for uniformity in contracting and reporting purposes.

.007. Training and Consultation Resources and Delivery Methods.

(a) Delivery of training and consultation. Child care training and consultation services must be delivered in a variety of ways to ensure the flexibility necessary to meet the needs of providers and users. The different needs of 24-hour care and day care must be reflected in this planning.

(b) Resource services. Each region develops resource services to meet its needs. This may include resource centers and mobile resource vans. The centers and vans are used to deliver a broad spectrum of training and consultation services. The scope of these services depends on the amount of funds allocated to the region, regional priorities based on the assessment of need, other resources already available in the community, the accessibility of community resources to child care providers, and the coordination of volunteer effort.

(c) Resource services and materials. Included in resource services and materials are staff, volunteers, space, supplies, and equipment needed to support the delivery of child care training and consultation services.

(1) **Resource center.** The resource center lends itself to serving all types of child care providers but is more useful in urban areas. Resource centers should be located conveniently to serve the greatest number of child care facilities as determined by the regional training and consultation services needs assessment.

(2) **Resource vans.** Resource vans may be used successfully in both rural and urban areas.

(d) **Delivery methods.**

(1) institute;

(2) conference;

(3) workshop;

(4) **course.** This means of training and consultation is generally provided through a purchase agreement with an educational institution. Child development program staff should notify potential participants of available courses and their benefits to the facility and staff. This method is appropriate when:

(A) participants are limited to attending sessions only a few hours a week;

(B) prerequisites, if any, have been met;

(C) a needed skill or skills can be developed through its completion;

(5) other group work;

(6) **individual training and consultation.** Individual training and consultation is based on the premises that the assistance is requested and staff or the consultant has the competence to provide the assistance. Individual training and consultation must be a part of each region's delivery of child care training and consultation services. This service includes conferring visits between DPW or contracted consultant staff and child care provider staff. These visits may be held at the provider's or the consultant's facility, or by telephone calls and letters.

Visits may not be made unannounced to non-federally funded child care facilities. No DPW employees except licensing and protective services staff are authorized to visit these facilities unless permission is obtained from the licensee or director;

(7) **mass dispersal of information.** Information useful to large segments of the intended training and consultation services audience is dispersed through releases to public media and DPW publications.

.008. Delivery of Child Care Training and Consultation Services-- 24-Hour Care.

(a) The provider is to be assured that advice from the trainer/consultant may be accepted or rejected. The trainer/consultant explains to the provider that determination of compliance with minimum standards is the responsibility of the licensing staff. The only exception is in the instance where non-compliance constitutes actual or potential serious harm to the children in care. The trainer/consultant must report child abuse and neglect.

(b) **Child development program responsibilities.** In order to provide services, the CDP staff for institutional training and consultation does the following:

(1) surveys and recruits local resources to assist in the provision of training and consultation services;

(2) conducts and/or coordinates other training and consultation services with institutes, conferences, workshops, and courses;

(3) coordinates training and consultation agreements with institutions, agencies, and individuals to provide consultation, training, support services, and necessary materials;

(4) coordinates training and consultation with appropriate department staff;

(5) provides individual training and consultation;

(6) develops and coordinates information offered to public through such media as newspapers, radio, and television. This is done according to department publicity policies.

(c) **Self-evaluation regarding delivery.** The child development specialist should keep a detailed record of all services provided.

.009. Delivery of Child Care Training and Consultation Services-- Education/Day Care.

(a) **Differentiation between trainer/consultant and licensing representative (regulator).**

(1) The provider is to be assured that advice from the trainer/consultant may be accepted or rejected.

(2) The trainer/consultant explains to the provider that determination of compliance with minimum standards is the responsibility of the licensing staff, and any questions about compliance will be referred to licensing staff. The only exception is in the instance where non-compliance constitutes actual or potential serious harm to the children in care. The trainer/consultant must report child abuse and neglect.

(b) **Child development program responsibilities.**

The regional child development program staff:

(1) surveys and recruits local resources to assist in the provision of training and consultation services;

(2) organizes and directs the operations of DPW resource centers. When resource centers are purchased, CDP staff plans with the providers and monitors the services;

(3) organizes and directs the operations of the DPW resource vans;

(4) conducts and coordinates other services;

(5) coordinates training and consultation with appropriate DPW staff;

(6) provides individual training and consultation;

(7) develops and coordinates information offered to the public through such media as newspapers, radio, and television. This is done according to department publicity policies.

(c) Establishing and operating resource centers. Resource centers serve as identifiable sources of help concerning child care questions and issues in the community. Their operation must respond to the needs of the child care providers. The center should also offer opportunities to help parents understand child care.

(d) Evaluating the resource center. The services of a resource center should be evaluated at least annually and more frequently when there is a low percentage of provider and users participation. An evaluation of a resource center should determine whether:

(1) it serves as an identifiable source of help concerning child care questions and issues in the community;

(2) its services respond to the needs of the child care providers and do so in a personalized way;

(3) practical, easy-to-understand child care techniques and equipment are demonstrated;

(4) its services assist home-based child caregivers in offering a wide variety of experiences to children in their care;

(5) its services help child care providers grow independently;

(6) it offers opportunities for parents to learn about meeting the needs of children;

(7) it creates an environment for staff which promotes innovative approaches to child care and the delivery of training and consultation services.

(e) Operating resource vans. Resource vans with basic equipment are provided to the regions which have chosen to offer the resource. Vans serve as an information source and are used in conjunction with a resource center whenever possible.

(f) Evaluation of the resource van. In evaluating the services provided through the resource van, the considerations are the same as with the resource center.

(g) Self-evaluation regarding delivery. The child development specialist should keep a detailed record of all training and consultation provided.

.010. Purchased Delivery of Training and Consultation Services. Child care training and consultation services which are consistent with the philosophy and quality of DPW-delivered services may be purchased. Purchased training and consultation may include training sessions, support services, and materials on their development as related to broad and specific needs of child care facilities. The services may be purchased to provide training and consultation directly to providers or DPW staff or to support DPW direct delivery training and consultation efforts. Services may be purchased at the regional or state office levels from institutions of

higher learning, public and private organizations, and individuals. The process used for entering into training and consultation agreements depends upon the amount of the agreement.

(a) Small agreements. The process for entering into agreements for consultation services in amounts less than \$3,000 is as follows:

(1) proposals in department-prescribed format are presented to the regional child care training and consultation committee by its chairperson for review;

(2) the regional training and consultation committee reviews proposals in relation to the regional service delivery plan needs and priorities and the regional specifications for training and consultation services as established by the regional committee. The committee may choose to authorize the program director for the child development program to approve small agreements up to an agreed amount without the committee reviewing them;

(3) if the proposal is disapproved, the program director for the child development program informs the proposer;

(4) if the proposal is approved, the committee chairperson, program director for the child development program:

(A) attaches the proposal to the agreement;

(B) obtains the consultant's signature on two copies of the agreement with the attached proposal;

(C) certifies the committee's action on the proposal summary sheet;

(D) numbers the agreement;

(5) the regional attorney reviews the agreement and, if legally acceptable, submits it with the attached proposal to the regional administrator or his or her designee for signature;

(6) two copies of the signed agreement and proposal are sent to the state office for information and coordination;

(7) the program director for the child development program is responsible for monitoring the service delivery and approving all related billings;

(8) the committee formulates and completes an evaluation report of the purchased service after the service is completed. A copy of the evaluation report is filed with the agreement documents in the regional office and a copy of the report is sent to the state office.

(b) Large agreements. The process for entering into an agreement for training and consultation services in amounts more than \$3,000 is as follows:

(1) The committee formulates requests for proposals (RFP) and solicits competitive bids from a minimum of three potential proposers. In the RFP, the committee includes any special instructions and criteria for selection it deems in the best interest of quality service delivery, cost effectiveness, and time constraints.

(2) The committee reviews the proposals and makes final selection based on criteria for selection previously established by the committee.

(3) The committee chairperson notifies all bidders of the committee's decision.

(4) The committee chairperson, program director for the child development program, obtains the signature of the successful bidder on the agreement, attaches the proposal to the agreement, certifies the committee's action on the proposal, and submits the agreement with the attached proposal to the regional attorney for review.

(5) The regional attorney obtains the regional administrator's signature on the agreement, if it is found legally acceptable.

(6) Two copies of the signed agreement and proposal are sent to the state office for information and coordination.

(7) The program director for the child development program is responsible for monitoring the services delivery and approving all related billings.

(8) The committee formulates and completes an evaluation report of the purchased service after the service is completed. A copy of the evaluation report is filed with the agreement documents in the regional office, and a copy of the report is sent to the state office.

For special circumstances, regional committees may request waivers from entering into the bid process by submitting such requests to the state office.

(c) Payment for services. The consultant bills DPW in accordance with the terms of the written agreement, using a purchase voucher and a child development service delivery log.

.011. Documentation (Recognition) for Consultees and Trainees.

(a) Staff should provide a means of recognizing participation in training and consultation services. This report of training and consultation provided may take several forms, depending on the methods of training or consultation.

(b) Trainees and consultees from whom the department purchases day care services must keep a record of training.

.012. Statistical Data. Contractors attach copies of the child development service delivery log to their monthly billings as verifications of service hours delivered.

Issued in Austin, Texas, on June 6, 1977.

Doc No 772780 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Effective Date: June 26, 1977

For further information, please call (512) 475-4601.

Railroad Commission of Texas

Gas Utilities Division

Special Rules of Practice and Procedure 051.04.02.033

The Gas Utilities Division of the Railroad Commission of Texas has adopted Rule 051.04.02.033 to set out the information to be included in the Statement of Intent to be filed in connection with applications to change residential and commercial rates subject to the original jurisdiction of the commission. The proposed rule was published in the *Texas Register* on March 4, 1977 (Volume 9, No. 18), and comments were received for 30 days thereafter.

The rule is adopted pursuant to Section 43 (Supplement 1976), Article 1446c, Texas Revised Civil Statutes Annotated, and is to be effective on July 1, 1977.

.033. Establishing and Changing Residential and Commercial Rates. Statement of Intent:

(a) Contents: The following information shall be sworn to and contained in each Statement of Intent to change residential and commercial rates within the original jurisdiction of the commission:

(1) the proposed revisions of rates and schedules;

(2) statements specifying in detail each proposed change;

(3) the effect the proposed change is expected to have on the revenues of the company from the area covered by the Statement of Intent;

(4) the class and number of utility customers affected within the area covered by the Statement of Intent;

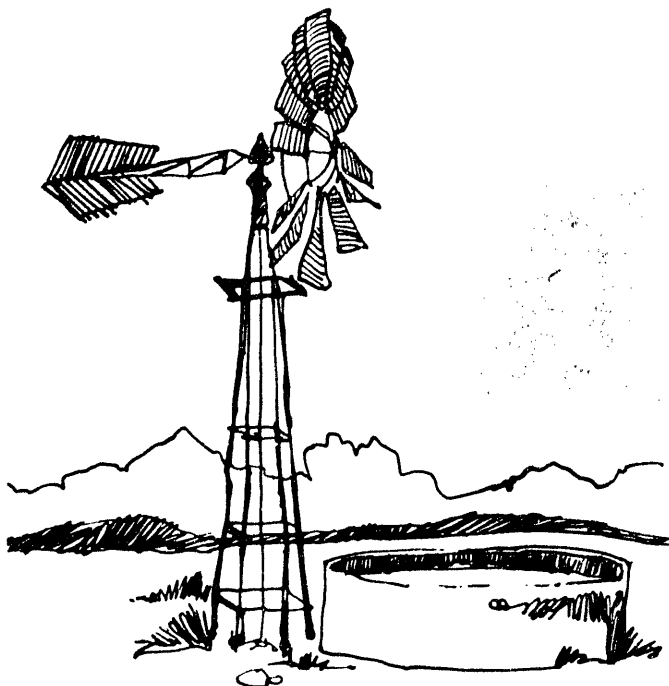
(5) a statement as to whether the proposed rates will or will not exceed 115 percent of the average of all rates for similar services of all municipalities served by the same utility within the same county;

(6) a statement as to whether or not the proposed change will result in a "major change," as that term is defined in Section 43(b), Article 1446c, Texas Revised Civil Statutes Annotated.

The commission may require the submission of any additional information necessary to evaluate the Statement of Intent.

(b) Filing: The Statement of Intent to change rates within the original jurisdiction of the commission shall be filed with the director of the Gas Utilities Division.

Doc. No. 772781



051.04.02.035

The Gas Utilities Division of the Railroad Commission of Texas has adopted Rule 051.04.02.035 to provide an expedited procedure for setting certain burner tip gas rates within the commission's original jurisdiction. The proposed rule was published in the *Texas Register* on March 4, 1977 (Volume 9, No. 18), and comments were received for 30 days thereafter.

As adopted, the rule differs from the proposed rule in the following respects:

1. The definitions section has been reformulated to make it clear that the rule may be applied to all gas utilities in the State of Texas and to clearly distinguish between definitions and the procedures established by the rule. This reformulation has required a change in the numbering of several subsequent provisions of the rule.

2. The provisions concerning levels of envions rates has been expanded to make it clear that any quality of service rules promulgated by the Railroad Commission shall apply to envions areas.

3. The requirement in Section (c)(2) that comments by affected persons concerning proposed rate changes be filed with the Gas Utilities Division, Railroad Commission of Texas, has been amended to require that such comments be in writing.

4. A provision has been added to Section 3 to clarify the application of the rule to situations where an appeal is taken to the Railroad Commission from an incorporated city or town.

5. The last sentence of Section 4 has been rewritten so that it more closely tracks Section 43(b) of Article 1446c. The added language was inadvertently omitted when the rule was published for comment.

The rule is adopted pursuant to Sections 19 and 43 (Supplement 1976), Article 1446c, Texas Revised Civil Statutes Annotated, and is to be effective on July 1, 1977.

.035. Procedure to Establish and Change Residential and Commercial Rates in Unincorporated Areas.

(a) Definitions. For purposes of this rule, residential and commercial rates subject to the commission's original jurisdiction shall be classified as either "envions rates" or "special rates."

(1) "Envions rates" are residential and commercial rates for a gas utility applicable to natural gas sales and service in unincorporated areas adjacent to or near incorporated cities and towns, aside from "special rates" as defined in (2) below.

(2) "Special rates" for residential and commercial customers are rates established pursuant to commission orders applicable only to service by a given utility within a specified area and not specifically keyed to the rates charged in any incorporated area.

(b) Levels of envions rates.

(1) The envions rates shall be the same rate as that in effect in the nearest incorporated area in Texas served by the same utility where gas is obtained from at least one common pipeline supplier or transmission system. The commission, on application by a utility, on complaint by any affected person, or on its own motion, may review the rate in or boundaries of a given envions area and may consent to or direct an adjustment where appropriate.

(2) Notwithstanding (1) and (2) above, envions rates shall include any quality of service rules adopted by the commission, such as Rule 051.04.03.024 of the Substantive Rules of the Gas Utilities Division. Such quality of service rules shall apply to envions areas and become part of envions rates regardless of whether the same quality of service rules are in effect in the related incorporated areas.

(c) Rate changes for envions rates. Rate changes in envions areas shall be made in accordance with the following procedures:

(1) When residential or commercial rates for an envions area are to be changed at the same time and to the same extent as the related incorporated area (city) rate and the proposed change does not constitute a "major change," the statement of intent and publication shall be made as otherwise required and in addi-

tion, the statement of intent to increase such environs rates shall include (in completed form) the following legend: "This is a statement of intent to change environs rates for the unincorporated areas in the vicinity of _____, and contains rates identical with and to become effective upon the same date as rates contained in a similar statement of intent filed on or about this date by this utility with said city. This statement of intent is intended to produce the same residential and commercial rates as finally approved for the City of _____ and applies to the rates set out herein or any lower rates finally approved for the City of _____. Any rate changes pursuant to this statement of intent will not become effective until identical changes have become effective within the City of _____."

All rate schedules filed with the environs statement of intent shall bear the following legend: "Effective on the latter of _____ or such other date as new rates become effective in the City of _____."

(2) The utility shall give notice of the filing of a statement of intent to change environs rates as required by Section 43(a), Article 1446c, Texas Revised Civil Statutes Annotated, and in addition shall give written notice to the customers in each affected environs area containing the following information within 35 days of the filing of the statement of intent: the date of the filing of the statement of intent, a statement as to whether or not the proposed rates constitute a "major change," a statement that the proposed change in rates will not become effective until similar changes have become effective within the nearest incorporated city, the location where information concerning the proposed change may be obtained, and a statement that any affected person may file comments or a protest concerning the proposed change in the environs rates with the director of the Gas Utilities Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711, at any time within 15 days following the date on which such notice is postmarked. Such notice shall be printed in type large enough for easy reading and shall be the only information contained on the piece of paper whereon it is written. It shall be proper for the utility to give the aforesaid notice by mailing or otherwise delivering the same in accordance with its customary billing procedures.

(3) If the city holds no hearing with respect to the related statement of intent, the rates in the related statement of intent become effective in the city. If after notice and hearing with respect to the related statement of intent the city establishes rates the same as or less than those in the environs statement of intent, the rates established in the city shall become simultaneously effective in the environs area.

If an appeal should be taken from the city to the Railroad Commission and the Railroad Commission es-

tablishes rates the same as or less than those in the environs statement of intent, the rates established by the commission in the city shall become simultaneously effective in the environs area. If that appeal should be dismissed, any rates which have been established in the city shall become effective in the environs area at the time of dismissal, provided that the rates established in the city are the same as or less than those in the environs statement of intent.

(4) Within 10 days of the effective date of any change in environs rates, the commission shall be furnished a copy of any action taken by the city with respect to the related statement of intent, the form of written notice mailed to affected environs area customers, and an affidavit of publication from the newspaper in which notice by publication was made. Nothing herein shall restrict the commission's power and duty on its own motion or upon complaint from any affected person at any time within 30 days from the date when such change would otherwise have become effective to undertake such investigation and hearing as provided in Section 43(c), Article 1446c, Texas Revised Civil Statutes, as may appear appropriate under the circumstances to determine fair and reasonable rates for the environs area in question. Nor shall anything herein restrict the commission's power under Section 43(b), Article 1446c, Texas Revised Civil Statutes, for good cause shown, to permit rate changes to become effective in the environs statement of intent.

(d) Other rate changes. This rule shall not apply to major rate changes or to changes in special area rates.

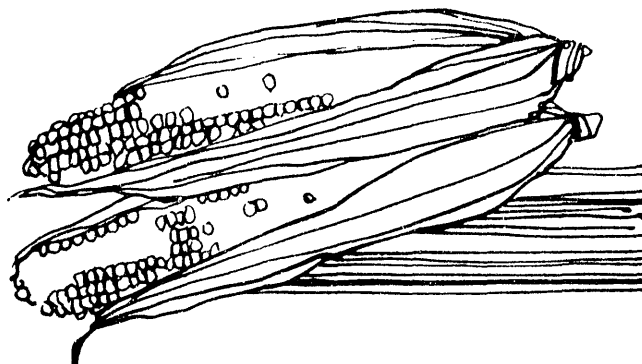
Issued in Austin, Texas, on June 6, 1977.

Doc. No. 772782

Mack Wallace
Chairman
Railroad Commission of Texas

Effective Date: July 1, 1977

For further information, please call (512) 475-2747



Substantive Rules 051.04.03

The Gas Utilities Division of the Railroad Commission of Texas, by authority of Section 37, Article 1446c, Texas Revised Civil Statutes Annotated (Supplement 1976), has adopted Rule 051.04.03.024, setting out guidelines for continuity of service, customer relations, refusal of service, discontinuance of service, customer deposits, billing, meters, and construction standards. The rule arose from a rulemaking petition filed by Common Cause of Texas pursuant to Section 11, Article 6252-13a, Texas Revised Civil Statutes Annotated (Supplement 1975). The rule is adopted with minor changes for purposes of clarifying jurisdiction and adapting the rule to the Gas Utilities business and Railroad Commission procedure.

Notice of the proposed rule was published in the *Texas Register* on October 26, 1976, with the proposed date of adoption as December 7, 1976.

.024. Quality of Service. For gas utility service to residential and small commercial customers, the following minimum service standards shall be applicable in unincorporated areas. In addition, each gas distribution utility is ordered to amend its service rules to include said minimum service standards within the utility service rules applicable to residential and small commercial customers within incorporated areas, but only to the extent that said minimum service standards do not conflict with service standards lawfully established within a particular municipality for a gas distribution utility. Said gas distribution utility shall file service rules incorporating said minimum service standards with the Railroad Commission and with the municipalities in the manner prescribed by law.

(a) Continuity of service.

(1) Service interruptions.

(A) Every gas utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service within the shortest possible time consistent with prudent operating principles so that the smallest number of customers are affected.

(B) Each utility shall make reasonable provisions to meet emergencies resulting from failure of service, and each utility shall issue instructions to its employees covering procedures to be followed in the event of an emergency in order to prevent or mitigate interruption or impairment of service.

(C) In the event of national emergency or local disaster resulting in disruption of normal service, the utility may, in the public interest, interrupt service to other customers to provide necessary service to civil

defense or other emergency service agencies on a temporary basis until normal service to these agencies can be restored.

(2) Record of interruption. Except for momentary interruptions which do not cause a major disruption of service, each utility shall keep a complete record of all interruptions, both emergency and scheduled. This record shall show the cause of interruptions, date, time duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent recurrence.

(3) Report to commission. The commission shall be notified in writing within 48 hours of interruptions in service affecting the entire system or any major division thereof lasting more than four hours. The notice shall also state the cause of such interruptions. If any service interruption is reported to the commission otherwise (for example, as a curtailment report or safety report), such other report is sufficient to comply with the terms of this paragraph.

(b) Customer relations.

(1) Information to customers. Each utility shall:

(A) maintain a current set of maps showing the physical locations of its facilities. All distribution facilities shall be labeled to indicate the size or any pertinent information which will accurately describe the utility's facilities. These maps, or such other maps as may be required by the regulatory authority, shall be kept by the utility in a central location and will be available for inspection by the regulatory authority during normal working hours. Each business office or service center shall have available up-to-date maps, plans, or records of its immediate area, with such other information as may be necessary to enable the utility to advise applicants and others entitled to the information as to the facilities available for serving that locality;

(B) assist the customer or applicant in selecting the most economical rate schedule;

(C) in compliance with applicable law or regulations, notify customers affected by a change in rates or schedule or classification;

(D) post a notice in a conspicuous place in each business office of the utility where applications for service are received informing the public that copies of the rate schedules and rules relating to the service of the utility as filed with the commission are available for inspection;

(E) furnish such additional information on rates and services as the customer may reasonably request; and

(F) upon request, inform its customers as to the method of reading meters.

(2) Customer complaints. Upon complaint to the utility by residential or small commercial customers either at its office, by letter, or by telephone, the utility

shall promptly make a suitable investigation and advise the complainant of the results thereof. It shall keep a record of all complaints which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof for a period of two years subsequent to the final disposition of the complaint. Complaints which require no further action by the utility need not be recorded.

(3) **Utility response.** Upon receipt of a complaint, either by letter or by telephone, from the regulatory authority on behalf of a customer, the utility shall make a suitable investigation and advise the regulatory authority and complainant of the results thereof. Initial response must be made within 30 days. The commission encourages all customer complaints to be made in writing to assist the regulatory authority in maintaining records of the quality of service of each utility.

(4) **Deferred payment plan.** The utility is encouraged to offer a deferred payment plan for delinquent residential accounts. If such a plan is offered, it shall conform to the following guidelines:

(A) Every deferred payment plan entered into due to the customer's inability to pay the outstanding bill in full must provide that service will not be discontinued if the customer pays current bills and a reasonable amount of the outstanding bill and agrees to pay the balance in reasonable installments until the bill is paid.

(B) For purposes of determining reasonableness under these rules, the following shall be considered: size of delinquent account; customer's ability to pay; customer's payment history; time that the debt has been outstanding; reasons why debt has been outstanding; and other relevant factors concerning the circumstances of the customer.

(C) A deferred payment plan, if reduced to writing, offered by a utility shall state, immediately preceding the space provided for the customer's signature and in bold-face print at least two sizes larger than any other used, that "If you are not satisfied with this agreement, do not sign. If you are satisfied with this agreement, you give up your right to dispute the amount due under the agreement except for the utility's failure or refusal to comply with the terms of this agreement."

(D) A deferred payment plan may include a one-time five-percent penalty for late payment on the original amount of the outstanding bill with no prompt payment discount allowed except in cases where the outstanding bill is unusually high as a result of the utility's error (such as an inaccurately estimated bill or an incorrectly read meter). A deferred payment plan shall not include a finance charge.

(E) If a customer for utility service has not fulfilled terms of a deferred payment agreement or

refuses to sign the same if it is reduced to writing, the utility shall have the right to disconnect pursuant to disconnection rules herein and, under such circumstances, it shall not be required to offer a subsequent negotiation of a deferred payment agreement prior to disconnection.

(F) Any utility which institutes a deferred payment plan shall not refuse a customer participation in such a program on the basis of race, color, creed, sex, or marital status.

(c) **Refusal of service.**

(1) **Compliance by applicant.** Any utility may decline to serve an applicant for whom service is available from previously installed facilities until such applicant has complied with the state and municipal regulations and approved rules and regulations of the utility on file with the commission governing the service applied for or for the following reasons:

(A) applicant's facilities inadequate-- if the applicant's installation or equipment is known to be hazardous or of such character that satisfactory service cannot be given; or

(B) for indebtedness-- if the applicant is indebted to any utility for the same kind of service as that applied for; provided, however, that in the event the indebtedness of the applicant for service is in dispute, the applicant shall be served upon complying with the applicable deposit requirement; or

(C) refusal to make deposit-- for refusal to make a deposit if applicant is required to make a deposit under these rules.

(2) **Applicant's recourse.** In the event that the utility shall refuse to serve an applicant under the provisions of these rules, the utility must inform the applicant of the basis of its refusal and that the applicant may file a complaint with the appropriate regulatory authority thereon.

(3) **Insufficient grounds for refusal to serve.** The following shall not constitute sufficient cause for refusal of service to a present customer or applicant:

(A) delinquency in payment for service by a previous occupant of the premises to be served;

(B) failure to pay for merchandise or charges for nonutility service purchased from the utility;

(C) failure to pay a bill to correct previous underbilling due to misapplication of rates more than six months prior to the date of application;

(D) violation of the utility's rules pertaining to operation of nonstandard equipment or unauthorized attachments which interfere with the service of others unless the customer has first been notified and been afforded reasonable opportunity to comply with these rules;

(E) failure to pay a bill of another customer as guarantor thereof unless the guarantee was made in writing to the utility as a condition precedent to service; and

(F) failure to pay the bill of another customer at the same address except where the change of customer identity is made to avoid or evade payment of a utility bill.

(d) Discontinuance of service.

(1) The due date of the bill for utility service shall not be less than 15 days after issuance, or such other period of time as may be provided by order of the regulatory authority. A bill for utility service is delinquent if unpaid by the due date.

(2) A utility may offer an inducement for prompt payment of bills by allowing a discount in the amount of five percent for payment of bills within 10 days after their issuance. This provision shall not apply where it conflicts with existing orders or ordinances of the appropriate regulatory authority.

(3) A customer's utility service may be disconnected if the bill has not been paid or a deferred payment plan pursuant to (b)(4) above has not been entered into within five days after the bill has become delinquent and proper notice has been given. Proper notice consists of a mailing or hand delivery to the customer at least five days prior to the stated date of disconnection.

(4) Utility service may be disconnected for any of the following reasons:

(A) failure to pay a delinquent account or failure to comply with the terms of a deferred payment plan for installment payment of a delinquent account;

(B) violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or the operation of nonstandard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;

(C) failure to comply with deposit or guarantee arrangements where required by (e) of this rule;

(D) without notice where a known dangerous condition exists for as long as the condition exists; and

(E) tampering with the utility company's meter or equipment or bypassing the same.

(5) Utility service may not be disconnected for any of the following reasons:

(A) delinquency in payment for service by a previous occupant of the premises;

(B) failure to pay for merchandise or charges for nonutility service by the utility;

(C) failure to pay for a different type or class of utility service unless fee for such service is included on the same bill;

(D) failure to pay the account of another customer as guarantor thereof, unless the utility has in writing the guarantee as a condition precedent to service;

(E) failure to pay charges arising from an underbilling occurring due to any misapplication of rates more than six months prior to the current billings;

(F) failure to pay charges arising from an underbilling due to any faulty metering, unless the meter has been tampered with or unless such underbilling charges are due; and

(G) failure to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan, unless the utility is unable to read the meter due to circumstances beyond its control.

(6) Unless a dangerous condition exists, or unless the customer requests disconnection, service shall not be disconnected on a day, or on a day immediately preceding a day, when personnel of the utility are not available to the public for the purpose of making collections and reconnecting service.

(7) No utility may abandon a customer without written approval from the regulatory authority.

(e) Applicant deposit.

(1) Establishment of credit for residential applicants.

(A) Each utility may require a residential applicant for service to satisfactorily establish credit but such establishment of credit shall not relieve the customer from complying with rules for prompt payment of bills. Subject to these rules, a residential applicant shall not be required to pay a deposit:

(i) if the residential applicant has been a customer of any utility for the same kind of service within the last two years and is not delinquent in payment of any such utility service account and during the last 12 consecutive months of service did not have more than one occasion in which a bill for such utility service was paid after becoming delinquent and never had service disconnected for nonpayment; or

(ii) if the residential applicant furnishes in writing a satisfactory guarantee to secure payment of bills for the service required;

(iii) if the residential applicant demonstrates a satisfactory credit rating by appropriate means, including but not limited to the production of generally acceptable credit cards, letters of credit reference, the names of credit references which may be quickly and inexpensively contacted by the utility, or ownership of substantial equity.

(2) Reestablishment of credit. Every applicant who has previously been a customer of the utility and whose service has been discontinued for nonpayment of bills shall be required before service is rendered to pay all his amounts due the utility or execute a deferred payment agreement, if offered, and reestablish credit as provided in Section (1) above.

(3) Amount of deposit and interest for residential service, and exemption from deposit.

(A) The required deposit shall not exceed an amount equivalent to one-sixth of the estimated annual

billings. If actual use is at least twice the amount of the estimated billings, a new deposit requirement may be calculated and an additional deposit may be required within two days. If such additional deposit is not made, the utility may disconnect service under the standard disconnection procedure for failure to comply with deposit requirements.

(B) All applicants for residential service who are 65 years of age or older will be considered as having established credit if such applicant does not have an outstanding account balance with the utility or another utility for the same utility service which accrued within the last two years. No cash deposit shall be required of such applicant under these conditions.

(C) Each utility which requires deposits to be made by its customers shall pay a minimum interest on such deposits according to the rate as established by law. If refund of deposit is made within 30 days of receipt of deposit, no interest payment is required. If the utility retains the deposit more than 30 days, payment of interest shall be made retroactive to the date of deposit.

(i) Payment of interest to the customer shall be annually or at the time the deposit is returned or credited to the customer's account.

(ii) The deposit shall cease to draw interest on the date it is returned or credited to the customer's account.

(4) Deposits for temporary or seasonal service and for weekend or seasonal residences. The utility may require a deposit sufficient to reasonably protect it against the assumed risk, provided such a policy is applied in a uniform and nondiscriminatory manner.

(5) Records of deposits.

(A) The utility shall keep records to show:

- (i) the name and address of each depositor;
- (ii) the amount and date of the deposit; and
- (iii) each transaction concerning the deposit.

(B) The utility shall issue a receipt of deposit to each applicant from whom a deposit is received and shall provide means whereby a depositor may establish claim if the receipt is lost.

(C) A record of each unclaimed deposit must be maintained for at least four years, during which time the utility shall make a reasonable effort to return the deposit.

(6) Refund of deposit.

(A) If service is not connected or after disconnection of service, the utility shall promptly and automatically refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The transfer of service from one premise to another within the service area of the utility shall not be deemed a disconnection within the meaning of these rules, and no additional deposit may be demanded unless permitted by these rules.

(B) When the customer has paid bills for service for 12 consecutive residential bills without having service disconnected for nonpayment of bill and without having more than two occasions in which a bill was delinquent and when the customer is not delinquent in the payment of the current bills, the utility shall promptly and automatically refund the deposit plus accrued interest to the customer in the form of cash or credit to a customer's account.

(7) Upon sale or transfer of utility or company. Upon the sale or transfer of any public utility or operating company thereof, the seller shall file with the commission under oath, in addition to other information, a list showing the names and addresses of all customers served by such utility or unit who have to their credit a deposit, the date such deposit was made, the amount thereof, and the unpaid interest thereon.

(8) Complaint by applicant or customer. Each utility shall direct its personnel engaged in initial contact with an applicant or customer for service seeking to establish or reestablish credit under the provisions of these rules to inform the customer, if dissatisfaction is expressed with the utility's decision, of the customer's right to file a complaint with the regulatory authority thereon.

(f) Billing.

(1) Bills for gas service shall be rendered monthly, unless otherwise authorized or unless service is rendered for a period less than a month. Bills shall be rendered as promptly as possible following the reading of meters.

(2) The customer's bill must show all the following information:

(A) if the meter is read by the utility, the date and reading of the meter at the beginning and end of the period for which rendered;

(B) the number and kind of units billed;

(C) the applicable rate schedule title or code;

(D) the total base bill;

(E) the total of any adjustments to the base bill and the amount of adjustments per billing unit;

(F) the date by which the customer must pay the bill to get prompt payment discount;

(G) the total amount due before and after any discount for prompt payment within a designated period; and

(H) a distinct marking to identify an estimated bill.

The information required above must be arranged and displayed in such a manner as to allow the customer to compute his bill with the applicable rate schedule. The applicable rate schedule must be mailed to the customer on request of the customer. A utility may exhaust its present stock of nonconforming bill forms before compliance is required by this section.

(3) Where there is good reason for doing so, estimated bills may be submitted, provided that an actual meter reading is taken at least every six months. For the second consecutive month in which the meter reader is unable to gain access to the premises to read the meter on regular meter reading trips, or in months where meters are not read otherwise, the utility must provide the customer with a postcard and request that the customer read the meter and return the card to the utility if the meter is of a type that can be read by the customer without significant inconvenience or special tools or equipment. If such a postcard is not received by the utility in time for billing, the utility may estimate the meter reading and render the bill accordingly.

(4) Disputed bills. In the event of a dispute between the customer and the utility regarding the bill, the utility must forthwith make such investigation as is required by the particular case and report the results thereof to the customer.

(g) Meters.

(1) Meter requirements.

(A) Use of meter. All gas sold by a utility must be charged for by meter measurements, except where otherwise provided for by applicable law, regulation of the regulatory authority, or tariff.

(B) Installation by utility. Unless otherwise authorized by the regulatory authority, each utility must provide and install and will continue to own and maintain all meters necessary for measurement of gas delivered to its customers.

(C) Standard type. No utility may furnish, set up, or put in use any meter which is not reliable and of a standard type which meets generally accepted industry standards; provided, however, special meters not necessarily conforming to such standard types may be used for investigation, testing, or experimental purposes.

(2) Meter records. Each utility must keep the following records:

(A) Meter equipment records. Each utility must keep a record of all of its meters, showing the customer's address and date of the last test.

(B) Records of meter tests. All meter tests must be properly referenced to the meter record provided for therein. The record of each test made on request of a customer must show the identifying number and constants of the meter, the standard meter and other measuring devices used, the date and kind of test made, by whom made, the error (or percentage of accuracy) at each load tested, and sufficient data to permit verification of all calculations.

(3) Meter readings-- meter unit location. In general, each meter must indicate clearly the units of service for which charge is made to the customer.

(4) Meter tests on request of customer.

(A) Each utility must, upon request of a customer, make a test of the accuracy of the meter

serving that customer. The utility must inform the customer of the time and place of the test and permit the customer or his authorized representative to be present if the customer so desires. If no such test has been performed within the previous four years for the same customer at the same location, the test is to be performed without charge. If such a test has been performed for the same customer at the same location within the previous four years, the utility is entitled to charge a fee for the test not to exceed \$15 or such other fee for the testing of meters as may be set forth in the utility's tariff properly on file with the regulatory authority. The customer must be properly informed of the result of any test on a meter that serves him.

(B) Notwithstanding paragraph (A) above, if the meter is found to be more than nominally defective, to either the customer's or the utility's disadvantage, any fee charged for a meter test must be refunded to the customer. More than nominally defective means a deviation of more than two percent from accurate registration.

(5) Bill adjustments due to meter error.

(A) If any meter test reveals a meter to be more than nominally defective, the utility must correct previous readings consistent with the inaccuracy found in the meter for the period of either

(i) the last six months, or

(ii) the last test of the meter, whichever is shorter. Any resulting underbillings or overbillings are to be corrected in subsequent bills, unless service is terminated, in which event a monetary adjustment is to be made. This requirement for a correction may be foregone by the utility if the error is to the utility's disadvantage.

(B) If a meter is found not to register for any period of time, the utility may make a charge for units used but not metered for a period not to exceed three months previous to the time the meter is found not to be registering. The determination of amounts used but not metered is to be based on consumption during other like periods by the same customer at the same location, when available, and on consumption under similar conditions at the same location or of other similarly situated customers, when not available.

(h) New construction.

(1) Standards of construction. Each utility is to construct, install, operate, and maintain its plant, structures, equipment, and lines in accordance with the provisions of such codes and standards as are generally accepted by the industry, as modified by rule or regulation of the regulatory authority or otherwise by law, and in such manner to best accommodate the public and to prevent interference with service furnished by other public utilities insofar as practical.

(2) Line extension and construction charges. Every utility must file its extension policy. The policy must be consistent, nondiscriminatory, and is subject to

the approval of the regulatory authority. No contribution in aid of construction may be required of any customer except as provided for in the extension policy.

(3) Response to request for service. Every gas utility must serve each qualified applicant for service within its service area as rapidly as practical. As a general policy, those applications not involving line extensions or new facilities should be filled within seven working days. Those applications for individual residential service requiring line extensions should be filled within 90 days unless unavailability of materials or other causes beyond the control of the utility result in unavoidable delays. In the event that residential service is delayed in excess of 90 days after an applicant has met credit requirements and made satisfactory arrangements for payment of any required construction charges, a report must be made to the regulatory authority listing the name of the applicant, location,

and cause for delay. Unless such delays are due to causes which are reasonably beyond the control of the utility, a delay in excess of 90 days may be found to constitute a refusal to serve.

Issued in Austin, Texas, on April 25, 1977.

Doc No 772783

Mack Wallace
Chairman
Railroad Commission of Texas

Effective Date June 26 1977

For further information, please call (512) 475-2747

Legislation Signed

The following is a list of the bills and resolutions signed by the governor during the 65th Session of the Texas Legislature. The list is arranged by the dates the legislation was signed and includes effective dates where applicable.

A bill which contained an emergency clause and received a two-thirds record vote of the membership of each house on final passage may take effect immediately on signing by the governor, unless a later effective date is specified in the bill. A bill which did not receive the required number of votes or which did not contain an emergency clause will take effect on August 28, 1977, and is referred to as a 90-day bill.

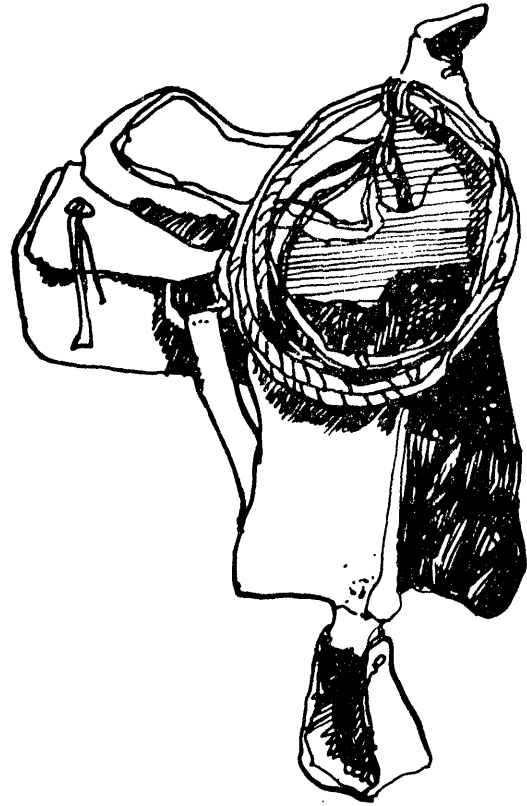
Lists of legislation will be published as bills and resolutions are signed. A cumulative list of all legislation signed by the governor will be published in the June 24, 1977, issue of the *Register*.

June 5, 1977

SB 676 Hance-- Relating to a program for screening and testing newborn infants for hypothyroidism. 90-day bill.

June 6, 1977

HB 1146 Berlanga-- Relating to conduct indicating a need for supervision. Effective immediately.



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.

Board of Examiners in the Basic Sciences

Meeting

A meeting of the Board of Examiners in the Basic Sciences will be held at 8 p.m. Friday and 8 a.m. Saturday, June 17 and 18, 1977, at the Sheraton-Marina Inn, Corpus Christi. The agenda includes a legislative report; review of 1978-79 appropriations; consideration of applications for waiver of examination; and consideration of other official duties of the board.

Additional information may be obtained from Betty J. Anderson, 319 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2683.

Filed June 8 1977, 11 27 a.m.

Doc No 772812

State Commission for the Blind

Meeting

A meeting of the Board of Directors of the State Commission for the Blind will be held on Friday, June 17, 1977, 10 a.m., at 4800 North Lamar Boulevard, Austin.

The agenda includes: a slide/tape overview of CCRC and its services; consideration of current and planned activities of SCB board committees; consideration of the status of issues raised by the National Federation of the Blind of Texas; a report on the White House Conference on Handicapped Individuals; a summary of legislation

considered by the 65th Legislature; a report on the symposium on radio reading services; a report on a private effort to establish a dog guide school in Texas; and the executive director's report on matters and developments occurring subsequent to the last meeting.

Additional information may be obtained from Donna Burnett, P.O. Box 12866, Austin, Texas 78711, telephone (512) 475-6810.

Filed June 7 1977 9 09 a.m.

Doc No 772785

Employees Retirement System of Texas

Meeting

A meeting of the Board of Trustees of the Employees Retirement System of Texas will be held on Monday, June 20, 1977, 10 a.m., at 1705 San Jacinto, Austin.

The agenda includes: a report from the Election Committee on member Board of Trustees; a report on retirements, occupational deaths, and disabilities; the actuary report; a report on investment of funds; a report on the Uniform Group Insurance Program; a report on building expansion; discussion of legislation; discussion of proposed rules and regulations; review of bids from insurance carriers for coverage under the Uniform Group Insurance Program for state employees, effective September 1, 1977; oral presentations from bidding carriers; selection of a successful carrier; a report of the Personnel Committee; and other business.

Additional information may be obtained from Everett L. Anschutz, P.O. Box 12337, Austin, Texas 78711, telephone (512) 476-6431.

Filed June 8, 1977, 11 34 a.m.

Doc. No. 772813

Meeting

A meeting of the Group Insurance Advisory Committee of the Employees Retirement System of Texas will be held on Tuesday, June 21, 1977, 10 a.m., at 1705 San Jacinto, Austin, to review uniform group insurance program benefits and proposed changes for the next contract.

Additional information may be obtained from Everett L. Anschutz, P.O. Box 12337, Austin, Texas 78711, telephone (512) 476-6431.

Filed June 7 1977 8 48 a.m.

Doc No 772784

Commission on Fire Protection Personnel Standards and Education

Hearing

A hearing by the commission members of the Commission on Fire Protection Personnel Standards and Education will be held on Monday, July 18, 1977, 10 a.m., in Room 31 of the San Antonio Convention Center, South Alamo at Market, San Antonio.

The commission will consider recommendations for approval of Emergency Care of the Sick and Injured (Courses I and II) as approved electives for an Associate of Applied Science-Fire Technology Degree, as outlined in Section VIII of the standards manual of the commission.

Additional information may be obtained from Garland W. Fulbright, Suite 122, 8330 Burnet Road, Austin, Texas 78758, telephone (512) 451-8701.

Filed: June 9, 1977, 11:08 a.m.

Doc. No. 772839

Office of the Governor

Hearing

A hearing by the Governor's Office of Energy Resources will be held on Monday, June 20, 1977, 10 a.m., in Room 100-B, John H. Reagan Building, Austin, on the draft of Texas' State Energy Conservation Plan.

Additional information may be obtained from Alvin C. Askew, 7703 North Lamar, Austin, Texas 78752, telephone (512) 475-5491.

Filed: June 9, 1977, 11:07 a.m.

Doc. No. 772838

Texas Health Facilities Commission

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Health Facilities Commission held on Thursday, June 9, 1977, 9 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider an application and request by McCuiston Regional Medical Center, Paris, for a declaratory ruling.

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

Filed: June 8, 1977, 11:46 a.m.

Doc. No. 772814



Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, June 23, 1977, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider the applications and requests listed below.

Happy Harbor Methodist Home, LaPorte-- certificate of need

Springhill Nursing Center, Henderson-- certificate of need

Radiation Center, Fort Worth-- certificate of need

Austin-Travis County MH/MR, Austin-- two certificates of need

Dorcas Foundation, Inc., Abilene-- certificate of need

Grand Prairie Community Hospital, Grand Prairie-- exemption certificate

Midland Memorial Hospital, Midland-- exemption certificate

South Limestone Community Health Center, Inc., Jewett-- certificate of need

Southern Methodist University Office of Research Administration, Dallas-- exemption certificate

Eagle Mountain Area Suburban Hospital, Azle-- exemption certificate

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: June 8, 1977, 11:46 a.m.

Doc. No. 772815

State Board of Insurance

Hearings

Hearings by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, June 16, 1977, 2:15 p.m., 2:30 p.m., and 2:45 p.m., in Room 343, 1110 San Jacinto, Austin.

The board will review applications by Texas Nail-Haggard Funeral Service Insurance Company, Daingerfield, for hearings to consider approval of reinsurance agreements, pursuant to Article 22.15 of the Texas Insurance Code, concerning the following: Haggard Benefit Association, Jefferson (2:15 p.m.); Nail-Haggard Service Insurance Company, Daingerfield (2:30 p.m.); and Haggard-Faut-Reeder-Watson Burial Association, Jefferson (2:45 p.m.).

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: June 7, 1977, 11:04 a.m.

Doc No 772789

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Friday, June 17, 1977, 10 a.m., in Room 343, 1110 San Jacinto, Austin, to consider an application by Security Savings Life Insurance Company, Dallas, for a hearing on administrative class action, to consider possible violation of Section 4, Articles 21.20 and 21.21 of the Texas Insurance Code.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: June 7, 1977, 11:04 a.m.

Doc No. 772790

Hearing

A hearing by the State Board of Insurance will be held on Wednesday, June 22, 1977, 2 p.m., in Room 142, 1110 San Jacinto, Austin, to consider rule, rate, endorsement, and form of a certificate to authorize a credit to homeowners insurance premiums for property protected by certain crime prevention devices.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: June 7, 1977, 11:04 a.m.

Doc. No 772791

Meeting

A meeting of the State Board of Insurance will be held on Thursday, June 23, 1977, 10 a.m., in Room 408, 1110 San Jacinto, Austin, to revise deductible discounts in the Liability Insurance and the General Liability Guide (a) Rate Pamphlet Manuals.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: June 8, 1977, 11:26 a.m.

Doc. No. 772811

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Friday, June 24, 1977, 10 a.m., in Room 343, 1110 San Jacinto, Austin, to review an application by Oakley-Metcalf Insurance Company, Lufkin, for a hearing to consider approval of a reinsurance agreement, pursuant to Article 22.15 of the Texas Insurance Code, concerning Oakley-Metcalf Benefit Association, Lufkin.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: June 7, 1977, 11:04 a.m.

Doc. No. 772792

Texas Advisory Commission on Intergovernmental Relations

Meeting

A meeting of the Community Development Committee of the Texas Advisory Commission on Intergovernmental Relations will be held on Friday, June 17, 1977, 10 a.m., at the offices of the San Antonio River Authority, 100 East Guenther Street, San Antonio, to review the critical areas report draft in preparation for the July commission meeting presentation.

Additional information may be obtained from Joy Markel, Suite 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed: June 8, 1977, 1:45 p.m.

Doc. No. 772818

Meeting

A meeting of the Special Committee on Work Program Development of the Texas Advisory Commission on Intergovernmental Relations will be held on Friday, June 17, 1977, noon, at the offices of the San Antonio River Authority, 100 East Guenther Street, San Antonio, to develop the commission's work program and financing plans for Fiscal Years 1978 and 1979, including a review of current projects, procedures, and organizational arrangements.

Additional information may be obtained from Joy Markel, Suite 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed: June 8, 1977, 1:45 p.m.

Doc No. 772819

Texas Commission on Jail Standards

Emergency Meeting

An emergency meeting of the Texas Commission on Jail Standards was held on Monday, June 13, 1977, 9 a.m., in Room 101 (Assembly Room), Texas Law Center, 1414 Colorado, Austin, to discuss the Lubbock County

Project and hear the director's report on finances, amendments to standards, clarifications, activities since last meeting, and the impact of the budget.

Additional information may be obtained from Guy Van Cleave, Suite 500, 1414 Colorado, Austin, Texas 78711, telephone (512) 475-2716.

Filed: June 9, 1977, 11:07 a.m.

Doc. No. 772836

Texas Commission on Law Enforcement Officer Standards and Education

Meeting

A meeting of the Texas Commission on Law Enforcement Officer Standards and Education will be held on Wednesday, June 22, 1977, 10 a.m., in the conference room on the first floor, 1106 Clayton Lane, Austin.

The commission will enter the final order in the matter of the revocation of the basic certificate of Ismael Requenez (Docket 455-68-6721 CF), and will consider proposed amendments to Rule 210.01.02.003 (Minimum Training Standards for Peace Officers and Reserve Officers).

Additional information may be obtained from Jack L. Ryle, 503-E Sam Houston Building, Austin, Texas 78701, telephone (512) 475-5637.

Filed: June 9, 1977, 11:07 a.m.

Doc. No. 772835

Merit System Council

Hearing

A hearing by the Merit System Council will be held on Tuesday, June 21, 1977, 1:30 p.m., at 507 Brown Building, Austin, to consider appeals.

Additional information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, telephone (512) 477-9665.

Filed: June 9, 1977, 11:07 a.m.

Doc. No. 772837

Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held on Monday through Friday, June 20-24, 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 June 7, 1977, 3:31 p.m.

Doc No 772794

Meeting

A meeting of the Board of Pardons and Paroles will be held on Wednesday, June 22, 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 June 7, 1977, 3:31 p.m.

Doc No 772795

Governor's Commission on Physical Fitness

Meeting

A meeting of the commission members of the Governor's Commission on Physical Fitness will be held on Saturday, July 16, 1977, 9:30 a.m., in Room Holiday 1 of the Holiday Inn, 3005 Airport Freeway, Bedford.

The agenda includes: a legislative report (budget and Sunset Act); revision of current year budget; consideration of a tentative budget for 1978; performance reports; committee assignments; the director's report; and discussion of election of officers.

Additional information may be obtained from Albert A. Rooker, Room 110, 4200 North Lamar, Austin, Texas 78756, telephone (512) 475-6718.

Filed June 6, 1977, 1:31 p.m.

Doc No. 772767

Texas Department of Public Safety

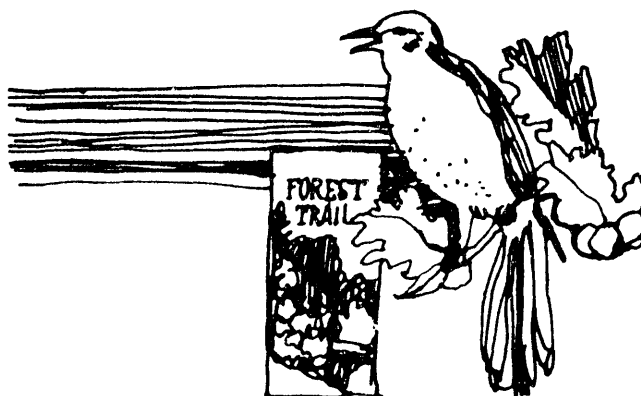
Meeting

A meeting of the Public Safety Commission of the Texas Department of Public Safety will be held on Friday, June 17, 1977, 10 a.m., at 5805 North Lamar, Austin, to consider budget matters, personnel matters, the status of the DPS building program, and other unfinished business.

Additional information may be obtained from Wilson E. Speir, P.O. Box 4087, Austin, Texas 78773, telephone (512) 452-0331.

Filed June 8, 1977, 4:11 p.m.

Doc No 772821



Public Utility Commission of Texas

Prehearing Conference

A prehearing conference by the Public Utility Commission of Texas will be held on Wednesday, June 15, 1977, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard,

Austin, concerning the notice of intent by Mid-Plains Rural Telephone Cooperative, Inc., Tulia, for a rate increase in Cleta, Umbarger, Gurley, and Goodnight Exchanges, on a one party service cutover (Docket 468).

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: June 7, 1977, 10:16 a.m.

Doc. No. 772786

Meeting

A meeting of the Public Utility Commission of Texas will be held on Thursday, June 16, 1977, 8:30 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to issue final orders and rule on motions for rehearing on the following Dockets:

124-- telephone final order and motion to reopen record (complaint of Texas Selling Network, Inc., against Southwestern Bell Telephone Company)

257-- water final order (application of Green Springs Water Supply Corporation for a rate increase)

308-- electric motion for rehearing (application of Southwestern Public Service Company for an amended certificate of convenience and necessity within Lubbock County)

311-- telephone final order (Central Telephone Company application to transfer certificate of convenience and necessity of St. Jo Telephone Company to Wise County Telephone Company)

316-- electric final order (application of West Texas Utilities Company for an amended certificate of convenience and necessity within Presidio County)

381-- telephone final order (application of General Telephone Company of the Southwest to amend certificate of convenience and necessity within Schleicher County)

382-- telephone final order (application of General Telephone Company of the Southwest to amend certificate of convenience and necessity within Hunt County)

412-- water final order (application of Engel Utility Company to amend its certificate of convenience and necessity to provide water service in Henderson County)

430-- electric final order (application of Dallas Power and Light Company to amend certificate of convenience and necessity within Collin, Denton, and Dallas Counties)

443-- water final order (application of City of Merkel to amend certificate of convenience and necessity to provide water service in Taylor County)

457-- telephone final order (purchase of Gary Telephone Company by Colmesneil Telephone Company)

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: June 7, 1977, 10:16 a.m.

Doc. No. 772787

State Securities Board Meeting

A meeting of the State Securities Board will be held on Thursday, June 16, 1977, 10 a.m., in the conference room, 2424 Houston Natural Gas Building, Houston.

The agenda includes: discussion of legislation enacted by the 65th Legislature and its impact on the Securities Act; discussion of the agency's requests for Attorney General Opinions; discussion of current litigation and enforcement matters; discussion of possible amendments to the Securities Act being considered by the State Bar Committee on Securities and Investment Banking; discussion of staff proposals for possible amended or new rules in various areas; discussion of the status at the federal level of bank common trust funds; consideration and action on waiver requests; and a report on securities registration since the last board meeting. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Richard Latham, 17th and Brazos, Austin, Texas 78701, telephone (512) 475-4561.

Filed: June 8, 1977, 3:59 p.m.

Doc. No. 772820

Emergency Addition to Agenda

An emergency addition is being made to the agenda of a meeting of the State Securities Board to be held on Thursday, June 16, 1977, 10 a.m., in the conference room, 2424 Houston Natural Gas Building, Houston, to include consideration of Rule XV-- Tender Offers.

Additional information may be obtained from Frank Arnold, 17th and Brazos, Austin, Texas 78701, telephone (512) 475-4561.

Filed: June 9, 1977, 11:33 a.m.

Doc. No. 772840

Hearing

A hearing before the Securities Commissioner of the State Securities Board will be held on Friday, June 17, 1977, 10 a.m., at 3100 West Alabama, Houston, concerning the Power Oil Company, Houston.

The board will consider whether Cease and Desist Order CD-319, issued by the Securities Commissioner on November 7, 1967, prohibiting the sale of securities of Power Oil Company, and/or whether Order 5.0-309, revoking any secondary trading exemption that might be claimed with respect to securities of Power Oil Company, issued by the Securities Commissioner on July 31, 1967, should be upheld and extended, amended, or vacated. The hearing is being reconvened from March 24, 1977.

Additional information may be obtained from Frank Arnold, 709 Lyndon B. Johnson Building, Austin, Texas 78711, telephone (512) 475-4561.

Filed June 6 1977 3 52 p m

Doc No 772775

Stephen F. Austin State University

Meeting

A meeting of the Building Committee of the Board of Regents of Stephen F. Austin State University will be held on Saturday, June 18, 1977, 10 a.m., at Stephen F. Austin State University, Nacogdoches, to consider the Campus Master Plan.

Additional information may be obtained from Dr. William R. Johnson, Box 6078, SFA Station, Nacogdoches, Texas 75962, telephone (713) 569-2201.

Filed June 6 1977 1 31 p m

Doc No 772768

Texas A&I University System

Meeting

A special meeting of the Board of Directors of the Texas A&I University System was held on Thursday, June 9, 1977, 10 a.m., in the Century Room of the Student Building, Texas A&I University, Kingsville, to consider candidates for president of Texas A&I University, Kingsville (executive session).

Additional information may be obtained from William C. English, Texas A&I University System, Kingsville, Texas 78363, telephone (512) 595-2208.

Filed: June 6, 1977, 10:00 a.m.

Doc. No. 772766

University of Texas System Meeting

A meeting of the Board of Regents of the University of Texas System was held on Friday, June 10, 1977, 9 a.m., on the ninth floor of Ashbel Smith Hall, 201 West 7th Street, Austin.

The agenda included consideration of the following: 1976-77 budgetary amendments; granting of patent licenses; building matters; named professorships; matriculation fee; establishment of degree programs; affiliation agreements for medical institutions and nursing homes; land and investment matters; acceptance of gifts; and development matters.

Additional information may be obtained from Betty Anne Thedford, Box N, U.T. Station, Austin, Texas 78712, telephone (512) 471-1265.

Filed: June 6, 1977, 1 24 p m

Doc No 772765

Veterans Land Board Emergency Meeting

An emergency meeting of the Veterans Land Board of the General Land Office will be held on Tuesday, June 14, 1977, 2 p.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider reinstatement of forfeited tracts.

Additional information may be obtained from Richard Keahey, Room 738, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-3766.

Filed: June 8, 1977, 10:18 a.m.

Doc No 772809

Texas Water Quality Board Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 16, 1977, 1 p.m., in the commissioners courtroom of the Brazoria

County Courthouse, Angleton, to consider an application by Monsanto Company, Alvin, for an amendment to Permit 00001. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from David Hume, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7845.

Filed: June 8, 1977, 4:40 p.m.

Doc No. 772825

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Tuesday, June 21, 1977, 10 a.m., in the conference room on the first floor, City of Houston Health Department, 1115 North MacGregor, Houston.

The board will consider applications for permits by the following: Northwest Harris County Municipal Utility District 6 (Cuttin Green Subdivision), Houston; Harris County Utility District 5 (Kingwood Central Sewage Treatment Plant), Houston; Hull Fresh Water Supply District, Hull; Castlewood Municipal Utility District, Houston; and The Idlewilde Company (North Forest Municipal Utility District), Houston. The complete notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Jack Cox, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7856.

Filed: June 8, 1977, 4:41 p.m.

Doc No 772826

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Wednesday, June 22, 1977, 10 a.m., in the meeting room, Lower Neches Valley Authority, 7850 Eastex Freeway, Beaumont, to consider an application for a permit by Texas Airstream Harbor, Inc., Zavalla, and an application by Bevil Oaks Municipal Utility District, Beaumont, for an amendment to Permit 11551. The complete notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Jack Cox, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7856.

Filed: June 8, 1977, 4:41 p.m.

Doc No 772827

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 23, 1977, 10 a.m., in Conference Room C of the Municipal Building, 509 East 7th Avenue, Amarillo, to consider an application for a permit by Texaco, Inc., Amarillo, and an application by Iowa Beef Processors, Inc., Amarillo, for an amendment to Permit 01873. The complete notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Joe O'Neal, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7851.

Filed: June 8, 1977, 4:41 p.m.

Doc No 772828

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Friday, June 24, 1977, 10 a.m., at Stillman Town Hall, Fort Brown Memorial Center, Brownsville, to consider an application by the City of San Benito for an amendment to Permit 10473. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Larry Soward, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7856.

Filed: June 8, 1977, 4:41 p.m.

Doc No 772829



Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Tuesday, June 28, 1977, 10 a.m., in the conference room, Houston-Galveston Area Council, 3701 West Alabama, Houston.

The board will consider applications by the following for amendments to their respective permits: U.S. Industrial Chemicals Company, Deer Park (Permit 00534); Houston Lighting and Power Company (Greens Bayou Steam Electric Station), Houston (Permit 01031); City of Pasadena (Permit 10053); South Central Savings and Loan-Reinhardt Bayou Plant, Houston (Permit 11558); Dal-Worth Industries, Inc., Arlington (Permit 39030); Johnson County Fresh Water Supply District 1, Joshua (Permit 10532); City of Tom Bean (Permit 10057); and Howmet Aluminum Corporation, Terrell (Permit 02037). The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Chesley Blevins, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7841.

Filed: June 8, 1977, 4:41 p.m.

Doc. No. 772830

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 30, 1977, 10 a.m., in the council chamber, City Hall, 302 South Shoreline, Corpus Christi.

The board will consider applications for permits by Ashland Chemical Company-Division of Ashland Oil, Inc., Aransas Pass, and Corpus Christi Petrochemical Company, Houston. Also, the board proposed to involuntarily amend Permit 10592, issued to the City of Orange Grove, to make the following changes: (1) on Page 1, the discharge is more accurately described as to Leon Creek instead of to an unnamed creek, and (2) on Page 2, the maximum volume of discharge on any given day will be 0.6 MGD instead of 0.4 MGD, as specified in the approved Facility Plan (page 27) for this facility. The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Lee Mathews, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7861.

Filed: June 8, 1977, 4:41 p.m.

Doc. No. 772831

Hearing

A hearing by the Enforcement Division of the Texas Water Quality Board will be held on Wednesday, July 6, 1977, 9 a.m., in the Chatautua Room on the third floor of the Lyndon B. Johnson Memorial Student Center, Southwest Texas State University, Edward Gray and Wood Streets, San Marcos.

A hearing commission of the board will explore the status of the City of San Marcos' compliance with the terms and conditions of Permit 10273. Page 1 of that permit authorizes the discharge of treated municipal wastewater into the Blanco River; thence into the San Marcos River; thence to the Guadalupe River in the Guadalupe River Basin from city property located approximately 1.4 miles northeast of the I.H. 35 bridge over the San Marcos River and 900 feet east of I.H. 35 near San Marcos, Hays County. Page 2 of the permit authorizes the discharge of treated municipal wastewater into the San Marcos River in the Guadalupe River Basin from property located adjacent to the San Marcos River approximately 3000 feet southeast of the I.H. 35 bridge.

The hearing commission will also explore the status of the City of Boerne's compliance with the terms and conditions of Permit 10066, which authorizes the discharge of treated municipal wastewater into the Cibolo Creek in the San Antonio River Basin from city property located in the eastern sector of the City of Boerne, just north of F.M. Road 475 in Kendall County.

The commission may continue the hearing on these matters from time to time and from place to place, as necessary, to develop relevant data and information. The complete notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Lee H. Mathews, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7861.

Filed: June 7, 1977, 11:32 a.m.

Doc. No. 772793

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Wednesday, July 6, 1977, 9 a.m., in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin.

The board will determine whether or not Permit 01457, issued to Bean-Driskill Swine Produces, for facilities located in Brown County, should be involuntarily can-

celled. The board will also consider applications for permits by Halliburton Services, Carrizo Springs, and the City of Granite Shoals, Marble Falls, and applications for permit amendments by the City of Schulenburg-Kallus Street Plant (Permit 10115), and the City of Karnes City (Permit 10352). The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from James Showen or Larry Soward, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7836 or 475-7856, respectively.

Filed June 8, 1977, 4:42 p.m.
Doc No 772832



Hearing

A hearing by the Administrative Operations Division of the Texas Water Quality Board will be held on Monday, July 11, 1977, 9 a.m., in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin.

A hearing commission will receive evidence which is relevant and material to the proposed State Water Quality Management Program for Fiscal Year 1978. The State Water Quality Management Program for Fiscal Year 1978 has been developed to satisfy the requirements of Section 106 of the Federal Water Pollution Control Act, as amended, and regulations promulgated pursuant thereto as codified in 40 Code of Federal Regulations, Part 35. The proposed program outlines the board's commitment to the protection and enhancement of the waters of the state and describes the pro-

grams designed to enable the State of Texas to meet the goals established for 1977, 1983, and 1985, in the Federal Water Pollution Control Act, as amended.

Copies of the proposed State Water Quality Management Program for Fiscal Year 1978 will be available from Claude (Frosty) Gray at the address below.

The public is invited to attend this hearing and to present oral or written testimony concerning the subject matter. Statements for the record should be received at least 10 days prior to the hearing. The hearing, which is being conducted pursuant to Sections 21.061 and 21.062 of the Texas Water Code, may be continued, as necessary, in order to develop the record.

Additional information may be obtained from Claude (Frosty) Gray, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-3454.

Filed June 8, 1977, 4:42 p.m.
Doc No 772833

Texas Water Rights Commission

Hearing

A hearing by the Texas Water Rights Commission will be held on Friday, June 24, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to require Camp Longhorn, Inc., to appear and show cause why it should not cease and desist making unauthorized diversions from Inks Lake in the Colorado River Basin, Llano County. The complete notice 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 June 8, 1977, 4:30 p.m.
Doc No 772822

Hearing

A hearing by the Texas Water Rights Commission will be held on Thursday, July 7, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by the Upper Guadalupe River Authority, Kerrville, for authorization to construct and maintain a proposed dam and 840

acre-foot capacity reservoir on the Guadalupe River in the Guadalupe River Basin (Application 3769). The complete notice 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 June 8 1977 4 30 p m

Doc No 772823



Hearings

The Texas Water Rights Commission will conduct adjudication hearings on Monday through Friday, July 25-29, 1977, at the Fayette County Courthouse, LaGrange (unless otherwise indicated), in the Lower Colorado River Segment of the Colorado River Basin. The docket follows.

Monday, July 25, 1977, 1 p.m.

Fred Weidel

Anton C. Baca

Martin Manuel, Jr.

Henry J. Schovajsa

Tuesday, July 26, 1977, 9 a.m.

Harry Vogt

Jos. C. Brown

Dr. W. G. Mode

Consolidated Frozen Food, Inc.

Leo V. Tiemann

Edwin G. Heinsohn

Wednesday, July 27, 1977, 9 a.m.

Louise Weems

Marion Gaertner

La Grange Independent School District

Amiee L. Didion

Warden and Vestry of St. Paul's Church, Trustee

Thursday, July 28, 1977, 9 a.m.

John Pietsch, Clara Pietsch, Janice Palm, Lee A. Palm, Clifford N. Hellmers, Jr., and Delores Hellmers

Marjorie Ehlers, Babette Tippit, Mrs. H. J. Ehlers, Leslie Ehlers, and Werner J. Ehlers

C. A. Hensel, Howard Ray Hagemann, Betty Ruth Jackson, and L. W. Stolz, Jr.

Friday, July 29, 1977, 10 a.m., Stephen F. Austin Building, Austin

Lower Colorado River Authority

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed May 5 1977 3 39 p m

Doc No 772231

Hearing

A hearing by the Texas Water Rights Commission will be held on Wednesday, July 27, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin.

The commission will consider permit applications by Mount Pleasant Dairy (Application 3770), Flagg Fertilizer and Chemical Company (Application 3771), and J&J Beyer Dairy (Application 3772), and a permit amendment application by J. Bruce Hancock, John W. Hancock, and Eva Ruth Hancock (Application 1732A). The complete 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: June 8, 1977, 4 31 p m

Doc No 772824

Quasi-State Agencies

Meetings Filed June 6, 1977

The Austin-Travis County MH/MR Center, Board of Trustees, met at 1430 Collier Street, Austin, on June 10, 1977, at noon. Further information may be obtained from John W. Weimer, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141, extension 17.

The Brazos River Authority, Water Resource Development Committee of the Board of Directors, will meet at 4400 Cobbs Drive, Waco, on June 17, 1977, at 9:30 a.m. Further information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, telephone (817) 776-1441.

The MH/MR Regional Center of East Texas, Building Committee, met on the 10th floor of the Bryant Building, 305 South Broadway, Tyler, on June 10, 1977, at 4 p.m. Further information may be obtained from Gary K. Smith, 305 South Broadway, Tyler, Texas 75702.

The North Texas Municipal Water District, Board of Directors, met at the NTMWD Central Plant, Wylie, on June 9, 1977, at 4 p.m. Further information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, telephone (214) 442-2217, extension 26.

Doc No 772769

Meetings Filed June 7, 1977

The Central Texas Council of Governments, Executive Committee, will meet at the CTCOG offices, 302 East Central, Belton, on June 16, 1977, at 10:30 a.m. Further information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, telephone (817) 939-1801.

Doc No 772788

Meetings Filed June 8, 1977

The Education Service Center, Executive Board of EPD Consortium D, will meet at the Holiday Inn, Garland, on June 20, 1977, at 10:30 a.m. Further information may be obtained from Dr. Billy N. Pope, P.O. Box 1300, Richardson, Texas 75080.

The Heart of Texas Region MH/MR Center, Board of Trustees, will meet in the basement conference room at 1401 North 18th Street, Waco, on June 14, 1977, at 4 p.m. Further information may be obtained from Dean Maberry, 1401 North 18th Street, Waco, Texas 76703.

The Panhandle Regional Planning Commission, Criminal Justice Advisory Board, will meet in Room 216 of the Amarillo Building, Third and Polk Streets, Amarillo, on June 14, 1977, at 3 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

Doc No 772808

Meetings Filed June 9, 1977

The Brazos Valley MH/MR Center, Board of Trustees, will meet in the basement conference room on the second floor, 202 East 27th Street, Bryan, on June 14, 1977, at 5:30 p.m. Further information may be obtained from Linda S. Davis, 202 East 27th Street, Bryan, Texas 77801, telephone (713) 779-6467.

The Capital Area Planning Council, Executive Committee and General Assembly, will meet in the Crown West Room, Austin Hilton Inn, 6000 Middle Fiskville Road, Austin, on June 21, 1977, at 1 p.m. Further information may be obtained from Richard G. Bean, Suite 400, 611 South Congress, Austin, Texas 78704, telephone (512) 443-7653.

The Central Counties Center for MH/MR, Board of Trustees, will meet at the Captain's Table, Lake Belton, on June 16, 1977, at 7 p.m. Further information may be obtained from Dr. Steven B. Schnee, P.O. Box 1025, Temple, Texas 76501, telephone (817) 778-4841.

The Education Service Center Region I, Board of Directors, will meet at 1900 West Schunior, Edinburg, on June 21, 1977, at 6 p.m. Further information may be obtained from Charles W. Benson, 1900 West Schunior, Edinburg, Texas 78539, telephone (512) 383-5611, extension 110.

The Greater East Texas Health Systems Agency, Inc., Executive Committee, will meet at the Woodville Inn, 201 North Magnolia, Woodville, on June 23, 1977, at 7:30 p.m. Further information may be obtained from Rudy Moreau, Suite 313, 2900 North Street, Beaumont, Texas 77702, telephone (713) 892-6962.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at 933 East Court Street, Seguin, on June 16, 1977, at 10 a.m. Further information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, telephone (512) 379-5822.

The Panhandle Regional Planning Commission, Alcohol/Drug Services Coordinating Board, will meet in the Chamber of Commerce conference room, Amarillo Building, 301 Polk Street, Amarillo, on June 21, 1977, at 1:30 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The West Texas Council of Governments, Advisory Committee on Rural Affairs, will meet in the cafeteria at Sul Ross State University, Alpine, on June 15, 1977, at noon. Further information may be obtained from E. Ray Hill, 303 North Oregon, El Paso, Texas 79901, telephone (915) 532-2910.

Doc No 772834

