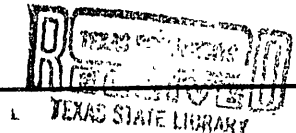


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Volume 17, Number 6, January 28, 1992

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Texas Register

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Proposed Sections - sections proposed for adoption

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

Adopted Sections - sections adopted following a 30-day public comment period

Open Meetings - notices of open meetings

In Addition - miscellaneous information required to be published by statute or provided as a public service

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

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 17 (1992) is cited as follows: 17 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 TexReg 3"

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administration Code*, section numbers, or TRD number.

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §27.15 is the section number of rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

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• 31 TAC §§115.242, 115.243, 115.245-115.247

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Air Control Board or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board (TACB) proposes to repeal §§115.242, 115.243, and 115.245-115.247, concerning control of Reid vapor pressure of gasoline. The proposed repeal of §115.242, concerning control requirements; §115.243, concerning alternate control requirements; §115.245, concerning testing requirements; §115.246, concerning recordkeeping requirements; and §115.247, concerning exemptions, involve removal of existing requirements which have been superseded by more stringent federal requirements which become effective on May 1, 1992.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the repeals are in effect there would be no fiscal implications for state or local governments. There are also no fiscal implications for facilities affected by the proposed repeals.

Lane Hartsock, deputy director of air quality planning, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the removal of rules which are no longer applicable because of federal rulemaking. Since the rules are not enforceable, the repeal will eliminate the possibility for confusion and misunderstanding.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; February 25, 1992, 11 a.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; and February 26, 1992, 6 p.m. City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the Board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The repeals are proposed under the Texas Clean Air Act (TCAA) §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.242. Control Requirements.

§115.243. Alternate Control Requirements.

§115.245. Testing Requirements.

§115.246. Recordkeeping Requirements.

§115.247. Exemptions.

§115.249. Counties and Compliance Schedules.

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200945 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

Process Unit Turnaround and Vacuum Producing Systems in Petroleum Refineries

• 31 TAC §§115.311-115.313, 115.315-115.317, 115.319

The Texas Air Control Board (TACB) proposes amendments to §§115.311-115.313, 115.315, 115.316, and 115.319, and new §115.317 concerning process unit turnaround and vacuum-producing systems in petroleum refineries. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been

moved into a separate subsection in each section. However, no new requirements are intended for these three counties.

The proposed new §115.317, concerning exemptions, restores an exemption to Gregg, Nueces, and Victoria Counties which previously had been inadvertently deleted. The proposed changes to §115.311, concerning emission specifications; §115.312, concerning control requirements; §115.313, concerning alternate control requirements; §115.315, concerning testing requirements; and §115.316, concerning recordkeeping requirements, expand by definition the applicability of the requirements and remove potentially confusing cross-references. The proposed changes to §115.319, concerning counties and compliance schedules, specify applicable perimeter counties, add a compliance date for the new requirements and the additional counties, and remove obsolete paragraphs.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there would be no fiscal implications for state or local governments. Economic costs to persons and businesses required to implement the proposed measures are associated with fugitive monitoring and recordkeeping requirements and are estimated as follows: per facility control unit \$50,000 for fiscal years 1993-1996; per volatile organic compound monitoring unit \$15,000 for fiscal years 1993-1996; and per temperature monitoring unit \$15,000 for fiscal years 1993-1996.

Any costs continuing beyond 1996 would be continuing operating, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the sections are in effect the public benefit anticipated as a result of implementing the sections will be rules high are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont, February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, February 25, 1992, 11 a.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston, February 26, 1992, 6 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of

the proposed revisions are available at the central office of TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.311. Emission Specifications.

(a) For all affected person in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas as defined in §115.10 of this title (relating to Definitions) [counties referenced in 115.319 of this title (relating to Counties and Compliance Schedules)], the following emission specifications on vacuum-producing systems shall apply.

(1) No person may be allowed to emit any VOC from a steam director or mechanical vacuum pump in a petroleum refinery, unless the vent stream is burned properly in accordance with §115.312(a)(2) of this title (relating to Control Requirements).

(2) No person may be allowed to emit any VOC from a hotwell with a contact condenser, unless the hotwell is covered and the vapors from the hotwell are burned properly in accordance with §115.312(a) (2) of this title.

§115.312. Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.319 of this title (relating to Counties and Compliance Schedules)], the following control requirements shall apply.

(1) (No change.)

(2) Vent gas streams affected by §115.311(a) of this title (relating to Emission Specifications) must be burned properly at a temperature equal to or greater than 1,300 Degrees Fahrenheit (704 Degrees Celsius) in a smokeless flare or a direct-flame incinerator with a destruction efficiency of at least 90%.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, the following control requirements shall apply.

(1) Volatile organic compound (VOC) emissions from petroleum refineries shall be controlled during process unit shutdown or turnaround with the following procedure:

(A) recover and store all

pumpable or drainable liquid; and

(B) reduce vessel gas pressure to five psia (34.5 kPa gauge) or less by recovery or combustion before venting to the atmosphere.

(2) Vent gas streams affected by §115.311(b) of this title must be burned properly at a temperature equal to or greater than 1,300 Degrees Fahrenheit (704 Degrees Celsius) in a smokeless flare or a direct-flame incinerator with a destruction efficiency of at least 90%.

§115.313. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth El Paso, and Houston/Galveston areas [counties referenced in §115.319 of this title (relating to Counties and Compliance Schedules)], alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements in this section may be approved by the executive director in accordance with §115.910 of this title if emission reductions are demonstrated to be substantially equivalent.

§115.315. Testing Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.319 of this title (relating to Counties and Compliance Schedules)], compliance with §115.311(a) of this title (relating to Emission Specifications) and §115.312(a) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

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

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, compliance with §115.311(b) of this title and §115.312(b) of this title shall be determined by applying the following test methods, as appropriate:

(1) Test Method 22 (40 Code of Federal Regulations 60, Appendix A) for visual determination of fugitive emissions from material sources and smoke emissions from flares;

(2) additional control device requirements for flares described in 40 Code of Federal Regulations 60.18(f);

(3) Test Methods 1-4 (40 Code of Federal Regulations 60, Appendix A) for determining flow rate, as necessary;

(4) Test Method 18 (40 Code of Federal Regulations 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(5) Test Method 25 (40 Code of Federal Regulations 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(6) Test Methods 25A or 25B (40 Code of Federal Regulations 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis; or

(7) minor modifications to these test methods approved by the executive director.

§115.316. Recordkeeping Requirements. For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.319 of this title (relating to Counties and Compliance Schedules)], the following recordkeeping requirements shall apply.

(1) Any person who operates a vacuum-producing system affected by §115.311(a) of this title (relating to Emission Specifications) shall keep the following records:

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

(2) Any person who conducts a process unit turnaround affected by §115.312(a) of this title (relating to Control Requirements) shall keep the following records:

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

(3) The results of any testing conducted in accordance with the provisions specified in §115.315(a) of this title (relating to Testing Requirements) shall be maintained at the affected facility.

(4) (No change.)

§115.317. Exemptions. For all affected persons in Gregg, Nueces, and Victoria Counties, any vacuum-producing system emitting a combined weight of volatile organic compounds equal to or less than 100 pounds (45.4 kg) in any consecutive 24-hour period is exempt from the requirements of §115.311(b) of this title (relating

to Emission Specifications).

§115.319. Counties and Compliance Schedules All affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas [Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties] shall be in compliance with this undesignated head (relating to Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries) in accordance with the following schedules.[:]

(1) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.311(a) of this title (relating to Emission Specifications), §115.312(a) of this title (relating to Control Requirements), §115.313(a) of this title (relating to Alternate Control Requirements), §115.315(a) of this title (relating to Testing Requirements), and 115.316 of this title (relating to Recordkeeping Requirements) as soon as practicable but no later than July 31, 1993.

[(1) all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates); and]

(2) All persons in Dallas, Jefferson, Orange and Tarrant Counties affected by the provisions of §115.316 of this title (relating to Recordkeeping Requirements) shall be in compliance with this section as soon as practicable but no later than July 31, 1993.

[(2) all persons in Brazoria, El Paso, Galveston, or Harris Counties affected by the provisions of §115.316(1)(B) and (C) of this title (relating to Recordkeeping Requirements) shall be in compliance with this section as soon as practicable, but no later than December 31, 1990.]

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

Issued in Austin, Texas on January 17, 1992.

TRD-9200946 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451



Subchapter D. Petroleum Refining and Petrochemical Processes

Fugitive Emission Control in Petroleum Refineries

• 31 TAC §§115.322-115.327, 115.329

The Texas Air Control Board (TACB) proposes amendments to §§115.322-115.327, and 115.329, concerning fugitive emission control in petroleum refineries. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend controls that currently exist in certain ozone nonattainment areas to newly-designated adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been moved into a separate subsection in each section. However, no new requirements are intended for these three counties.

The proposed changes to §115.322, concerning control requirements; §115.323, concerning alternate control requirements, §115.324, concerning inspection requirements, §115.325, concerning testing requirements; §115.326, concerning recordkeeping requirements; and §115.327, concerning exemptions, expand by definition the applicability of the requirements and remove potentially confusing cross-references. Proposed changes to §115.327 also restore an exemption for two-inch or smaller valves in Gregg, Nueces, and Victoria Counties which previously had been inadvertently deleted. The proposed changes to §115.329, concerning counties and compliance schedules, specify applicable perimeter counties, add a compliance date for the additional counties, and remove obsolete paragraphs.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there would be no fiscal implications for state and local governments. Economic costs to persons and businesses required to implement the proposed measures are associated with fugitive monitoring and recordkeeping requirements and are estimated as follows: per affected component per required monitoring incident \$1.00 for fiscal years 1993-1996.

Any costs continuing beyond 1996 would be continuing monitoring and recordkeeping costs. All estimates are stated in 1992 dollars with no adjustments for inflation.

Lane Hartsock, deputy director of air quality planning, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of implementing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: Feb-

ruary 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor 2, Civic Center Plaza, El Paso; February 25, 1992, 11 a.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; February 26, 1992, 6 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code, Annotated (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA

§115.322. Control Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions) [counties referenced in §115.329 of this title (relating to Counties and Compliance Schedules)], no person shall operate a petroleum refinery, as defined in §115.10 of this title, without complying with the following requirements.

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

(b) For Gregg, Nueces, and Victoria Counties, no person shall operate a petroleum refinery without complying with the following requirements.

(1) No component shall be allowed to have a volatile organic compound (VOC) leak as defined in §115.10 of this title.

(2) All technically feasible repairs to a leaking component, as specified in paragraph (1) of this subsection, shall be made within 15 days after the leak is found. If the repair of a component would require a unit shutdown which would create more emissions than the repair would eliminate, the repair may be delayed until the next scheduled shutdown.

(3) All leaking components, as defined in paragraph (1) of this subsection, which cannot be repaired until the unit is shut down for turnaround shall be identified for such repair by tagging. The executive director at his discretion may require early unit turnaround or other appropriate action based on the number

and severity of tagged leaks awaiting turnaround.

(4) Except for safety pressure relief valves, no valves shall be installed or operated at the end of a pipe or line containing VOC, unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only while a sample is being taken or during maintenance operations, and when closing the line. The upstream valve shall be closed first.

(5) Pipeline valves and pressure relief valves in gaseous VOC service shall be marked in some manner that will be readily obvious to monitoring personnel.

§115.323. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.329 of this title (relating to Counties and Compliance Schedules)], the following alternate control techniques may apply.

(1) (No change.)

(2) The executive director of the Texas Air Control Board (TACB) may approve an alternate monitoring method if the refinery operator can demonstrate that the alternate monitoring method satisfies the conditions of §115.324(a)(8) of this title (relating to Inspection Requirements). Any request for an alternate monitoring method must be made in writing to the executive director.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, the following alternate control techniques may apply.

(1) Any alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(2) The executive director of TACB may approve an alternate monitoring method if the refinery operator can demonstrate that the alternate monitoring method satisfies the conditions of §115.324(b)(8). Any request for an alternate monitoring method must be made in writing to the executive director.

§115.324. Inspection Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties refer-

enced in §115.329 of this title (relating to Counties and Compliance Schedules)], the owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(1) -(3) (No change.)

(4) measure (with a hydrocarbon gas analyzer) the emissions from any component, except those exempted by §115.327(a)(1)-(2) [(2)-(3)] of this title (relating to Exemptions), whenever a potential leak is detected by sight, sound, or smell;

(5)-(8) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(1) measure yearly (with a hydrocarbon gas analyzer) the emissions from all:

(A) pump seals;

(B) pipeline valves in liquid service;

(C) process drains; and

(D) all valves elevated more than two meters above any permanent structure;

(2) measure quarterly (with a hydrocarbon gas analyzer) the emissions from all:

(A) compressor seals;

(B) pipeline valves in gaseous service; and

(C) pressure relief valves in gaseous service;

(3) visually inspect, weekly, all pump seals;

(4) measure (with a hydrocarbon gas analyzer) the emissions from any component, except those exempted by §115.327(b)(2)-(3) of this title, whenever a potential leak is detected by sight, sound or smell;

(5) measure (with a hydrocarbon gas analyzer) emissions from any relief valve which has vented to the atmosphere within 24 hours;

(6) measure (with a hydrocarbon gas analyzer) immediately after repair, the emissions from any component that was found leaking;

(7) upon the detection of a

leaking component, shall affix to the leaking component a weatherproof and readily visible tag, bearing an identification number and the date the leak was located. This tag shall remain in place until the leaking component is repaired;

(8) The monitoring schedule of paragraphs (1)-(3) of this subsection may be modified as follows.

(A) After completion of the required annual and quarterly inspections for a period of at least two years, the operator of a refinery may request in writing to the Texas Air Control Board that the monitoring schedule be revised based on the percent of valves leaking. The percent of valves leaking shall be determined by dividing the sum of valves leaking during current monitoring and valves for which repair has been delayed by the total number of valves subject to the requirements. This request shall include all data that have been developed to justify the following modifications in the monitoring schedule.

(i) After two consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0%, an owner or operator may begin to skip one of the quarterly leak detection periods for the valves in gas/vapor and light liquid service.

(ii) After five consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0%, an owner or operator may begin to skip three of the quarterly leak detection periods for the valves in gas/vapor and light liquid service.

(B) If the executive director of TACB determines that there is an excessive number of leaks in any given process area, he may require an increase in the frequency of monitoring for that process area of the refinery.

§115.325. Testing Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.329 of this title (relating to Counties and Compliance Schedules)], compliance with this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries) shall be determined by applying the following test methods, as appropriate:

(1)-(3) (No change.)

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, compliance with this undesignated head shall be determined by applying the fol-

lowing test methods, as appropriate:

(1) Test Method 21 (40 Code of Federal Regulations 60, Appendix A) for determining volatile organic compound leaks. The leak detection equipment can be calibrated with methane, propane, or hexane, but the meter read-out must be as parts per million by volume (ppmv) hexane;

(2) determination of true vapor pressure using ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for 68 Degrees Fahrenheit (20 Degrees Celsius) in accordance with API Publication 2517, Third Edition, 1989; or

(3) minor modifications to these test methods approved by the executive director.

§115.326. Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.329 of this title (relating to Counties and Compliance Schedules)], the owner or operator of a petroleum refinery shall have the following recordkeeping requirements:

(1) (No change.)

(2) maintain a leaking-components monitoring log for all leaks of more than 10,000 ppmv of volatile organic compound (VOC) detected by the monitoring program required by §115.324(a) of this title (relating to Inspection Requirements). This log shall contain, at a minimum, the following data:

(A)-(I) (No change.)

(3)-(4) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of a petroleum refinery shall have the following recordkeeping requirements:

(1) submit to the executive director a monitoring program plan. This plan shall contain, at a minimum, a list of the refinery units and the quarter in which they will be monitored a copy of the log book format, and the make and model of the monitoring equipment to be used;

(2) maintain a leaking-components monitoring log for all leaks of more than 10,000 ppmv of VOC detected by the monitoring program required by §115.324(b) of this title. This log shall contain, at a minimum, the following data:

(A) the name of the process

unit where the component is located;

(B) the type of component (e.g., valve or seal);

(C) the tag number of the component;

(D) the date on which a leaking component is discovered;

(E) the date on which a leaking component is repaired;

(F) the date and instrument reading of the recheck procedure after a leaking component is repaired;

(G) a record of the calibration of the monitoring instrument;

(H) those leaks that cannot be repaired until turnaround; and

(I) the total number of components checked and the total number of components found leaking;

(3) retain copies of the monitoring log for a minimum of two years after the date on which the record was made or the report prepared;

(4) maintain all monitoring records for at least two years and make them available for review upon request by authorized representatives of the Texas Air Control Board United States Environmental Protection Agency, or local air pollution control agencies.

§115.327. Exemptions.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso and Houston/Galveston areas [counties referenced in §115.329 of this title (relating to Counties and Compliance Schedules)], the following exemptions shall apply.

(1) (No change.)

(2) Components which contact a process liquid containing volatile organic compounds (VOC) having a true vapor pressure equal to or less than 0.044 psia (0.3 kPa) at 68 Degrees Fahrenheit (20 Degrees Celsius) are exempt from the requirements of §115.324(a) of this title (relating to Inspection Requirements) if the components are inspected visually according to the inspection schedules specified within this same section.

(3) (No change.)

(4) Pressure relief devices con-

nected to an operating flare header, components in continuous vacuum service, storage tank valves, and valves that are not externally regulated (such as in-line check valves) are exempt from the monitoring requirement of §115.324(a) of this title.

(5) Compressors in hydrogen service are exempt from the requirements of §115.324(a) of this title if the owner or operator demonstrates that the percent hydrogen content can be reasonably expected to always exceed 50.0% by volume.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties the following exemptions shall apply.

(1) Valves with a nominal size of two inches (5 cm) or less are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries) provided allowable emissions at any refinery from sources affected by these sections after controls are applied with exemptions will not exceed by more than 5.0% such allowable emissions with no exemptions. Any person claiming an exemption for valves two inches (5 cm) nominal size or smaller under this subsection shall, at the time he provides his control plan, also provide the following information:

(A) identification of valves or classes of valves to be exempted;

(B) an estimate of uncontrolled emissions from exempted valves, and an estimate of emissions if controls were applied plus an explanation of how the estimates were derived; and

(C) an estimate of the total VOC emissions within the refinery from sources affected by §115.322(b) of this title (relating to Control Requirements), §115.324(b) of this title, and §115.326(b) of this title (relating to Recordkeeping Requirements) after controls are applied and assuming no exemptions for small valves, plus an explanation of how the estimate was derived.

(2) Components which contact a process fluid that contains less than 10% VOC by weight are exempt from the requirements of this undesignated head.

(3) Components which contact a process liquid containing VOC having a true vapor pressure equal to or less than 0.147 psia (1.013 kPa) at 68 Degrees Fahrenheit (20 Degrees Celsius) are exempt from the requirements of §115.324(b) of this title if the components are inspected visually according to the

inspection schedules specified within this same section.

(4) Petroleum refineries or individual process units in a temporary nonoperating status shall submit a plan for compliance with the provisions of this undesignated head, as soon as practicable, but no later than one month before the process unit is scheduled for start-up and be in compliance as soon as practicable, but no later than three months after start-up. All petroleum refineries affected by this subsection shall notify the Texas Air Control Board of any nonoperating refineries or individual process units when they are shut down and dates of any start-ups as they occur.

(5) Pressure relief devices connected to an operating flare header components in continuous vacuum service, storage tank valves, and valves that are not externally regulated (such as in-line check valves) are exempt from the monitoring requirement of §115.324(b) of this title.

(6) Compressors in hydrogen service are exempt from the requirements of §115.324(b) of this title if the owner or operator demonstrates that the percent hydrogen content can be reasonably expected to always exceed 50.0% by volume.

§115.329. Counties and Compliance Schedules. All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.322(a) of this title (relating to Control Requirements), §115.323(a) of this title (relating to Alternate Control Requirements), §115.324(a) of this title (relating to Inspection Requirements), §115.325(a) of this title (relating to Testing Requirements), §115.326(a) of this title (relating to Recordkeeping Requirements), and §115.327(a) of this title (relating to Exemptions), as soon as practicable, but no later than July 31, 1993. [All affected persons in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head (relating to Fugitive Emission Control in Petroleum Refineries) in accordance with the following schedules.

(1) All affected persons shall be in compliance with all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates).

(2) All persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties affected by the provisions of §115.324(2)(B)-(C) of this title (relating to Inspection Require-

ments) and §115.327(2) of this title (relating to Exemptions) shall be in compliance with these sections as soon as practicable, but no later than July 31, 1992.]

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200947 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

◆ ◆ ◆
**Fugitive Emission Control in
Synthetic Organic Chemical,
Polymer, Resin, Methyl
Tert-Butyl Manufacturing
Processes**

• **31 TAC §§115.332-115.337,
115.339**

The Texas Air Control Board (TACB) proposes amendments to §§115.332-115.337, and 115.339, concerning fugitive emission control in synthetic organic chemical, polymer, resin, and methyl tert-butyl ether manufacturing processes. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity.

The proposed changes to §115.332, concerning control requirements; §115.333, concerning alternate control requirements; §115.334, concerning inspection requirements; §115.335, concerning testing requirements; §115.336, concerning recordkeeping requirements; and §115.337, concerning exemptions, expand by definition the applicability of the requirements and remove potentially confusing cross-references. The proposed changes to §115.334, concerning inspection requirements, also add methyl tert-butyl ether (MTBE) manufacturing facilities to the list of facilities which may request a revised monitoring schedule. The proposed changes to §115.337, concerning exemptions, also move to a more appropriate location within this section the exemption for components which contact a process liquid containing volatile organic compounds having a true vapor pressure equal to or less than 0.044 psia at 68 Degrees Fahrenheit. The proposed changes to §115.339, concerning counties and compliance schedules, specify applicable perimeter counties and previously-designated nonattainment counties, add a compliance date for the additional counties, and remove an obsolete paragraph.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there would be no fiscal implications for state or local governments. Economic costs to persons and businesses required to implement the proposed measures are associated with fugitive monitoring and recordkeeping requirements and are estimated as follows: per affected component per required monitoring incident \$1.00 for fiscal years 1993-1996.

Lane Hartssock, deputy director of air quality planning, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of implementing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont, February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, February 25, 1992, 11 a.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston, February 26, 1992, 6 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.332. Control Requirements. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions)** [counties referenced in §115.339 of this title (relating to Counties and Compliance Schedules)], no person shall operate a synthetic organic chemical, polymer, resin, or methyl tert-butyl ether (MTBE) manufacturing process, natural gas/gasoline processing operation, as defined in §115.10 of this title without complying with the following control requirements.

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

§115.333. Alternate Control Requirement. For all affected persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston**

areas [counties referenced in §115.343 of this title (relating to Counties and Compliance Schedules)], the following alternate control requirements shall [may] apply:

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

§115.334. Inspection Requirements. For all affected persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.349 of this title (relating to Counties and Compliance Schedules)], the following inspection requirements shall apply.

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

(3) The monitoring schedule of paragraph (1)(A)-(C) of this section may be modified as follows.

(A) After completion of the required annual and quarterly inspections for a period of at least two years, the operator of a synthetic organic chemical, polymer, [or] resin, or MTBE manufacturing facility may request in writing to the Texas Air Control Board that the monitoring schedule be revised based on the percent of valves leaking. The percent of valves leaking shall be determined by dividing the sum of valves leaking during current monitoring and valves for which repair has been delayed by the total number of valves subject to the requirements. This request shall include all data that have been developed to justify the following modifications in the monitoring schedule.

(i)-(ii) (No change.)

(B) (No change.)

§115.335. Testing Requirements. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.339 of this title (relating to Counties and Compliance Schedules)], compliance with this undesignated head (relating to Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes) shall be determined by applying the following test methods, as appropriate:

(1)-(3) (No change.)

§115.336. Recordkeeping Requirement. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.339 of this title (relating to Counties and Compliance Schedules)], the owner or operator of a synthetic organic chemical, polymer, resin, or methyl tert-butyl ether manufacturing process shall have the following recordkeeping requirements.

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

§115.337. Exemptions. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.339 of this title (relating to Counties and Compliance Schedules)], the following exemptions shall apply.

(1) (No change.)

(2) Components which contact a process liquid containing volatile organic compounds (VOC) having a true vapor pressure equal to or less than 0.044 psia (0.3 kPa) at 68 Degrees Fahrenheit (20 Degrees Celsius) are exempt from the requirements of §115.334 of this title (relating to Inspection Requirements) if the components are inspected visually according to the inspection schedules specified within this same section.]

(2)(3) Synthetic organic chemical, polymer, resin [resins], and methyl tert-butyl ether (MTBE) manufacturing process units in a temporary nonoperating status shall submit a plan for compliance with the provisions of this undesignated head (relating to Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes) within one month prior to start-up and be in compliance as soon as practicable, but no later than three months after start-up. All synthetic organic chemical, polymer, resin, and MTBE manufacturing processes affected by this section shall notify the Texas Air Control Board of any nonoperating process units when they are shut down and dates of any start-ups as they occur.

(3)(4) Processes at the same location, but unrelated to the production of synthetic organic chemicals, polymers, resins, and MTBE are exempt from the requirements of this undesignated head.

(4)(5) The following items are exempt from the monitoring requirements of §115.334 of this title (relating to Inspection Requirements):

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

(E) components which contact a process liquid containing VOC having a true vapor pressure equal to or less than 0.044 psia (0.3 kPa) at 68 Degrees Fahrenheit (20 Degrees Celsius), if the components are inspected visually according to the inspection schedules specified within §115.334 of this title.

§115.339. Counties and Compliance Schedules. All affected persons in **Brazoria, Chambers, Collin, Dallas, Denton, El**

Paso, Fort Bend, Galveston, Hardin, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties shall be in compliance with this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations) as soon as practicable, but no later than **July 31, 1993**. [All affected persons in Harris County shall be in compliance with this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations) in accordance with all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates), except that all persons affected by the addition of methyl tert-butyl ether manufacturing processes to §115.332 of this title (relating to Control Requirements), §115.334(1) and (2) of this title (relating to Inspection Requirements), §115.335 of this title (relating to Testing Requirements), §115.336 of this title (relating to Recordkeeping Requirements), §115.337 of this title (relating to Exemptions) shall be in compliance with these sections as soon as practicable, but no later than July 31, 1992.]

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

Issued in Austin, Texas on January 17, 1992.

TRD-9200948 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

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Fugitive Emission Control in
Natural Gas/Gasoline Operations

• 31 TAC §§115.342-115.347,
115.349

The Texas Air Control Board (TACB) proposes amendments to §§115.342-115.347, and 115.349, concerning fugitive emission control in natural gas/gasoline processing operations. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend ozone controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity.

The proposed changes to §115.342, concerning control requirements; §115.343, concerning alternate control requirements; §115.344, concerning inspection requirements; §115.345, concerning testing requirements;

§115.346, concerning recordkeeping requirements; and §115.347, concerning exemptions, expand by definition the applicability of the requirements and remove potentially confusing cross-references. The proposed changes to §115.349, concerning counties and compliance schedules, specify applicable perimeter counties and previously-designated non-attainment counties, add a compliance date for the additional counties, and remove an obsolete paragraph.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there would be no fiscal implications for state or local governments. Economic costs to persons and businesses required to implement the proposed measures are associated with fugitive monitoring and recordkeeping requirements and are estimated as follows: per affected component per required, monitoring incident \$1.00 for fiscal years 1993-1996.

Any costs continuing beyond 1996 would be continuing monitoring and recordkeeping costs. All estimates are stated in 1992 dollars with no adjustments for inflation.

Lane Hartsock, deputy director of air quality planning, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of implementing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; February 25, 1992, 11 a.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; February 26, 1992, 6 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.342. Control Requirements. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** as defined in §115.10 of this title (relating to **Definitions**) [counties referenced in §115.349 of this title (relating to Counties and Compliance Schedules)], no

person shall operate a natural gas/gasoline processing operation, as defined in §115.10 of this title without complying with the following control requirements.

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

§115.343. Alternate Control Requirements. For all affected persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.349 of this title (relating to Counties and Compliance Schedules)], the following alternate control requirements shall [may] apply:

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

§115.344. Inspection Requirements. For all affected persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.349 of this title (relating to Counties and Compliance Schedules)], the following inspection requirements shall apply.

(1)-(3) (No change.)

§115.345. Testing Requirements. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.349 of this title (relating to Counties and Compliance Schedules)], compliance with this undesignated head shall be determined by applying the following test methods, as appropriate:

(1)-(3) (No change.)

§115.346. Recordkeeping Requirements. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.349 of this title (relating to Counties and Compliance Schedules)], the owner or operator of a natural gas/gasoline processing operation shall have the following recordkeeping requirements.

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

§115.347. Exemptions. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.349 of this title (relating to Counties and Compliance Schedules)], the following exemptions shall apply.

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

(3) Natural gas/gasoline processing units in a temporary nonoperating status and which satisfy the conditions of paragraphs [subsections] (1)-(2) of this section are exempt from the requirements of this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline

Processing Operations). All natural gas/gasoline processing operations affected by this section [subsection] shall notify the Texas Air Control Board of any nonoperating process units when they are shut down and dates of any start-ups as they occur.

(4)-(6) (No change.)

§115.349. Counties and Compliance Schedules. All affected persons in **Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties** shall be in compliance with this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations) as soon as practicable, but no later than July 31, 1993. [All affected persons in Harris County shall be in compliance with this undesignated head (relating to Fugitive Emission Control in Natural Gas/Gasoline Processing Operations) in accordance with all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates), except that all persons affected by §115.347(2) of this title (relating to Exemptions) and the deletion of exemptions for two-inch valves, shall be in compliance with these sections as soon as practicable, but no later than July 31, 1992.]

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

Issued in Austin, Texas on January 17, 1992.

TRD-9200949 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

◆ ◆ ◆
Subchapter E. Solvent-Using
Processes
Degreasing Processes

• 31 §§115.412, 115.413,
115.415-115.417, 115.419

The Texas Air Control Board (TACB) proposes amendments to §§115.412, 115.413, 115.415-115.417, and 115.419, concerning degreasing processes. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed in response to a requirement by EPA to extend controls that

currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been moved into a separate subsection in each section. However, no new requirements are intended for these three counties.

The proposed changes to §115.412, concerning control requirements; §115.413, concerning alternate control requirements; §115.415, concerning testing requirements; and §115.416, concerning recordkeeping requirements, expand by definition the applicability of the requirements and remove potentially confusing cross-references. The proposed changes to §115.412 also extend a prohibition against the degreasing of porous or absorbent materials, such as cloth, leather, wood, or rope, from vapor degreasing in §115.412(a)(2) and (b)(2) to cold solvent cleaning in §115.412(a)(1) and (b)(1) and conveyORIZED vapor degreasing in §115.412(a)(3) and (b)(3). The proposed changes to §115.417, concerning exemptions, expand by definition the current requirements for facilities in Dallas, El Paso, Harris, and Tarrant Counties by eliminating the 550 pound per day exemption in Brazoria, Galveston, Jefferson, and Orange Counties and also remove potentially confusing cross-references. The proposed changes to §115.419, concerning counties and compliance schedules, specify applicable perimeter counties, add a compliance date for the new requirements and the additional counties, and remove obsolete paragraphs.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas, and satisfaction of EPA requirements. There will be no effect on small business. The anticipated economic cost to person and businesses required to implement the proposed measures are associated with the expanded abatement requirement and are estimated as follows: per facility, the cost will be \$0 for fiscal year 1992 and 5,000 for fiscal years 1993-1996. Any costs continuing beyond 1996 would be continuing maintenance costs. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, February 25, 1992, 11 a.m., City

of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; and February 26, 1992, 6 p.m. City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the Board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The amendments are proposed under the Texas Clean Air Act (TCAA) §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of TCAA.

§115.412. Control Requirements.

(a) For all persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.010 of this title (relating to Definitions)** [counties referenced in §115.129(a) of this title (relating to Counties and Compliance Schedules)], the following control requirements shall apply.

(1) No person shall own or operate a system utilizing a volatile organic compound (VOC) for the cold cleaning of objects without the following controls.

(A)-(E) (No change.)

(F) The operating procedures shall be as follows.

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

(iv) **Porous or absorbent materials, such as cloth, leather, wood, or rope, shall not be degreased.**

(2) (No change.)

(3) No person shall own or operate a system utilizing a VOC for the conveyORIZED cleaning of objects without the following controls:

(A)-(H) (No change.)

(I) the following operating procedures.

(i)-(vii) (No change.)

(viii) **Porous or absorbent materials, such as cloth, leather, wood, or rope, shall not be degreased.**

(b) For Gregg, Nueces, and Victoria Counties, the following control requirements shall apply.

(1) No person shall own or operate a system utilizing a VOC for the cold cleaning of objects without the following controls.

(A) A cover shall be provided for each cleaner which shall be kept closed whenever parts are not being handled in the cleaner. The cover shall be designed for easy one-handed operation if any of the following exists:

(i) the true vapor pressure of the solvent is greater than 0.3 psia (2 kPa) as measured at 100 Degrees Fahrenheit (38 Degrees Celsius);

(ii) the solvent is agitated; or

(iii) the solvent is heated.

(B) An internal cleaned-parts drainage facility, for enclosed draining under a cover shall be provided for all cold cleaners.

(C) A permanent label summarizing the operating requirements in paragraph (1)(F) of this subsection shall be attached to the cleaner in a conspicuous location near the operator.

(D) If a solvent spray is used it must be a solid fluid stream (not a fine, atomized, or shower-type spray) and at an operating pressure of 10 psia or less as necessary to prevent splashing above the acceptable freeboard.

(E) The system shall be equipped with a freeboard that provides a ratio (the freeboard height divided by the degreaser width) equal to or greater than 0.7, or a water cover (solvent must be insoluble in and heavier than water).

(F) The operating procedures shall be as follows.

(i) Waste solvent shall not be disposed of or transferred to another party such that the waste solvent can evaporate into the atmosphere. Waste solvents shall be stored only in covered containers.

(ii) The degreaser cover shall be kept closed whenever parts are not being handled in the cleaner.

(iii) Parts shall be drained for at least 15 seconds or until dripping ceases.

(iv) Porous or absorbent materials, such as cloth, leather wood, or rope, shall not be degreased.

(2) No person shall own or operate a system utilizing a VOC for the open-top vapor cleaning of objects without the following controls.

(A) a cover that can be opened and closed easily without disturbing the vapor zone;

(B) the following devices which will automatically shut off the pump heat:

(i) a condenser coolant flow sensor and thermostat which will detect if the condenser coolant is not circulating or if the condenser coolant temperature exceeds the solvent manufacturer's recommendations;

(ii) a solvent level sensor which will detect if the solvent level drops below acceptable design limits; and

(iii) a vapor level sensor which will detect if the vapor level rises above acceptable design limits.

(C) a spray safety switch which will shut off the spray pump to prevent spraying above the vapor level;

(D) one of the following controls:

(i) a freeboard that provides a ratio (the distance from the top of the vapor level to the top edge of the degreasing tank divided by the degreaser width) equal to or greater than 0.75 and, if the degreaser opening is greater than 10 ft² (1m²), a powered cover;

(ii) a properly-sized, refrigerated chiller capable of achieving 85% or greater control of VOC emissions;

(iii) an enclosed design where the cover or door opens only when the dry part is actually entering or existing the degreaser; or

(iv) a carbon adsorption system with ventilation equal to or greater than 50 cfm/ft² (15m³/min per m²) of air/vapor area (with the cover open) and exhausting less than 25 ppm of solvent by volume averaged over one complete adsorption cycle;

(E) a permanent, conspicuous, label summarizing the operating procedures listed in paragraph (2)(F) of this subsection.

(F) the following operating procedures.

(i) The cover shall be

closed at all times, except when processing work loads through the degreaser.

(ii) Parts shall be positioned so that complete drainage is obtained.

(iv) Parts shall be moved in and out of the degreaser at less than 11 ft/min (3.3 m/min).

(iv) The work load shall be retained in the vapor zone at least n seconds or until condensation ceases.

(v) Any pools of solvent on the cleaned parts shall be removed by tipping the part before withdrawing it from the vapor zone.

(vi) Parts shall be allowed to dry within the degreaser freeboard area for at least 15 seconds or until visually dry.

(vii) Porous or absorbent materials, such as cloth, leather, wood, or rope, shall not be degreased.

(viii) Work loads shall not occupy more than half of the degreaser open top surface area.

(ix) Solvent shall not be sprayed above the vapor level.

(xi) Solvent leaks shall be repaired immediately, or the degreaser shall be shut down until repairs are made.

(x) Waste solvent shall not be disposed of or transferred to another party such that the waste solvent will evaporate into the atmosphere. Waste solvent shall be stored only in covered containers.

(xii) Exhaust ventilation for systems other than those which vent to a major control device shall not exceed 65cfm per ft² (20 m³/min per m²) of degreaser open area, unless necessary to meet Occupational Safety and Health Administration requirements or unless a carbon adsorption system is installed as a major control device. Ventilation fans or other sources of air agitation shall not be used near the degreaser opening.

(xiii) Water shall not be visibly detectable in the solvent existing the water separator.

(3) No Person shall own or operate a system utilizing a VOC for the conveyerized cleaning of objects without the following controls:

(A) one of the following major control devices:

(i) a properly-sized, refrigerated chiller capable of achieving 85% or greater control of VOC emis-

sions; or

(ii) a carbon adsorption system with ventilation equal to or greater than 50 cfm/ft² (15 m³/min/m²) of air vapor area (when downtime covers are open) and exhausting less than 25 ppm of solvent by volume averaged over one complete adsorption cycle;

(B) a drying tunnel or other means, such as rotating (tumbling) basket if space is available, to prevent solvent liquid or vapor carry-out;

(C) a condenser flow switch and thermostat which will shut off pump heat if the condenser coolant is not circulating or if the condenser coolant discharge temperature exceeds the solvent manufacturer's recommendation;

(D) a spray safety switch which will shut off the spray pump if the vapor level drops more than four inches (10 cm);

(E) a vapor level control thermostat which will shut off the pump heat when the vapor level rises above the designed operating level;

(F) entrances and exits which silhouette work loads so that the average clearance (between parts and edge of the degreaser opening) is either less than four inches (10 cm) or less than 10% of the width of the opening;

(G) downtime covers which close off the entrance and exit during nonoperating hours;

(H) a permanent, conspicuous label near the operator summarizing the operating requirements in subparagraph (I) of this paragraph;

(I) the following operating procedures.

(i) Exhaust ventilation for systems other than those which vent to a major control device shall not exceed 65 cfm/ft² (20 m³/min/m²) of degreaser opening, unless necessary to meet Occupational Safety and Health Administration requirements or unless a carbon adsorption system is installed as a major control device. Ventilation fans shall not be used near the degreaser opening.

(ii) Parts shall be positioned so that complete drainage is obtained.

(iii) Vertical conveyor

speed shall be maintained at less than 11 ft/min (3.3 m/min).

(iv) Waste solvent shall not be disposed of or transferred to another party such that the waste solvent can evaporate into atmosphere. Waste solvent shall be stored only in covered containers.

(v) Leaks shall be repaired immediately or the degreaser shall be shut down until repairs are made.

(vi) Water shall not be visibly detectable in the solvent exiting the water separator.

(vii) Downtime covers shall be placed over entrances and exits of conveyorized greasers immediately after the conveyor and exhaust are shut down and removed just before they are started up.

(viii) Porous or absorbent materials, such as cloth, leather, wood, or rope, shall not be degreased.

§115.413. Alternate Control Requirements.

(a) For all affected persons in Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [the counties referenced in §115.419 of this title (relating to Counties and Compliance Schedules)], alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(1) An alternative capture and control system for cold solvent cleaners with a demonstrated overall volatile organic compound (VOC) emission reduction efficiency of 65% or greater may be used in lieu of the requirements of §115.412(a)(1) of this title (relating to Control Requirements), if approved by the executive director.

(2) An alternate capture and control system for open-top vapor or conveyorized degreasers with a demonstrated overall VOC emission reduction efficiency of 85% or greater may be used in lieu of the requirements of §115.412(a)(2)(D) or (a)(3)(A) of this title (relating to Control Requirements), if approved by the executive director.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in ac-

cordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(1) An alternative capture and control system for cold solvent cleaners with a demonstrated overall VOC emission reduction efficiency of 65% or greater may be used in lieu of the requirements of §115.412(b)(1) of this title (relating to Control Requirements), if approved by the executive director.

(2) An alternate capture and control system for open-top vapor or conveyorized degreasers with a demonstrated overall VOC emission reduction efficiency of 85% or greater may be used in lieu of the requirements of §115.412(b)(2)(D) or (b)(3)(A) of this title (relating to Control Requirements), if approved by the executive director.

§115.15. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.419 of this title (relating to Counties and Compliance Schedules)], the following testing requirements shall apply.

(1) Compliance with §115.412(a)(1) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as applicable:

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

(2) Compliance with §115.412(a)(2)(D)(iv) and (a)(3)(A)(ii) of this title (relating to Control Requirements) and §115.413(a)(2) of this title (relating to Alternate Control Requirements) shall be determined by applying the following test methods, as appropriate:

(A)-(E) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, the following testing requirements shall apply.

(1) Compliance with §115.412(b)(1) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as applicable:

(A) determination of true vapor pressure using ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

(B) minor modifications to these test methods and procedures ap-

proved by the executive director.

(2) Compliance with §115.412(b)(2)(D)(iv) and (b)(3)(A)(ii) of this title (relating to Control Requirements) and §115.413(b)(2) of this title (relating to Alternate Control Requirements) shall be determined by applying the following test methods, as appropriate:

(A) Test Methods 1-4 (40 Code of Federal Regulations 60, Appendix A) for determining flow rates, as necessary;

(B) Test Method 18 (40 Code of Federal Regulations 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(C) Test Method 25 (40 Code of Federal Regulations 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(D) Test Methods 25A or 25B (40 Code of Federal Regulations 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis; or

(E) minor modifications to these test methods and procedures approved by the executive director.

§115.416. Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.419 of this title (relating to Counties and Compliance Schedules)], the owner or operator of any open-top vapor or conveyorized degreasing operation shall maintain the following records at the facility for at least two years and shall make such records available upon request to representatives of the Texas Air Control Board (TACB), United States Environmental Protection Agency (EPA), or the local air pollution control agency having jurisdiction in the area:

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

(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of any open-top vapor or conveyorized degreasing operation shall maintain the following records at the facility for at least two years and shall make such records available upon request to representatives of TACB, EPA, or the local air pollution control agency having jurisdiction in the area:

(1) a record of control equipment maintenance, such as replacement of the carbon in a carbon adsorption unit;

(2) the results of all tests conducted at the facility in accordance with the requirements described in §115.415(b)(2) of this title (relating to Testing Requirements).

§115.17. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.419 of this title (relating to Counties and Compliance Schedules)], the following exemptions shall apply.

(1) Any cold solvent cleaning system is exempt from the provisions of §115.412(a)(1)(B) of this title (relating to Control Requirements) and may use an external drainage facility in place of an internal type drainage system, if the true vapor pressure of the solvent is less than or equal to 0.6 psia (4.1 kPa) as measured at 100 Degrees Fahrenheit (38 Degrees Celsius) or if a cleaned part cannot fit into an internal drainage facility.

(2) Any cold solvent cleaning system is exempt from the requirements of §115.412(a)(1)(E) of this title (relating to Control Requirements), if the true vapor pressure of the solvent is less than or equal to 0.6 psia (4.1 kPa) as measured at 100 Degrees Fahrenheit (38 Degrees Celsius), or if the solvent is not heated above 120 Degrees Fahrenheit (49 Degrees Celsius).

(3) Until July 31, 1993, degreasing [Degreasing] operations located on any property in Brazoria, Galveston, Jefferson, and Orange Counties [any affected counties except Dallas, El Paso, Harris, and Tarrant] which can emit, when uncontrolled, a combined weight of volatile organic compounds (VOC) less than 550 pounds (249.5 kg) in any consecutive 24-hour period are exempt from the provisions of §115.412(a) of this title (relating to Control Requirements).

(4) Any conveyORIZED degreaser with less than 20 ft² (2 m²) of air/vapor interface is exempt from the requirement of §115.412(a)(3)(A) of this title (relating to Control Requirements).

(5) Any open-top vapor degreaser with an open area less than 10 ft² (1 m²) is exempt from the refrigerated chiller or the carbon adsorber requirements in §115.412(a)(2)(D)(i) and (iv) of this title (relating to Control Requirements).

(6) An owner or operator who operates a remote reservoir cold solvent cleaner which uses solvent with a true vapor pressure equal to or less than 0.6 psia (4.1

kPa) measured at 100 Degrees Fahrenheit (38 Degrees Celsius) and which has a drain area less than 16 in² (100 cm²) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(a)(1) of this title (relating to Control Requirements).

(b) For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply.

(1) Any cold solvent cleaning system is exempt from the provisions of §115.412(b)(1)(B) of this title (relating to Control Requirements) and may use an external drainage facility in place of an internal type drainage system, if the true vapor pressure of the solvent is less than or equal to 0.6 psia (4.1 kPa) as measured at 100 Degrees Fahrenheit (38 Degrees Celsius) or if a cleaned part cannot fit into an internal drainage facility.

(2) Any cold solvent cleaning system is exempt from the requirements of §115.412(b)(1)(E) of this title (relating to Control Requirements). If the true vapor pressure of the solvent is less than or equal to 0.6 psia (4.1 kPa) as measured at 100 Degrees Fahrenheit (38 Degrees Celsius) or if the solvent is not heated above 120 Degrees Fahrenheit (49 Degrees Celsius).

(3) Degreasing operations located on any property which can emit, when uncontrolled a combined weight of VOC less than 550 pounds (249.5 kg) in any consecutive 24-hour period are exempt from the provisions of §115.412(b) of this title (relating to Control Requirements).

(4) Any conveyORIZED degreaser with less than 20 ft² (2 m²) of air/vapor interface is exempt from the requirement of §115.412(b)(3)(A) of this title (relating to Control Requirements).

(5) Any open-top vapor degreaser with an open area less than 10 ft² (1 m²) is exempt from the refrigerated chiller or carbon adsorber requirements in §115.412(b)(2)(D)(ii) and (iv) of this title (relating to Control Requirements).

(6) An owner or operator who operates a remote reservoir cold solvent cleaner which uses solvent with a true vapor pressure equal to or less than 0.6 psia (4.1 kPa) measured at 100 Degrees Fahrenheit (38 Degrees Celsius) and which has a drain area less than 16 in² (100 cm²) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(b)(1) of this title (relating to Control Requirements).

§115.419 Counties and Compliance Schedules

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller, Counties shall be in compliance with §115.412(a) of this title (relating to Control Requirements), §115.413(a) of this title (relating to Alternate Control Requirements) §115.415(a) of this title (relating to Testing Requirements) §115.416(a) of this title relating to Recordkeeping Requirements), and §115.417(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1993.

(b) All persons in Brazoria Galveston, Jefferson, and Orange Counties affected by the provisions of §115.417(a)(3) of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable but, no later than July 31, 1993.

[All affected persons in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head (relating to Degreasing Processes) in accordance with the following schedules.]

[(1) All affected persons shall be in compliance with all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates).

[(2) All persons in El Paso County affected by the provisions of §115.417(3) of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable, but no later than July 31, 1992.

[(3) All persons in Dallas, Harris, and Tarrant Counties affected by the deletion of any exemptions from §115.417 of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable, but no later than July 31, 1992.]

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

Issued in Austin, Texas, on January 17, 1992

TRD-9200950 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed of adoption May 15, 1992

For further information, please call (512) 908-1451

◆ ◆ ◆ Surface Coating Processes

• 31 TAC §§115.421-115.427,
115.429

The Texas Air Control Board (TACB) proposes amendments to §§115.421-115.427,

and 115.429, concerning surface coating processes. The proposed changes have been developed in response to a requirement by the U.S. Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been moved into a separate subsection in each section. However, no new requirements are intended for these three counties.

The proposed changes to §115.421, concerning emission specifications; §115.422, concerning control requirements; §115.423, concerning alternate control requirements; §115.424, concerning inspection requirements; §115.425, concerning testing requirements; §115.426, concerning Recordkeeping Requirements; and §115.427, concerning exemptions, expand by definition the applicability of the requirements, and remove potentially confusing cross-references. The proposed changes to §115.421 also expand to Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties the applicability of existing control requirements in Dallas and Tarrant Counties for prime coating of the exterior of assembled aircraft and for the sale of architectural coatings. The proposed changes to §115.427, concerning exemptions, expand the applicability of existing control requirements for facilities in Dallas, El Paso, Harris, and Tarrant Counties by eliminating the 550 pound per day exemption in Brazoria, Galveston, Jefferson, and Orange Counties. The proposed changes to §115.429, concerning counties and compliance schedules, specify applicable perimeter counties, add a compliance date for the new requirements and the additional counties, and remove obsolete paragraphs.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements. There will be no effect on small businesses. The anticipated economic cost to persons and businesses required to implement the proposed measures are associated with the expanded abatement, monitoring, and recordkeeping requirements and are estimated as follows: per facility control unit: \$0 for fiscal year 1992 and \$50,000 for fiscal years 1993-1996; per volatile organic compound monitoring unit: \$0 for fiscal year 1992 and \$15,000 for fiscal years 1993-1996. Any costs continuing beyond 1996 would be continuing operating, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, February 25, 1992, 11 a.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 26, 1992, 6 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.421. Emission Specifications.

(a) No person in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas as defined in §115.10 of this title (relating to Definitions)** [counties referenced in §115.429 of this title (relating to Counties and Compliance Schedules)] may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating processes as defined in §115.10 of this title (relating to Definitions) affected by paragraphs (1) -(11) of this subsection [section] to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings delivered to each coating line, except for those in paragraph (10) of this subsection [section] which are based on paneling surface area and those in paragraph (11) of this subsection [section] which are based on the VOC content of architectural coatings sold or offered for sale.

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

(8) Automobile and light-duty truck coating.

(A) The following VOC emission limits shall be achieved for all automobile and light-duty truck manufacturing, on the basis of solvent content per gallon of coating (minus water and exempt solvents) delivered to the application system or for primer surfacer and top coat application, compliance may be demonstrated on the basis of VOC emissions per gallon of solids deposited as determined by §115.425(a)(3) of this title (relating to Testing Requirements).

VOC Emission Limitation

Operation (including application, flashoff, and oven areas)	Coating delivered (minus water and exempt solvent)		Solids deposited	
	<u>lb/gal</u>	<u>kg/liter</u>	<u>lb/gal</u>	<u>kg/liter</u>
prime application (body and front-end sheet metal)	1.2	0.15	N/A	N/A
primer surfacer application	2.8	0.34	15.1	1.81
topcoat application	2.8	0.34	15.1	1.81
final repair application	4.8	0.58	*	*

As an alternative to the emission limitation of 4.8 pounds of VOC per gallon of coating applied for final repair, if a source owner does not compile records sufficient to enable determination of a daily weighted average VOC content, compliance with the final repair emission limitation may be demonstrated each day by meeting a standard of 4.8 pounds of VOC per gallon of coating (minus water and exempt solvents) on an occurrence weighted average basis. Compliance with such alternative emission limitation shall be determined in accordance with the procedure specified in §115.425(a)(3).

(B) In Dallas and Tarrant Counties, VOC emissions from the coatings or solvents used in automobile and truck refinishing shall be based on an assumed, 65% [30%] transfer efficiency from all application equipment, unless otherwise specified in an alternate means of control approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control), and shall not exceed the following limits, as delivered to the application system:

(i)-(vii) (No change.)

[(C) The assumed transfer efficiency of subparagraph (B) of this paragraph shall become 65% in accordance with the schedule set forth in §115.429(2)(A).

(C) [(D)] Additional control requirements for automobile and truck refinishing operations are referenced in §115.422 of this title (relating to Control Requirements).

(9) Miscellaneous metal parts and products coating.

(A) VOC emissions from the coating of miscellaneous metal parts and products shall not exceed the following limits for each surface coating type:

(i)-(iv) (No change.)

(v) In Dallas and Tarrant Counties, and after July 31, 1993 in counties other than Dallas and Tarrant, 6.7 pounds per gallon (0.81 kg/liter) of solids delivered to the application system as a prime coat for the exterior of aircraft [in Dallas and Tarrant Counties].

(B)-(C) (No change.)

(10) (No change.)

(11) Architectural coating. In

Dallas and Tarrant Counties, and after July 31, 1993 in counties other than Dallas and Tarrant, the [The] VOC content of any coating sold or offered for sale as an architectural coating shall have the date of manufacture clearly marked on each container and shall not exceed the following limits:

(A)-(I) (No change.)

(b) No person in the Gregg, Nueces, and Victoria Counties may cause, suffer, allow, or permit VOC emissions from the surface coating processes as defined in §115.10 of this title (relating to Definitions) affected by paragraphs (1) - (10) of this subsection to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings delivered to each coating line, except for those in paragraph (10) of this subsection which are based on paneling surface area.

(1) Large appliance coating. VOC emissions from the application, flashoff, and oven areas during the coating of large appliances (prime and topcoat, or single coat) shall not exceed 4.5 pounds per gallon of solids delivered to the application system (0.54 kg/liter).

(2) Furniture Coating. VOC

emissions from metal furniture coating lines (prime and topcoat, or single coat) shall not exceed 5.1 pounds per gallon of solids delivered to the application system (0.61 kg/liter).

(3) Coil coating. VOC emissions from the coating (prime and topcoat, or single coat) of metal coils shall not exceed 4.0 pounds per gallon of solids delivered to the application system (0.48 kg/liter).

(4) Paper coating. VOC emissions from the coating of paper (or specified tapes or films) shall not exceed 4.8 pounds per gallon of solids delivered to the application system (0.57 kg/liter).

(5) Fabric coating. VOC emissions from the coating of fabric shall not exceed 4.8 pounds per gallon of solids delivered to the application system (0.57 kg/liter).

(6) Vinyl coating. VOC emissions from the coating of vinyl fabrics or sheets shall not exceed 7.9 pounds per gallon of solids delivered to the application system (0.95 kg/liter). Plastisol coatings should not be included in calculations.

(7) Can coating. The following VOC emission limits shall be achieved, on the basis of solvent content per gallon of solids delivered to the application system.

VOC Emission Limitation

<u>Affected Operation</u>	<u>pounds per gallon</u>	<u>kg per liter</u>
	<u>of solids</u>	<u>of solids</u>
<u>sheet basecoat (exterior and interior) and over-varnish</u>	<u>4.5</u>	<u>0.54</u>
<u>two-piece can exterior (basecoat and over-varnish)</u>	<u>4.5</u>	<u>0.54</u>
<u>two- and three-piece can interior body spray, two-piece can exterior end (spray or roll coat)</u>	<u>9.8</u>	<u>1.17</u>
<u>three-piece can side-seam spray</u>	<u>22</u>	<u>2.64</u>
<u>end sealing compound</u>	<u>7.4</u>	<u>0.89</u>

(8) Miscellaneous metal parts and products coating.

(A) VOC emissions from the coating of miscellaneous metal parts and products shall not exceed the follow-

ing limits for each surface coating type:

(i) 10.2 pounds per gallon (1.23 kg/liter) of solids delivered to the application system as a clear coat; or as an interior protective coating for pails and drums;

(ii) 6.7 pounds per gal-

lon (0.81 kg/liter) of solids delivered to the application system that utilizes air or forced air driers;

(iii) 6.7 pounds per gallon (0.81 kg/liter) of solids delivered to the application system as an extreme performance coating, including chemical milling maskants; and

(iv) 5.1 pounds per gallon (0.61 kg/liter) of solids delivered to the application system for all other coating applications that pertain to miscellaneous metal parts and products.

(B) If more than one emission limitation in subparagraph (A) of

this paragraph applies to a specific coating, then the least stringent emission limitation shall apply.

(C) All VOC emissions from non-exempt solvent washings shall be included in determination of compliance with the emission limitations in

subparagraph (A) of this paragraph, unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(9) Factory surface coating of flat wood paneling. The following emission limits shall apply to each product category of factory-finished paneling (regardless of the number of coats applied).

VOC Emission Limitation

<u>Product Category</u>	<u>lb VOC/1000 ft²</u> <u>of coated surface</u>	<u>kg VOC/100 m²</u> <u>of coated surface</u>
<u>printed interior wall</u>	<u>6.0</u>	<u>2.9</u>
<u>panels made of hardwood</u> <u>plywood and thin particle</u> <u>board (less than 1/4 inch</u> <u>(0.64 cm)) in thickness</u>		
<u>natural finish hardwood</u> <u>plywood panels</u>	<u>12.0</u>	<u>5.8</u>
<u>hardboard paneling</u> <u>with Class II finish</u> <u>(ANSI Standard PS-59-73)</u>	<u>10.0</u>	<u>4.8</u>

§115.422. *Control Requirements.* For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas [counties referenced in §115.429 of this title (relating to Counties and Compliance Schedules)].

(1) In Dallas and Tarrant Counties, any automobile refinishing oper-

ation shall minimize volatile organic compound (VOC) emissions during equipment cleanup by the following procedures:

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

(2) Any surface coating operation that becomes subject to the provisions of §115.421(a) of this title (relating to Emission Specifications) by exceeding the provisions of §115.427(a) of this title (relat-

ing to Exemptions) shall remain subject to the provisions in §115.421(a), even if throughput or emissions later fall below exemption limits.

§115.423. *Alternate Control Requirements.*

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas [counties referenced in §115.429 of

this title (relating to Counties and Compliance Schedules)], the following alternate control techniques may apply.

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

(3) If a vapor recovery system is used to control emissions from coating operations, the capture and abatement system shall be capable of achieving and maintaining emission reductions equivalent to the emission limitations of §115.421(a) of this title (relating to Emission Specifications) and an overall control efficiency of at least 80% of the volatile organic compound (VOC) emissions from those coatings. The owner or operator of any surface coating facility shall submit design data for each capture system and emission control device which is proposed for use to the executive director for approval. Any capture efficiency testing shall be performed in accordance with §115.425(a)(4) of this title (relating to Testing Requirements).

(4) For any surface coating process or processes at a specific property, the executive director may approve requirements different from those in §115.421(a)(9) based upon his determination that such requirements will result in the lowest emission rate that is technologically and economically reasonable. When he makes such a determination, the executive director shall specify the date or dates by which such different requirements shall be met and shall specify any requirements to be met in the interim. If the emissions resulting from such different requirements equal or exceed 25 tons a year for a property, the determinations for that property shall be reviewed every two years. Executive director approval does not necessarily constitute satisfaction of all federal requirements nor eliminate the need for approval by the United States Environmental Protection Agency in cases where specified criteria for determining equivalency have not been clearly identified in applicable sections of this chapter.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, the following alternate control techniques may apply.

(1) Emission calculations for surface coating operations performed to satisfy the conditions of §101.23 of this title (relating to Alternate Emission Reduction "Bubble" Policy), §115.910 of this title (relating to Alternate Means of Control), or other demonstrations of equivalency with the specified emission limits in this section shall be based on the pounds of VOC per gallon of solids for all affected coatings.

(2) Any alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria,

such as use of improved transfer efficiency in this section, may be approved by the executive director in accordance with §115.910 if emission reductions are demonstrated to be substantially equivalent.

(3) If a vapor recovery system is used to control emissions from coating operations, the capture and abatement system shall be capable of achieving and maintaining emission reductions equivalent to the emission limitations of §115.421(b) and an overall control efficiency of at least 80% of the VOC emissions from those coatings. The owner or operator of any surface coating facility shall submit design data for each capture system and emission control device which is proposed for use to the executive director for approval.

(4) For any surface coating process or processes at a specific property, the executive director may approve requirements different from those in §115.421(b)(9) based upon his determination that such requirements will result in the lowest emission rate that is technologically and economically reasonable. When he makes such a determination, the executive director shall specify the date or dates by which such different requirements shall be met and shall specify any requirements to be met in the interim. If the emissions resulting from such different requirements equal or exceed 25 tons a year for a property, the determinations for that property shall be reviewed every two years, executive director approval does not necessarily constitute satisfaction of all federal requirements nor eliminate the need for approval by the United States Environmental Protection Agency in cases where specified criteria for determining equivalency have not been clearly identified in applicable sections of this chapter.

§115.424. Inspection Requirements.

(a) For the Beaumont/Port Arthur Dallas/Fort Worth, El Paso, and Houston/Galveston Areas counties referenced in §115.429 of this title (relating to [Counties and Compliance Schedules]), the following inspection [testing] requirements shall apply.

(1) All surface coating processes or operations affected by §115.421(a) of this title (relating to Emissions Specifications) must provide samples, without charge, upon request by representatives of the Texas Air Control Board (TACB), United States Environmental Protection Agency (EPA), or local air pollution control agency.

(2) All wholesalers and retailers affected by §115.421(a) must provide sam-

ples, without charge, upon request by representatives of the TACB, EPA, or local air pollution control agency.

(3) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, the following inspection requirements shall apply.

(1) All surface coating processes or operations affected by §115.421(b) must provide samples, without charge, upon request by representatives of TACB, EPA, or local air pollution control agency.

(2) The representative or inspector requesting the sample will determine the amount of coating needed to test the sample to determine compliance.

§115.425. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas [counties referenced in §115.429 of this title (relating to Counties and Compliance Schedules)], the following testing requirements shall apply.

(1) Compliance with §115.421(a) of this title (concerning Emission Specifications) shall be determined by applying the following test methods, as appropriate:

(A)-(E) (No change.)

(2) Compliance with §115.423(a)(3) of this title (relating to Alternate Control Requirements) shall be determined by applying the following test methods, as appropriate:

(A)-(E) (No change.)

(3) Compliance with the alternative emission limits in §115.421(a)(8) (A) shall be determined by applying the following test methods, as appropriate:

(A) (No change.)

(B) The procedure contained in this paragraph for determining daily compliance with the alternative emission limitation in §115.421(a)(8)(A) for final repair. Calculation of occurrence weighted average for each combination of repair coatings (primer, specific basecoat, clearcoat) shall be determined by the following procedure.

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

(4) The capture efficiency shall be measured using applicable procedures outlined in 40 Code of Federal Regulations (CFR) Part 52.741, Subpart O, Appendix B. These procedures are:

Procedure T - Criteria for and Verification of a
Permanent or Temporary Total Enclosure

Procedure L - Volatile Organic Compounds (VOC) Input

Procedure G.2 - Captured VOC Emissions (Dilution Technique)

Procedure F.1 - Fugitive VOC Emissions from Temporary
Enclosures

Procedure F.2 - Fugitive VOC Emissions from Building
Enclosures

these test methods approved by the executive director.

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

(C) The following conditions must be met in measuring capture efficiency.

(i) (No change.)

(ii) All affected facilities shall accomplish the initial capture efficiency testing by July 31, 1992 in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties, and by July 31, 1993 in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties [the schedule in §115.429].

(iii) (No change.)

(b) For Gregg, Nueces, and Victoria Counties the following testing requirements shall apply.

(1) Compliance with §115.421(b) shall be determined by applying the following test methods as appropriate:

(A) Test Method 24 (40 CFR 60, Appendix A) with a one-hour bake;

(B) ASTM Test Methods D 1186-06, 01, D 1200-06, 01, D 3794-06, 01, D 2832-69, D 1644-75, and D 3960-81;

(C) EPA guidelines series document "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings," EPA-450/3-84-011, as in effect December 1984;

(D) additional test procedures described in 40 CFR 60.446; or

(E) minor modifications to

(2) Compliance with §115.423(b)(3) shall be determined by applying the following test methods, as appropriate:

(A) Test Methods 1-4 (40 CFR 60, Appendix A) for determining flow rates, as necessary;

(B) Test Method 25 (40 CFR 60 Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(C) Test Method 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(D) additional performance test procedures described in 40 CFR 60.444; or

(E) minor modifications to these test methods approved by the executive director.

§115.426. Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas [counties referenced in §115.429 of this title (relating to Counties and Compliance Schedules)], the following recordkeeping requirements shall apply.

(1) Any person affected by §115.421(a) of this title (relating to Emission Specifications) shall satisfy the following recordkeeping requirements.

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

(C) Records shall be maintained of any testing conducted at an affected facility in accordance with the provisions specified in §115.425(a)(1) of this title (relating to Testing Requirements).

(D) (No change.)

(2) The owner or operator of any surface coating facility which utilizes a vapor recovery system approved by the executive director in accordance with §115.423(a)(3) of this title (relating to Alternate Control Requirements) shall:

(A) (No change.)

(B) maintain records of any testing conducted at an affected facility in accordance with the provisions specified in §115.425(a)(2); and

(C) (No change.)

(3) The owner or operator shall maintain, on file, the capture efficiency protocol submitted under §115.425(a)(4). The owner or operator shall submit all results of the test methods and capture efficiency protocols to TACB within 60 days of the actual test date. The source owner or operator shall maintain records of the capture efficiency operating parameter values on site for a minimum of one year. If any changes are made to capture or control equipment, the owner or operator is required to notify the executive director in writing within 30 days of these changes and a new capture efficiency and/or control device destruction or removal efficiency test may be required.

(4) [In accordance with the schedule referenced in §115.429(1), records] Records shall be maintained sufficient to document the applicability of the conditions for exemptions referenced in §115.427(a) of this title (relating to Exemptions).

(b) For Gregg, Nueces, and Victoria Counties, the following recordkeeping

requirements shall apply.

(1) Any person affected by §115.421(b) shall satisfy the following recordkeeping requirements.

(A) A material data sheet shall be maintained which documents the volatile organic compound (VOC) content, composition, solids content, solvent density, and other relevant information regarding each coating and solvent available for use in the affected surface coating processes sufficient to determine continuous compliance with applicable control limits.

(B) Records shall be maintained of the quantity and type of each coating and solvent consumed during the specified averaging period if any of the coatings, as delivered to the coating application system, exceed the applicable control limits. Such records shall be sufficient to calculate the applicable weighted average of VOC for all coatings.

(C) Records shall be maintained of any testing conducted at an affected facility in accordance with the provisions specified in §115.425(b)(1).

(D) Records required by subparagraphs (A)-(C) of this paragraph shall be maintained for at least two years and shall be made available upon request by representatives of the Texas Air Control Board (TACB), U.S. Environmental Protection Agency (EPA), or local air pollution control agency.

(2) The owner or operator of any surface coating facility which utilizes a vapor recovery system approved by the executive director in accordance with §115.423(b)(3) shall:

(A) install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, including:

(i) the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalytic bed;

(ii) the total amount of VOC recovered by carbon adsorption or other solvent recovery systems during a calendar month;

(iii) continuous monitoring of carbon adsorption bed exhaust to determine if breakthrough has occurred;

and

(iv) the dates and reasons for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities;

(B) maintain records of any testing conducted at an affected facility in accordance with the provisions specified in §115.425(b)(2); and

(C) maintain all records at the affected facility for at least two years and make such records available to representatives of TACB, EPA, or local air pollution control agency, upon request.

(3) Records shall be maintained sufficient to document the applicability of the conditions for exemptions referenced in §115.427(b).

§115.427. Exemptions.

(a) For the **Beaumont/Port Arthur, Dallas/Fort Worth El Paso, and Houston/Galveston Areas** [counties referenced in §115.429 of this title (relating to Counties and Compliance Schedule)], the following exemptions shall apply

(1) **Until July 31, 1993 in Brazoria, Galveston, Jefferson, or Orange Counties, surface** [Surface] coating operations located at any facility in Brazoria, El Paso, Galveston, Gregg, Jefferson, Nueces, Orange, or Victoria Counties] which, when uncontrolled, will emit a combined weight of volatile organic compounds (VOC) less than 550 pounds (249.5 kg) in any continuous 24-hour period are exempt from the provisions of §115.421(a) of this title (relating to Emission Specifications).

[(2) Surface coating operations located at any facility in Harris County which, when uncontrolled, will emit a combined weight of VOC less than 100 pounds (45.4 kg) in any continuous 24-hour period are exempt from the provisions of §115.421 of this title (relating to Emission Specifications).]

(2)[(3)] The following coating operations are exempt from the application of §115.421(a)(9) [of this title (relating to Emission Specifications)]:

(A) exterior of fully assembled aircraft, except as required by §115.421(a)(9)(A)(v) [of this title (relating to Emission Specifications)];

(B) automobile refinishing, except in Dallas and Tarrant Counties, as required by §115.421(a)(8)(B) and (C) [of this title (relating to Emission Specifications)];

tions)];

(C)-(E) (No change.)

(3)[(4)] The following coating operations are exempt from the application of §115.421(a)(10) [of this title (relating to Emission Specifications)]:

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

(4)[(5)] **In counties other than Dallas and Tarrant, architectural** [Architectural] coatings are exempt from the provisions of §115.421(a) (11) [of this title (relating to Emission Specifications) in Dallas and Tarrant Counties] if manufactured before **July 31, 1992** [December 31, 1988].

(5)[(6)] **In Dallas, El Paso, Harris, and Tarrant Counties, and after July 31, 1993 in counties other than Dallas, El Paso, Harris, and Tarrant** [in accordance with the schedule referenced in §115.429(1)], the following exemptions shall apply to surface coating operations [in Dallas, El Paso, Harris, and Tarrant Counties], except for aircraft prime coating controlled by §115.421(a)(9)(A)(v) [of this title (relating to Emission Specifications)] and automobile and truck refinishing controlled by §115.421(a)(8)(B) and (C)

(A) Surface coating operations on a property which, when uncontrolled, will emit a combined weight of VOC of less than three pounds per hour and 15 pounds in any consecutive 24-hour period shall be exempt from the provisions of §115.421(a) and §115.423(a) of this title (relating to Alternate Control Requirements).

(B) Surface coating operations on a property which, when uncontrolled, will emit a combined weight of VOC of less than 100 pounds in any consecutive 24-hour period shall be exempt from the provisions of §115.421(a) and §115.423(a) if documentation is provided to and approved by both the executive director of TACB and EPA to demonstrate that necessary coating performance criteria cannot be achieved with coating which satisfy applicable emission specifications and that control equipment is not technically or economically feasible.

(6)[(7)] The following coatings are exempt from the application of this undesignated head (relating to Surface Coating Processes):

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

(b) **For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply.**

(1) Surface coating operations located at any facility which when uncontrolled will emit a combined weight of VOC less than 550 pounds (249.5 kg) in any continuous 24-hour period are exempt from the provisions of §115.421(b).

(2) The following coating operations are exempt from the application of §115.421(b)(9):

(A) exterior of fully assembled aircraft;

(B) automobile refinishing;

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

(D) exterior of fully assembled marine vessels; and

(E) exterior of fully assembled fixed offshore structures.

(3) The following coating operations are exempt from the application of §115.421(b)(10):

(A) the manufacture of exterior siding;

(B) tile board; or

(C) article board used as a furniture component.

§115.429. Counties and Compliance Schedules.

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.421(a) of this title (relating to Emission Specifications), §115.422 of this title (relating to Control Requirements), §115.423(a) of this title (relating to Alternate Control Requirements), §115.424(a) of this title (relating to Inspection Requirements), §115.425(a) of this title (relating to Testing Requirements), §115.426(a) of this title (relating to Recordkeeping Requirements), and §115.427(a) of this title (relating to Exemptions) as soon as practicable but no later than July 31, 1993.

(b) All affected persons in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties shall be in compliance with §115.421(a)(9)(A) (v) and (a)(11) as soon as practicable, but no later than July 31, 1993.

(c) All affected persons in Brazoria, Galveston, Jefferson, and Orange Counties shall be in compliance with §115.427(a)(5) as soon as practicable, but no later than July 31, 1993.

[All affected persons in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head (relating to Surface Coating Processes) in accordance with the following schedules.]

[(1) All compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Date); and

[(2) The following additional compliance schedules.]

[(A) All persons affected by changes from gallon of coating to gallon of solids and the addition of exempt solvents for calculating VOC content in §115.421 of this title (relating to Emissions Specifications) shall be in compliance with this section as soon as practicable, but no later than July 31, 1992.

[(B) All affected persons in Dallas and Tarrant Counties shall be in compliance with §115.421(8)(C) and (D) of this title (relating to Emission Specifications) as soon as practicable, but no later than July 31, 1992.

[(C) All affected persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties shall be in compliance with §115.425(4) of this title (relating to Testing Requirements) and §115.426(2) (A)(iii) and (3) of this title (relating to Recordkeeping Requirements) as soon as practicable, but no later than July 31, 1992.]

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

Issued in Austin, Texas, on January 17, 1992.

TRD-92009851 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

◆ ◆ ◆
Graphic Arts (Printing) by
Rotograve and Flexographic
Processes

• 31 TAC §§115.432, 115.433,
115.435-115.437, 115.439

The Texas Air Control Board (TACB) proposes amendments to §§115.432, 115.433, 115.435-115.437, and 115.439, concerning graphic arts (printing) by rotogravure and flexographic processes. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to resolve potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been moved into a separate subsection in each section. However, no new requirements are intended for those three counties.

The proposed changes to §115.432, concerning control requirements, §115.433, concerning alternate control requirements, §115.435, concerning testing requirements; and §115.436, concerning recordkeeping requirements, expand by definition the applicability of the requirements and remove potentially confusing cross-references. The proposed changes to §115.437, concerning exemptions, lower the 100 tons per year exemption level for El Paso, Jefferson, and Orange Counties to 50 tons per year, lower the 100 tons per year exemption level for Brazoria, Galveston, and Harris Counties to 25 tons per year, change the basis for the 50 tons per year exemption in Dallas and Tarrant Counties to maximum production capacity, and remove potentially confusing cross-references. The proposed changes to §115.439, concerning counties and compliance schedules, specify applicable perimeter counties and previously-designated nonattainment counties, add a compliance date for the additional counties and new requirements, and remove obsolete paragraphs.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government

Lane Hartsock, deputy director of air quality planning, has determined that for the first five-year period the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements. There will be no effect on small businesses. The anticipated economic cost to persons and businesses required to implement the proposed measures are associated with the expanded abatement, monitoring, and recordkeeping requirements and are estimated as follows: per facility control unit: \$0 for fiscal year (fy) 1992 and \$50,000 for fys 1993-1996; per volatile organic compound monitoring unit: \$0 for fy 1992 and \$15,000 for fys 1993-1996. Any costs continuing be-

yond 1996 would be continuing operating, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; February 25, 1992, 11 a.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; and February 26, 1992, 6 p.m. City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the Board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The amendments are proposed under the Texas Clean Air Act (TCAA) §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.432. Control Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions) [counties referenced in §115.439 of this title (relating to Counties and Compliance Schedules)].

(1) (No change.)

(2) Any graphic arts facility that becomes subject to the provisions of paragraph (1)(A), (B), or (C) of this subsection [section] by exceeding provisions of §115.437(a) of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below exemption limits.

(3) Any capture efficiency testing of the capture system must be conducted in accordance with §115.435(a) of this title (relating to Testing Requirements).

(b) For Gregg, Nueces, and Victoria Counties, no person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing line that uses solvent-containing ink, unless volatile organic compound (VOC) emissions are limited by one of the following:

(1) application to the substrate

of low solvent ink with a volatile fraction containing 25% by volume or less of VOC solvent and 75% by volume or more of water and exempt solvent;

(2) application to the substrate of high solids solvent-borne ink containing 60% by volume or more of nonvolatile material (minus water and exempt solvent); or

(3) operation of a carbon adsorption or incineration system to reduce the VOC emissions from an effective capture system by at least 90% by weight. The design and operation of the capture system for each printing line must be consistent with good engineering practice and shall be required to provide for an overall reduction in VOC emissions, as demonstrated to the satisfaction of the executive director upon request of at least the following weight percentages:

(A) 75% for a publication rotogravure process;

(B) 65% for a packaging rotogravure process; or

(C) 60% for a flexographic printing process;

§115.433. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.439 of this title (relating to Counties and Compliance Schedules)], alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 if emission reductions are demonstrated to be substantially equivalent.

§115.435. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.439 of this title (relating to Counties and Compliance Schedules)], compliance shall be determined by applying

the following test methods, as appropriate:

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

(6) additional performance test procedures described in 40 Code of Federal Regulations (CFR) 60.444; [or]

(7) the capture efficiency which shall be measured using applicable procedures outlined in 40 CFR [Code of Federal Regulations (CFR)], Part 52.741, Subpart O, Appendix B. These procedures are:

Procedure T - Criteria for and Verification of a
Permanent or Temporary Total Enclo-
sure

Procedure L - Volatile Organic Compounds (VOC) Input

Procedure G.2 - Captured VOC Emissions (Dilution
Technique)

Procedure F.1 - Fugitive VOC Emissions from Temporary
Enclosures

Procedure F.2 - Fugitive VOC Emissions from Building
Enclosures

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

(C) The following conditions must be met in measuring capture efficiency.

(i) (No change.)

(ii) All affected facilities shall accomplish the initial capture efficiency testing by July 31, 1992 in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties, and by July 31, 1993 in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties [the schedule in §115.439 of this title (relating to Counties and Compliance Schedules)].

(iii) (No change.)

(8) minor modifications to these test methods and procedures [shall be] approved by the executive director.

(b) For Gregg, Nueces, and Victoria Counties, compliance shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 CFR 60, Appendix A) for determining flow rates as necessary;

(2) Test Method 24 (40 CFR 60, Appendix A) for determining the VOC content and density of printing inks and related coatings;

(3) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(4) Test Methods 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(5) United States Environmental Protection Agency (EPA) guidelines series document "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings." EPA-450/3-84-011, as in effect December 1984;

(6) additional performance test procedures described in 40 CFR 60.444; or

(7) minor modifications to these test methods and procedures approved by the executive director.

§115.436. Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.439 of this title (relating to Counties and Compliance Schedules)], the owner or operator of any graphic arts facility subject to the control requirements of §115.432(a) of this title (relating to Control Requirements) shall:

(1) maintain records of the volatile organic compound (VOC) content of all

inks as applied to the substrate. Additionally records of the quantity of each ink and solvent used shall be maintained. The composition of inks may be determined by the methods referenced in §115.435(a) of this title (relating to Testing Requirements) or by examining the manufacturer's formulation data and the amount of dilution solvent added to adjust the viscosity of inks prior to application to the substrate;

(2) maintain daily records of the quantity of each ink and solvent used at a facility subject to the requirements of an alternate means of control approved by the executive director in accordance with §115.433(a) of this title (relating to Alternate Control Requirements) which allows the application of inks exceeding the applicable control limits. Such records must be sufficient to demonstrate compliance with the applicable emission limitation on a daily weighted average;

(3) (No change.)

(4) maintain the results of any testing conducted at an affected facility in accordance with the provisions specified in §115.435(a); [and]

(5) maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the Texas Air Control Board (TACB), United States Environmental Protection Agency (EPA), or the local air pollution agency having jurisdiction in the area; and [.]

(6) maintain on file the capture

efficiency protocol submitted under §115.435(a)(7) of this title (relating to Testing Requirements). The owner or operator shall submit all results of the test methods and capture efficiency protocols to TACB [the Texas Air Control Board (TACB)] within 60 days of the actual test date. The source owner or operator shall maintain records of the capture efficiency operating parameter values on-site for a minimum of one year. If any changes are made to capture or control equipment, the owner or operator is required to notify the executive director in writing within 30 days of these changes and a new capture efficiency and/or control device destruction or removal efficiency test may be required.

(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of any graphic arts facility subject to the control requirements of §115.432(b) of this title (relating to Control Requirements) shall:

(1) maintain records of the VOC content of all inks as applied to the substrate. Additionally, records of the quantity of each ink and solvent used shall be maintained. The composition of inks may be determined by the methods referenced in §115.435(b) or by examining the manufacturer's formulation data and the amount of dilution solvent added to adjust the viscosity of inks prior to application to the substrate;

(2) maintain daily records of the quantity of each ink and solvent used at a facility subject to the requirements of an alternate means of control approved by the executive director in accordance with §115.433(b) of this title (relating to Alternate Control Requirements) which allows the application of inks exceeding the applicable control limits. Such records must be sufficient to demonstrate compliance with the applicable emission limitation on a daily weighted average;

(3) install and maintain monitors to accurately measure and record operational parameters of any emission control device installed to meet applicable control requirements. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including:

(A) the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed;

(B) the total amount of VOC recovered by a carbon adsorption or other solvent recovery system during a calendar month; and

(C) the dates and reasons for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities;

(4) maintain the results of any testing conducted at an affected facility in accordance with the provisions specified in §115.435(b); and

(5) maintain all records at the affected facility for at least two years and make such records available upon request to representatives of TACB, EPA, or the local air pollution agency having jurisdiction in the area.

§115.437. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.439 of this title (relating to Counties and Compliance Schedules)], the following exemptions shall apply.

(1) Until July 31, 1993 in Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties, all [All] rotogravure and flexographic facilities on a property [, except those specified in paragraph (2) of this section,] which, when uncontrolled, have a maximum potential to emit a combined weight of volatile organic compounds (VOC) less than 100 tons (91 metric tons) in one year (based on historical ink and VOC solvent usage, and at maximum production capacity) are exempt from the requirements of §115.432(a) of this title (relating to Control Requirements).

(2) Until July 31, 1993 in [In] Dallas and Tarrant Counties, all rotogravure and flexographic printing facilities on a property which, when uncontrolled, emit a combined weight of VOC less than 50 tons in one year (based on historical ink and solvent usage) are exempt from the requirements of §115.432(a).

(3) After July 31, 1993 in the Beaumont/Port Arthur, Dallas/Fort Worth, and El Paso Areas, all rotogravure and flexographic facilities on a property which, when uncontrolled, have a maximum potential to emit a combined weight of VOC less than 50 tons in one year (based on historical ink and VOC solvent usage, and at maximum production capacity) are exempt from the requirements of §115.432(a).

(4) After July 31, 1993 in the Houston/Galveston Area, all rotogravure and flexographic facilities on a property which when uncontrolled, have a maximum potential to emit a combined weight of VOC less than 25 tons in one year

(based on historical ink and VOC solvent usage, and at maximum production capacity) are exempt from the requirements of §115.432(a).

(b) For Gregg, Nueces, and Victoria Counties all rotogravure and flexographic facilities on a property which, when uncontrolled, emit a combined weight of VOC less than 100 tons (91 metric tons) in one year (based on historical ink and VOC solvent usage) are exempt from the requirements of §115.432(b).

§115.439. Counties and Compliance Schedules.

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.432(a) of this title (relating to Control Requirements), §115.433(a) of this title (relating to Alternate Control Requirements), §115.435(a) of this title (relating to Testing Requirements), §115.436(a) of this title (relating to Recordkeeping Requirements), and §115.437(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1993.

(b) All affected persons in Dallas, El Paso, Jefferson, Orange, and Tarrant Counties shall be in compliance with §115.437(a)(3) as soon as practicable, but no later than July 31, 1993.

(c) All affected persons in Brazoria, Galveston, and Harris Counties shall be in compliance with §115.437(a)(4) as soon as practicable, but no later than July 31, 1993.

[All affected persons in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head (relating to Graphic Arts (Printing) by Rotogravure and Flexographic Processes) in accordance with the following compliance schedules.

(1) All affected persons shall be in compliance with all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates).

(2) All affected persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties shall be in compliance with §115.432(3) of this title (relating to Control Requirements), §115.435(7) of this title (relating to Testing Requirements), §115.436(3)(C) and (6) of this title (relating to Recordkeeping Requirements), and §115.437(1) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1992.]

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

Issued in Austin, Texas, on January 17, 1992

TRD 9200952 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption May 15, 1992

For further information, please call (512) 908 1451

Subchapter F. Miscellaneous Industrial Sources

Cutback Asphalt

• 31 TAC §§115.512, 115.513, 115.515-115.517, 115.519

The Texas Air Control Board (TACB) proposes amendments to §§115.512, 115.513, 115.515-115.517, and 115.519, concerning cutback asphalt. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity.

The proposed changes to §115.512, concerning control requirements; §115.513, concerning alternate control requirements; §115.515, concerning testing requirements; §115.516, concerning recordkeeping requirements; and §115.517, concerning exemptions, expand by definition the applicability of the requirements and remove potentially confusing cross-references. The proposed changes to §115.512, concerning control requirements, also reduce the maximum allowable annual usage of cutback asphalt from 8.0% to 7.0% in Brazoria, Galveston, Harris, Jefferson, and Orange Counties, consistent with existing requirements in Dallas, El Paso, and Tarrant Counties. The proposed changes to §115.519, concerning counties and compliance schedules, specify applicable perimeter counties and previously-designated nonattainment counties, add a compliance date for the additional counties, and remove an obsolete paragraph.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local governments.

Lane Hartsock, deputy director of air quality planning, has determined that for each year of the first five years the sections are in effect

the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements. There will be no effect on small businesses. There is no anticipated economic cost to person who are required to comply with the sections as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, February 25, 1992, 11 a.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; and February 26, 1992, 6 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the Board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The amendments are proposed under the Texas Clean Air Act (TCAA) §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.512. Control Requirements. For persons in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions) [the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules)], the following control requirements shall apply.

(1) In Nueces County, and until December 31, 1992 in Brazoria, Galveston, Harris, Jefferson, and Orange Counties, the [The] use of cutback asphalt containing volatile organic compound (VOC) solvents for the paving of roadways, driveways, or parking lots is restricted to no more than 8.0% of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(2) In Dallas, El Paso, and Tarrant Counties, and after December 31, 1992 in counties other than Dallas, El Paso, and Tarrant in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the [The] use of cutback asphalt containing VOC solvents for the paving of roadways, driveways, or parking lots [in Dallas, El Paso, and Tarrant Counties] is restricted to no more than 7.0%

of the total annual volume averaged over a two-year period of asphalt used or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(3) In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, no [No] person shall allow the use, application, sale, or offering [offer] for sale of cutback asphalt containing VOC solvents for paving roadways, driveways, or parking lots [in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties] during the period from April 16 to September 15 of any year.

(4) (No change.)

§115.513. Alternate Control Requirements. For all affected persons in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules)], alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.515. Testing Requirements. For Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules)], compliance with §115.512(4) of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

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

§115.516. Recordkeeping Requirements. For Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules)], any state, municipal, or county agency who uses or specifies the use of the type of asphalt or asphalt emulsion affected by §115.512 of this title (relating to Control Requirements) shall maintain records sufficient to document compliance with applicable restrictions and shall make such records available upon request to representatives of the Texas Air Control Board, United States Environmental Protection Agency, or the local air pollution control agency having jurisdiction in the area.

§115.517. Exemptions. For persons in **Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [the counties referenced in §115.519 of this title (relating to Counties and Compliance Schedules)], the following are exempt from the provisions of §115.512(3) of this title (relating to Control Requirements):

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

§115.519. Counties and Compliance Schedules.

(a) All affected persons in **Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties** shall be in compliance with this undesignated head (relating to **Cutback Asphalt**) as soon as practicable but no later than **April 16, 1993**.

(b) All persons in **Brazoria, Galveston, Harris, Jefferson, and Orange Counties** affected by the provisions of §115.512(2) of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable, but no later than **December 31, 1992**. [All affected persons in **Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Nueces, Orange, and Tarrant Counties** shall be in compliance with this undesignated head (relating to **Cutback Asphalt**) in accordance with all compliance schedules which have expired prior to **January 1, 1991**, in accordance with §115.930 of this title (relating to Compliance Dates), except that all persons in **Brazoria, El Paso, Galveston, Harris, Jefferson, and Orange Counties** affected by §115.512(3) of this title (relating to Control requirements) shall be in compliance as soon as practicable, but no later than **April 16, 1992**.]

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200953 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call. (512) 908-1451

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Perchloroethylene Dry Cleaning Systems

• **31 TAC §§115.521-115.527, 115.529**

The Texas Air Control Board (TACB) proposes amendments to §§115.521-115.527, and 115.529, concerning perchloroethylene

dry cleaning systems. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "primator county catch-ups." The revisions intended to remove potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties moved into a separate subsection in each section. However, no new requirements are intended for those three counties.

The proposed changes to §115.521, concerning omission specifications; §115.522, concerning control requirements; §115.523, concerning alternate control requirements; §115.524, concerning inspection requirements; §115.525, concerning testing requirements; §115.526, concerning recordkeeping requirements; and §115.527, concerning exemptions, expand by definition the applicability of the requirements and remove potentially confusing cross-references. The proposed changes to §115.527 also remove the 550 pound per day exemption in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties such that requirements in these counties will be consistent with requirements in Dallas, Harris, and Tarrant Counties. The proposed changes to §115.529, concerning counties and compliance schedules, specify applicable perimeter counties and previously-designated nonattainment counties, add a compliance date for the additional counties, and remove obsolete paragraphs

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government or for small businesses. The anticipated economic cost to persons and businesses required to implement the proposed measures are associated with abatement and recordkeeping requirements and are estimated as follows: per facility: \$0 for fiscal year (fy) 1992 and \$2,000 for fys 1993-1996. Any costs continuing beyond 1996 would be continuing operating, maintenance, and recordkeeping costs. All estimates are stated in 1992 dollars with no adjustments for inflation

Lane Hartsock, deputy director of air quality planning, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont, February 25, 1992, 7 p.m., City of El Paso, Council

Chambers, Second Floor, 2 Civic Center Plaza, El Paso, February 25, 1992, 11 a.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston, and February 26, 1992, 6 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The amendments are proposed under the Texas Clean Air Act (TCAA) §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.521. Emission Specifications

(a) For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** as defined in §115.10 of this title (relating to Definitions [counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules)]), the owner or operator of a dry cleaning facility using perchloroethylene shall vent the entire dryer exhaust through a properly functioning control device such that emissions are limited to no more than 100 ppm before dilution.

(b) For **Gregg, Nueces, and Victoria Counties**, the owner or operator of a dry cleaning facility using perchloroethylene shall vent the entire dryer exhaust through a properly functioning control device such that emissions are limited to no more than 100 ppm before dilution.

§115.522. Control Requirements.

(a) For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules)], the owner or operator of a dry cleaning facility using perchloroethylene shall apply the following control requirements:

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

(b) For **Gregg, Nueces, and Victoria Counties**, the owner or operator of a dry cleaning facility using perchloroethylene shall apply the following control requirements:

(1) cook or treat all diatomaceous earth filters so that the residue contains 25% by weight or less of volatile

organic compounds (VOC);

(2) reduce the VOC from all solvent stills to 60 weight percent or less of wet waste material;

(3) drain all filtration cartridges in the filter housing for at least 24 hours before removing and discarding the cartridges and, when possible dry all drained cartridges in the dryer tumbler or elsewhere without emitting VOC to the atmosphere; and

(4) store all solvent-contaminated waste materials in vapor-tight containers prior to proper disposal.

§115.523. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules)], alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.524. Inspection Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules)], the owner or operator of a dry cleaning facility using perchloroethylene shall visually inspect, at least weekly, all system components and immediately repair all liquid leaks.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, the owner or operator of a dry cleaning facility using perchloroethylene shall visually inspect, at least weekly, all system components and immediately repair all liquid leaks.

§115.525. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules)], compliance with §115.521(a) of this title (relating to Emission Specifications) shall be determined by applying the following test methods, as appropriate:

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

(b) For Gregg, Nueces, and Victoria Counties, compliance with §115.521(b) of this title (relating to Emission Specifications) shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 Code of Federal Regulations (CFR) 60, Appendix A) for determining flow rates, as necessary;

(2) Test Method 18 (40 CFR 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(3) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(4) Test Methods 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis; or

(5) minor modifications to these test methods approved by the executive director.

§115.526. Recordkeeping Requirements. For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules)], the owner or operator of any perchloroethylene dry cleaning facility shall maintain the following information for two years and make such information available for review upon request by authorized representatives of the Texas Air Control Board, United States Environmental Protection Agency, and local air pollution control agencies:

(1) (No change.)

(2) a record of the results of visual leak inspections conducted in accordance with §115.524a of this title (relating to Inspection Requirements);

(3) the results of all tests conducted in accordance with the requirements described in §115.525(a) of this title (relating to Testing Requirements).

§115.527. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.529 of this title (relating to Counties and Compliance Schedules)], the following exemptions shall apply.

(1) (No change.)

(2) Until August 1, 1993 in Brazoria, El Paso, Galveston, Jefferson, or Orange Counties, any [Any] perchloroethylene dry cleaning facility [located in Brazoria, El Paso, Galveston, Gregg, Jefferson, Nueces, or Orange, or Victoria Counties] which, when uncontrolled, would emit a combined weight of volatile organic compounds (VOC) of less than 550 pounds (249.5 kg) in any consecutive 24-hour period is exempt from the provisions of this undesignated head (relating to Perchloroethylene Dry Cleaning Systems).

(b) For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply.

(1) Coin-operated perchloroethylene dry cleaning facilities are exempt from the provisions of this undesignated head (relating to Perchloroethylene Dry Cleaning Systems).

(2) Any perchloroethylene dry cleaning facility which when uncontrolled, would emit a combined weight of VOC of less than 550 pounds (249.5 kg) in any consecutive 24-hour period is exempt from the provisions of this undesignated head (relating to Perchloroethylene Dry Cleaning Systems).

§115.529. Counties and Compliance Schedules.

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.521(a) of this title (relating to Emission Specifications), §115.522(a) of this title (relating to Control Requirements), §115.523(a) of this title (relating to Alternate Control Requirements) §115.524(a) of this title (relating to Inspection Requirements), §115.525(a) of this title (relating to Testing Requirements), §115.526 of this title (relating to Recordkeeping Requirements) and §115.527(a) of this title (relating to Exemptions) as soon as practicable but no later than August 1, 1993.

(b) All persons in Brazoria, El Paso, Galveston, Jefferson, and Orange Counties affected by the provisions of §115.527(a)(2) shall be in compliance with this section as soon as practicable, but no later than August 1, 1993. [All

affected persons in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head (relating to Perchloroethylene Dry Cleaning Systems) in accordance with the following schedules:

(1) all compliance schedules which have expired prior to February 1, 1990, in accordance with §115.930 of this title (relating to Compliance Dates);

(2) all persons in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties affected by the provisions of §115.526 of this title (relating to Recordkeeping Requirements) shall be in compliance as soon as practicable but no later than August 31, 1990; and

(3) all persons required to implement controls as a result of the removal of the exemptions previously granted for inadequate space or insufficient steam capacity shall be in compliance as soon as practicable but no later than August 31, 1990.]

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200954

Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

◆ ◆ ◆ Pharmaceutical Manufacturing Facilities

• 31 TAC §§115.531-115.537, 115.539

The Texas Air Control Board (TACB) proposes amendments to §§115.531-115.537, and 115.539, concerning pharmaceutical manufacturing facilities. The proposed changes have been developed in response to a requirement by the U.S. Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes also have been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties.

This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been moved into a separate subsection in each section. However, no new requirements are intended for these three counties.

The proposed changes to §115.531, concerning omission specifications, §115.532, concerning control requirements; §115.533, concerning alternate control requirements, §115.534, concerning inspection requirements; §115.535, concerning testing requirements, and §115.536, concerning Recordkeeping Requirements, expand by definition the applicability of current requirements to include the additional counties and remove potentially confusing cross-references. The proposed changes to §115.537, concerning exemptions, lower the 550 pounds per day exemption in Brazoria, Galveston, Jefferson, and Orange Counties to 15 pounds per day and remove potentially confusing cross-references. The proposed changes to §115.539, concerning counties and compliance schedules, specify applicable perimeter counties, add a compliance date for the new requirements and the additional counties, and remove obsolete paragraphs.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government or for small businesses. The anticipated economic cost to persons and businesses required to implement the proposed measures are associated with the expanded abatement, monitoring, and recordkeeping requirements and are estimated as follows: per facility control unit; \$0 for fiscal year (fy) 1992 and \$50,000 for fys 1993-1996; per volatile organic compound monitoring unit: \$0 for fy 1992 and \$15,000 for fys 1993-1996. Any costs continuing beyond 1996 would be continuing operating, maintenance, and recordkeeping requirements. All estimates are stated in 1992 dollars with no adjustments for inflation and assume continuing costs equal to those incurred during 1992-1996.

Lane Hartssock, deputy director of air quality planning, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont, February 25, 1992, 7 p.m., City of El Paso Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso, February 25, 1992, 11 a.m., City of Houston Pollution Control Building Auditori-

um, 7411 Park Place Boulevard, Houston, February 26, 1992, 6 p.m., City of Arlington Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The amendments are proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of TCAA.

§115.531. Emission Specifications.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions) [counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules)], the owner or operator of a synthesized pharmaceutical manufacturing facility shall satisfy the following emission specifications.

(1) (No change.)

(2) Air dryers and exhaust systems. VOC emissions from all air dryers and production equipment exhaust systems shall be reduced to **not more than** [at least] 33 lb/day (15 kg/day) or controlled in accordance with §115.532(a)(4) of this title (relating to Control Requirements).

(3) Loading facilities. VOC emissions from truck or railcar deliveries to storage tanks at loading facilities shall be controlled in accordance with §115.532(a)(4) of this title (relating to Control Requirements).

(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of a synthesized pharmaceutical manufacturing facility shall satisfy the following emission specifications.

(1) Reactors, distillation units, crystallizers, centrifuges, and vacuum dryers. The emission of VOC from these sources shall be controlled by means of surface condensers from which the condenser outlet gas temperature must not exceed the following.

When VOC Vapor Pressure

At 68°F (20°C) Exceeds

5.8 psia (40 kPa)

2.9 psia (20 kPa)

1.5 psia (10 kPa)

1.0 psia (7 kPa)

0.5 psia (3.5 kPa)

Outlet gas

Maximum Temperature

-13°F (-25°C)

5°F (-15°C)

32°F (0°C)

50°F (10°C)

77°F (25°C)

(2) Air dryers and exhaust systems. VOC emissions from all air dryers and production equipment exhaust systems shall be reduced to not more than 33 lb/day (15 kg/day) or controlled in accordance with 115.532(b)(4) of this title (relating to Control Requirements).

(3) Loading facilities. VOC emissions from truck or railcar deliveries to storage tanks at loading facilities shall be controlled in accordance with 115.532(b)(4).

§115.532. Control Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules), the owner or operator of a synthesized pharmaceutical manufacturing facility shall provide the following specified controls.

(1)-(3) (No change.)

(4) Air dryers, production equipment exhaust systems, and loading facilities. Sources affected by §115.531(a) of this title (relating to Emission Specifications) shall be controlled by a system with a reduction efficiency of at least 90% of the uncontrolled emissions.

(5) Pharmaceutical manufacturing facility. Any pharmaceutical manufacturing facility that becomes subject to the provisions of paragraphs (1)-(4) of this subsection by exceeding provisions of §115.537(a) of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below exemption limits.

(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of a synthesized pharmaceutical manufacturing facility shall provide the following specified controls.

(1) Tanks.

(A) All in-process tanks that contain VOC at any time shall be kept covered, except when production, sampling, maintenance, or inspection procedures require operator access.

(B) All storage tanks that store VOC shall have pressure vacuum conservation vents installed which are set at ± 0.8 inches of water (± 0.2 kPa), unless a more effective control system is used.

(2) Centrifuges and filters. Centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface which process liquids containing VOC shall be enclosed.

(3) Leaks.

(A) All liquid leaks containing VOC from a process unit or storage tank shall be required the first time the equipment is off-line long enough to complete the repair.

(B) All liquid or gaseous leaks of VOC observed during loading operations shall be required immediately. Loading operations shall be discontinued until the leak is repaired.

(4) Air dryers, production equipment exhaust systems, and loading facilities. Sources affected by §115.531(b) shall be controlled by a system with a reduction efficiency of at least 90 of the uncontrolled emissions.

§115.533. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules)], alternate methods of demonstrating and documenting continuous compliance with the applicable control re-

quirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 if emission reductions are demonstrated to be substantially equivalent.

§115.534. Inspection Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas [counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules)], the following inspection requirements shall apply.

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

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, the following inspection requirements shall apply.

(1) Inspection for visible liquid leaks, visible fumes, or significant odors resulting from the transfer of VOC from trucks or railcars to storage tanks at loading facilities shall be conducted by the owner or operator of any pharmaceutical manufacturing facility.

(2) VOC loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

§115.535. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and

Houston/Galveston areas [counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules)], compliance with this undesignated head (relating to Pharmaceutical Manufacturing Facilities) shall be determined by applying the following test methods, as appropriate:

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

(b) For Gregg, Nueces, and Victoria Counties, compliance with this undesignated head shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 Code of Federal Regulations (CFR) 60, Appendix A) for determining flow rate, as necessary;

(2) Test Method 18 (40 CFR 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(3) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(4) Test Methods 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(5) determination of true vapor pressure using ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

(6) minor modifications to these test methods approved by the executive director.

§115.536. Recordkeeping Requirements.

(a) For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules)], the following recordkeeping requirements shall apply.

(1) The owner or operator of any pharmaceutical manufacturing facility which utilizes a surface condenser to control emissions of volatile organic compounds (VOC) from process units affected by §115.531(a)(1) of this title (relating to Emission Specifications) shall record the outlet gas temperature.

(2) The owner or operator of any pharmaceutical manufacturing facility which utilizes a vapor recovery system to satisfy the requirements of §115.531(a) or §115.532(a) of this title (relating to Control Requirements) shall:

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

(3) The owner or operator of any pharmaceutical manufacturing facility which is exempted from the requirements in accordance with the provisions of §115.537(a) of this title (relating to Exemptions) shall maintain a record of the following information, as appropriate:

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

(4) The owner or operator of any affected pharmaceutical manufacturing facility shall maintain records of any testing conducted at an affected facility in accordance with the provisions specified in §115.535 (a) of this title (relating to Testing Requirements).

(5) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, the following recordkeeping requirements shall apply.

(1) The owner or operator of any pharmaceutical manufacturing facility which utilizes a surface condenser to control emissions of VOC from process units affected by §115.531(b)(1) shall record the outlet gas temperature.

(2) The owner or operator of any pharmaceutical manufacturing facility which utilizes a vapor recovery system to satisfy the requirements of §115.531(b) or §115.532(b) shall:

(A) install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with design specifications, such as:

(i) the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed;

(ii) the total amount of VOC recovered by carbon adsorption or other solvent recovery systems during a calendar month; or

(iii) the daily emission rate of VOC from the control device;

(B) maintain a record of the dates and reasons for any maintenance and repair of the required control devices and the estimated quantity and duration of VOC emissions during such activities.

(3) The owner or operator of any pharmaceutical manufacturing facility which is exempted from the requirements in accordance with the provisions

of §115.537(b) shall maintain a record of the following information, as appropriate:

(A) the vapor pressure of materials transferred at loading facilities, stored in tanks, or processed in centrifuges and filters; and

(B) the daily emissions rate of VOC.

(4) The owner or operator of any affected pharmaceutical manufacturing facility shall maintain records of any testing conducted at an affected facility in accordance with the provisions specified in §115.535(b).

(5) The owner or operator of any affected pharmaceutical manufacturing facility shall maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the Texas Air Control Board, United States Environmental Protection Agency, or local air pollution control agency.

§115.537. Exemptions.

(a) For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.539 of this title (relating to Counties and Compliance Schedules)], the following exemptions shall apply.

(1) Storage tanks at loading facilities with capacities less than or equal to 2,000 gallons (7,571 liters) are exempt from the requirements of §115.531(a)(3) of this title (relating to Emission Specifications).

(2) Storage tanks at loading facilities that store volatile organic compounds (VOC) with vapor pressures less than or equal to 4.1 psia (28 kPa) at 68 Fahrenheit (20 Celsius) are exempt from the requirements of §115.531(a)(3).

(3) Storage tanks containing VOC with vapor pressures less than or equal to 1.5 psia (10.3 kPa) at 68 Fahrenheit (20 Celsius) are exempt from the requirements of §115.532(a)(1)(B) of this title (relating to Control Requirements).

(4) Centrifuges and filters which process liquids containing VOC with vapor pressures less than 0.5 psia (3.4 kPa) at 68 Fahrenheit (20 Fahrenheit) are exempt from the requirements of §115.532(a)(2).

(5) Until July 31, 1993 in **Brazoria, Galveston, Jefferson, and Orange Counties**, any [Any] facility in [Brazoria, Galveston, Gregg, Jefferson, Nueces, Orange, or Victoria Counties] which, when uncontrolled, will emit a combined weight of VOC less than 550 pounds (249.5

kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) of this title (relating to Emission Specifications) and §115.532(a).

(6) In Dallas, El Paso, Harris, and Tarrant Counties, any [Any] individual unit [located in Dallas, El Paso, Harris or Tarrant Counties] which, when uncontrolled, will emit a combined weight of VOC less than 15 pounds (6.8 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) and §115.532(a).

(7) After July 31, 1993 in counties other than Dallas, El Paso, Harris, and Tarrant, any individual unit which, when uncontrolled, will emit a combined weight of VOC less than 15 pounds (6.8 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) and §115.532(a).

(b) For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply.

(1) Storage tanks at loading facilities with capacities less than or equal to 2,000 gallons (7,571 liters) are exempt from the requirements of §115.531(b)(3).

(2) Storage tanks at loading facilities that store VOC with vapor pressures less than or equal to 4.1 psia (28 kPa) at 68 Fahrenheit (20 Celsius) are exempt from the requirements of §115.531(b)(3).

(3) Storage tanks containing VOC with vapor pressures less than or equal to 1.5 psia (10.3 kPa) at 68 Fahrenheit (20 Celsius) are exempt from the requirements of §115.532(b)(1)(B).

(4) Centrifuges and filters which process liquids containing VOC with vapor pressures less than 0.5 psia (3.4 kPa) at 68 Fahrenheit (20 Celsius) are exempt from the requirements of §115.532(b)(2).

(5) Any facility which, when uncontrolled, will emit a combined weight of VOC less than 550 pounds (249.5 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(b) and §115.532(b).

§115.539 Counties and Compliance Schedules

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.531(a) of this title (relating to Emission Specifications), §115.532(a) of this title (relating to Control Requirements), §115.533(a) of this title (relating to Alternate Control Requirements), §115.534(a) of this title (relating to Inspection Requirements), §115.535(a) of this title (re-

lating to Testing Requirements), §115.536(a) of this title (relating to Recordkeeping Requirements), and §115.537(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1993.

(b) All persons in Brazoria, Galveston, Jefferson, and Orange Counties affected by the provisions of §115.537(a)(7) shall be in compliance with this section as soon as practicable, but no later than July 31, 1993. [All affected persons in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head (relating to Pharmaceutical Manufacturing Facilities) in accordance with the following schedules.

[(1) All affected persons shall be in compliance with all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates).

[(2) All persons in Dallas, El Paso, and Tarrant Counties affected by the provisions of §115.536(2)(A)(ii) of this title (relating to Recordkeeping Requirements) and §115.537(6) of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable, but no later than July 31, 1992.]

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

Issued in Austin, Texas on January 17, 1992.

TRD-9206955 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

◆ ◆ ◆ Subchapter G. Consumer Related Sources

Consumer Related Solvent Products

• 31 TAC §§115.612-115.615, 115.617, 115.619

The Texas Air Control Board (TACB) proposes a new §115.614 and amendments to §§115.612, 115.613, 115.615, 115.617, and 115.619, concerning consumer-solvent products. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed

in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity.

The proposed changes to §115.612, concerning control requirements, expand by definition the applicability of the requirements, add a maximum allowable volatile organic compound (VOC) content for automobile windshield washer fluids, and remove potentially confusing cross-references. The proposed changes to §115.613, concerning alternate control requirements, and §115.617, concerning exemptions, expand the applicability of the requirements, and remove potentially confusing cross-references.

The proposed new §115.614, concerning inspection requirements, requires that samples of the windshield washer fluid be supplied to TACB, federal, or local program inspectors at no cost. The proposed changes to §115.615, concerning testing requirements, correct the referenced test method and remove potentially confusing cross-references. The proposed changes to §115.619, concerning counties and compliance schedules, specify applicable perimeter counties and previously-designated nonattainment counties, and add a compliance date for the additional counties.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local governments or for small businesses. There is no anticipated economic cost for persons and businesses required to implement the proposed measures.

Lane Hartsock, deputy director of air quality planning, has determined that for each year of the first five-year period the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; February 25, 1992, 11 a.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; and February 26, 1992, 6 p.m. City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the Board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The amendments and the new section are proposed under the Texas Clean Air Act (TCAA) §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of TCAA

§115.612. Control Requirements. For persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** as defined in §115.10 of this title (relating to Definitions) [counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules)], no person may sell or offer for sale automobile windshield washer fluids which contain volatile organic compounds as an active ingredient, solvent, or any other component in a concentration greater than 8.0% (by weight).

§115.613. Alternate Control Requirements. For all affected persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules)], alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.614. Inspection Requirements. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas**, all wholesalers and retailers affected by §115.612 of this title (relating to Control Requirements) must provide samples, without charge, upon request by representatives of the Texas Air Control Board, Environmental Protection Agency, or local air pollution control agency. The representative or inspector requesting the sample will determine the amount needed to test the sample.

§115.615. Testing Requirements. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules)], compliance with §115.612 of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) Test Method 24 [24A] (40 Code of Federal Regulations 60, Appendix A) for the determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings [and density of printing inks and related coatings]; or

(2) (No change.)

§115.617. Exemptions. For persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules)], the following products are exempt from the provisions of §115.612 of this title (relating to Control Requirements):

(1) products purchased by and delivered to a retail outlet in affected counties other than Dallas and Tarrant prior to April 30, 1993;

(1) products purchased by and delivered to a retail outlet in affected counties prior to December 31, 1988;

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

§115.619. Counties and Compliance Schedules. All affected persons within Dallas and Tarrant Counties shall be in compliance with this undesignated head (relating to Consumer-Solvent Products) as soon as practicable, but no later than December 31, 1989. All affected persons within **Brazoria, Chambers, Collin, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, and Waller Counties** shall be in compliance with this undesignated head as soon as practicable, but no later than April 30, 1993.

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200956 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 10. Family Self-support Services

Child Care Management Services Statewide Implementation

• **40 TAC §10.3404, §10.3445**

The Texas Department of Human Services

(DHS) proposes amendments to §10.3404 and §10.3445, concerning child care management services statewide implementation, in its Family Self-support Services chapter. The purpose of the amendment to §10.3404 is to delete duplicate material. The purpose of the amendment to §10.3445 is to add a new group of providers eligible to become vendors, specifically, day camps licensed by the Texas Department of Health as youth camps.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a wider choice of vendors for parents and the opportunity for more providers to become vendors. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of this proposal may be directed to Shelley Bjorkman at (512) 450-4174 in DHS's Child Care Program. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-383, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 44, which authorizes the department to administer public assistance and day care programs.

§10.3404. Funding for Child Care Management Services (CCMS).

[(a)] The CCMS contractor manages budgets of multiple funds and conducts fiscal and statistical tracking and reporting as required by the Texas Department of Human Services (DHS).

[(b)] The CCMS contractor authorizes child care in accordance with:

[(1)] the type(s) of funds that match the child's eligibility status; and

[(2)] the availability of those funds.]

§10.3445. Selection of Vendors. To become a vendor under a child care management services (CCMS) contractor, the **child care provider** [vendor] must meet the following requirements:

(1) be licensed or registered by [and not currently in corrective or adverse action with] the Texas Department of Human Services (DHS) Licensing Division or, if operating as a day camp, be licensed by the Texas Department of Health (TDH) as a youth camp;

(2) not be currently in corrective or adverse action with DHS or TDH;

(3)(2) be willing to sign a vendor agreement and abide by its terms; and

(4)(3) carry \$300,000 or more per occurrence of liability insurance depending upon licensed capacity.

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

Issued in Austin, Texas, on January 17, 1992.

TRD 9200830 Nancy Murphy
Agency liaison, Policy and Document Support
Texas Department of Human Services

Proposed date of adoption: April 1, 1992

For further information, please call: (512) 450-3765

◆ ◆ ◆
Chapter 19. Long Term Care
Nursing Facility
Requirements for Licensure
and Medicaid Certification

Subchapter G. Resident Assessment

• 40 TAC §19.604

The Texas Department of Human Services (DHS) proposes an amendment to §19.604,

concerning preadmission screening and annual resident review (PASARR). The purpose of the amendment is to allow residents of a nursing facility that has closed to move into a new facility without being screened prior to admission.

Burton F Raiford, interim commissioner, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to enable nursing facility residents to move from their current facility if it closes, either voluntarily or involuntarily, without undergoing a preadmission screening before entering a new facility. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed

Comments on the proposal may be submitted to Marc Gold at (512) 450-3174 in DHS's Institutional Programs Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-014, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§19.604. Preadmission Screening and Annual Resident Review (PASARR).

(a) (No change.)

(b) Preadmission screenings.

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

(3) Readmissions. The following individuals are not subject to preadmission screenings:

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

(C) individuals who are forced to move to a new nursing facility because their current nursing facility's contract is terminated, regardless of the reason for termination.

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

(c)-(g) (No change.)

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

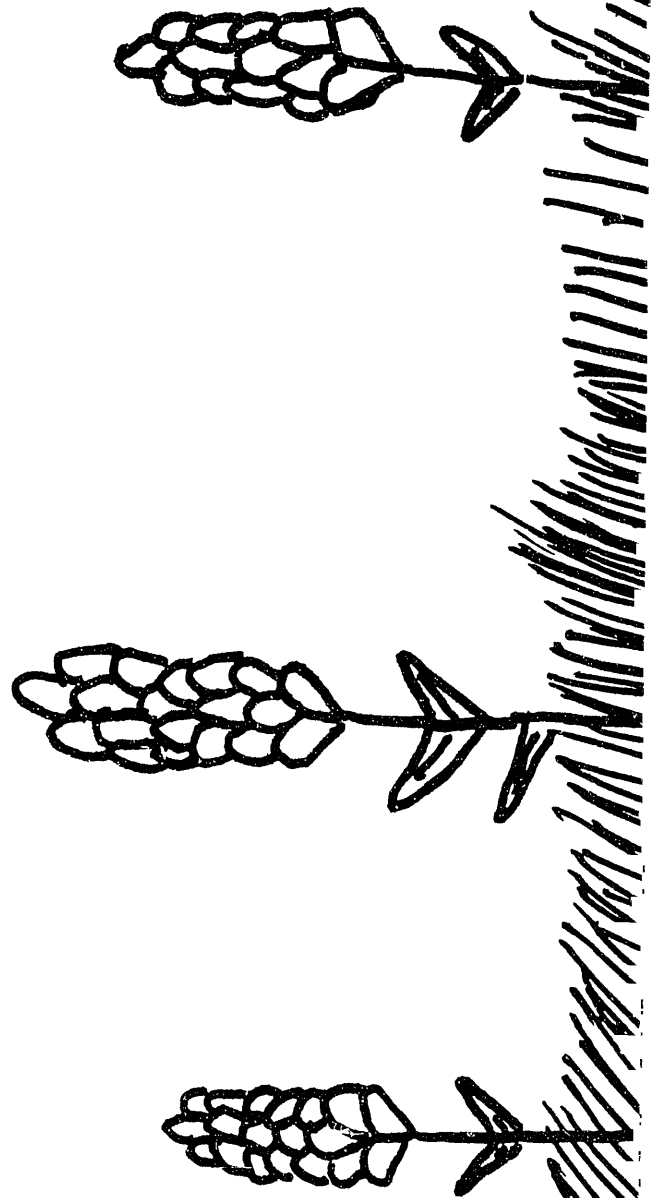
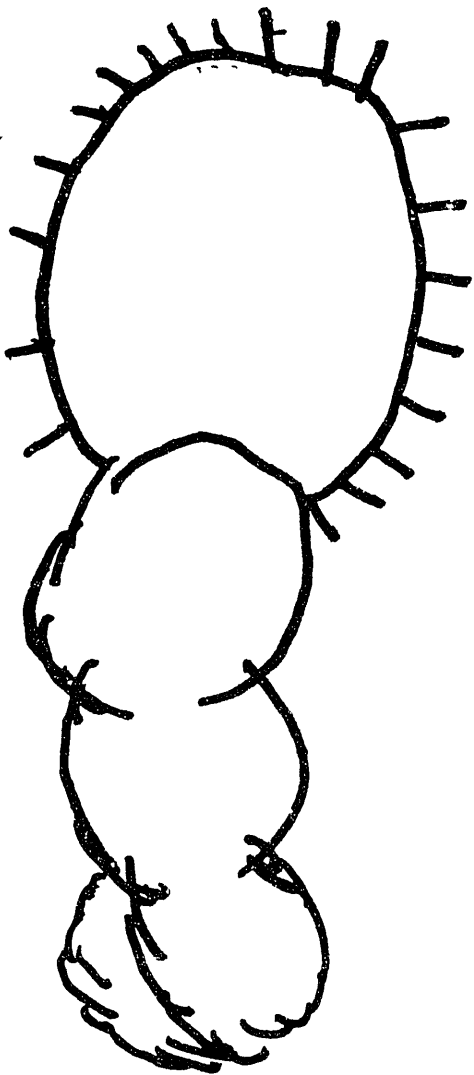
Issued in Austin, Texas, on January 17, 1992.

TRD-9200824 Nancy Murphy
Agency liaison, Policy and Document Support
Texas Department of Human Services

Earliest possible date of adoption: April 1, 1992

For further information, please call: (512) 450-3765

Sasha Deltoro

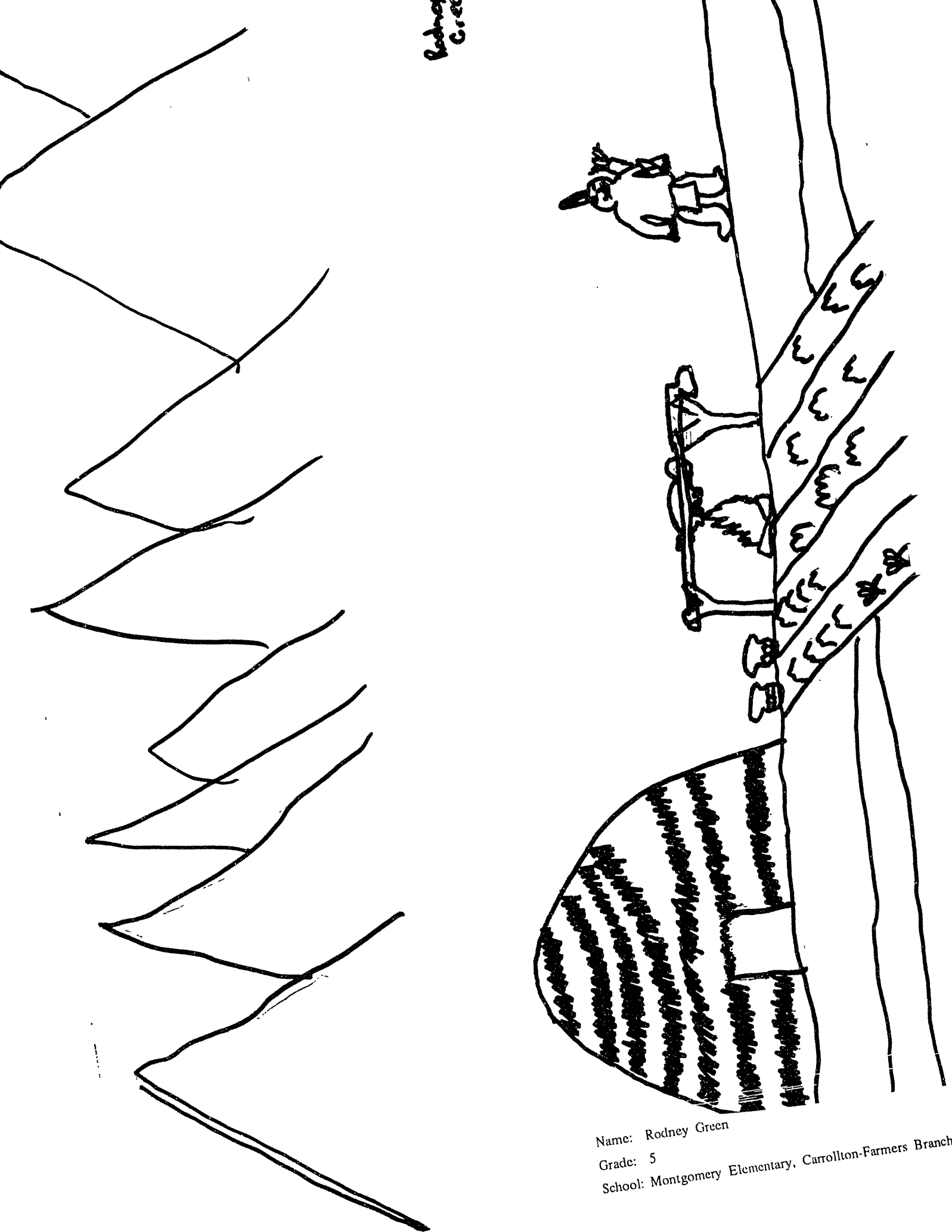


Name: Sasha Deltoro

Grade: 5

School: Montgomery Elementary, Carrollton-Farmers Branch I

Rodney
Green



Name: Rodney Green

Grade: 5

School: Montgomery Elementary, Carrollton-Farmers Branch IS

Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Chartering, Operations, Mergers, Liquidations

Powers of Credit Unions

• 7 TAC §91.402

The Credit Union Department has withdrawn from consideration for permanent adoption a proposed new §91.402 which appeared in the November 26, 1991, issue of the *Texas Register* (16 TexReg 6984). The effective date of this withdrawal is January 21, 1992.

Issued in Austin, Texas, on January 21, 1992.

TRD-9200899 Harry L. Elliott
Staff Services Officer
Credit Union Department

Effective date: January 21, 1992

For further information, please call: (512) 837-9236

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 513. Registration

Registration of Partnership

• 22 TAC §513.26

The Texas State Board of Public Accountancy has withdrawn from consideration for

permanent adoption a proposed amendment to §513.26 which appeared in the July 30, 1991, issue of the *Texas Register* (16 TexReg 4137). The effective date of this withdrawal is January 21, 1992.

Issued in Austin, Texas, on January 21, 1992.

TRD-9200891 J. Randel (Jerry) Hill
General Counsel
Texas State Board of
Public Accountancy

Effective date: January 21, 1992

For further information, please call: (512) 450-7066

Part XXIII. Texas Real Estate Commission

Chapter 537. Professional Agreements and Standard Contracts

Standard Contract Forms

• 22 TAC §§537.11, 537.13, 537.23, 537.28, 537.29, 537.33

The Texas Real Estate Commission has withdrawn from consideration for permanent adoption a proposed amendment to §§537.11, 537.13, 537.23, 537.28, 537.29, and 537.33 which appeared in the September 3, 1991, issue of the *Texas Register* (16 TexReg 4798). The effective date of this withdrawal is January 21, 1992.

Issued in Austin, Texas, on January 21, 1992.

TRD-9200867 Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Effective date: January 21, 1992

For further information, please call: (512) 465-3900

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter R. Transit Sales and Use Tax

• 34 TAC §3.423

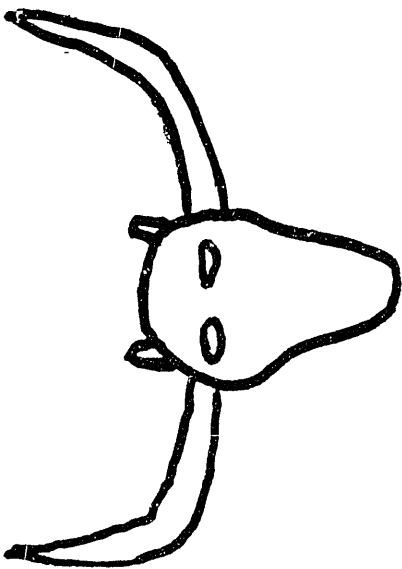
The Comptroller of Public Accounts has withdrawn from consideration for permanent adoption a proposed new §3.423 which appeared in the November 8, 1991, issue of the *Texas Register* (16 TexReg 6422). The effective date of this withdrawal is November 8, 1991.

Issued in Austin, Texas, on January 16, 1992.

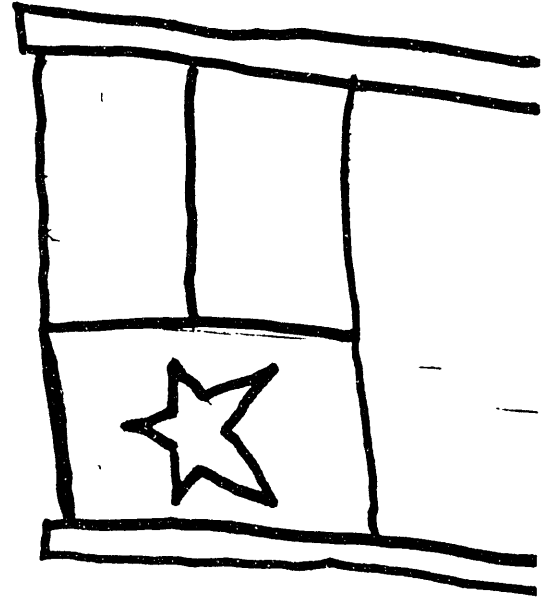
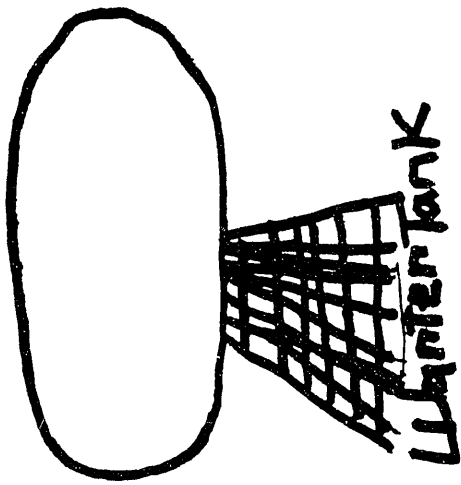
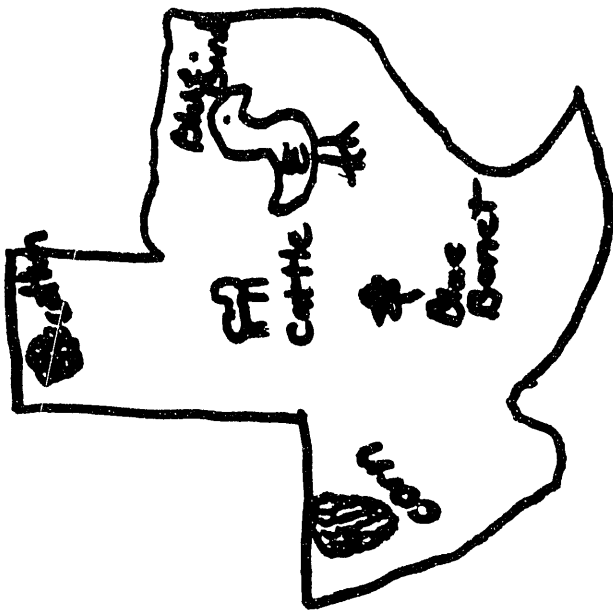
TRD-9200695 Anne Hildebrand
Agency Liaison
Comptroller of Public
Accounts

Effective date: January 16, 1992

For further information, please call: (512) 463-4028



Texas



★ LONE STAR

Renee Slough

Name. Renee Slough

Grade. 5

School. Montgomery Elementary, Carrollton-Farmers Branch ISD

Adopted Sections

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

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

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 79. Corporations

General Information and Correspondence

• 1 TAC §79.18

The Office of the Secretary of State adopts new §79.18 concerning the abandonment of a merger filed with a delayed effective date, with changes to the proposed text as published in the November 12, 1991, issue of the *Texas Register* (16 TexReg 7141). The only change to the rules as proposed was to substitute the word "inactive" in subsection (c)(B) for "non-active."

The section was necessary to clarify the actions that the secretary of state will take to implement the delayed effective date provisions for mergers.

Section 71.18 specifies that the computer records of the secretary of state will be changed at the time of filing when a merger is submitted with a delayed effective date or condition. In addition, the section explains what actions will be taken by the secretary of state to record an abandonment of the merger and what actions are required by the parties to the abandoned merger.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Business Corporation Act, Article 9.03, which provides the Office of the Secretary of State with the authority to enable the secretary to administer the Act and the carry out the duties imposed by the Act.

§79.18. Mergers with Delayed Effective Dates.

(a) Upon the filing of a merger with a delayed effective date, the computer records of the secretary of state will be changed to show the filing of the merger, the date of the filing, the future date on which the merger will be effective or a code indicating that the effectiveness is based on a future condition, and the name of the surviving entity or entities. In addition, at the time of such filing:

(A) the status of any entities on file with the secretary of state merging out of existence will be changed from active to inactive;

(B) the status of any entities, if any, to be created and filed with the secretary of state by the terms of the plan of merger shall appear in the active records of the secretary of state; and

(C) any amendments to the articles of incorporation of the surviving entity or entities, if any, will be recorded in the records of the secretary of the state.

(b) Upon filing of the merger:

(A) the names of any entities on file with the secretary of state which are merging out of existence will not appear in the active records and will not be a bar to reservation or registration of an entity name or creation of an entity under a name which is the same as, deceptively similar to, or similar to the name of the merging entity;

(B) the names of any entities to be created and filed with the secretary of state by the terms of the plan of merger will appear in the active records of the secretary of state and will be a bar to reservation or registration of any entity name or creation of an entity under a name which is the same as, deceptively similar to, or similar to the names of the entities to be created by the plan of merger; and

(C) if the plan of merger provides for a change of name of any of the surviving entities on file with the secretary of state, the new names of the entities will appear in the active records of the secretary of state and will be a bar to reservation or registration of any entity name or creation of an entity under a name which is the same as, deceptively similar to, or similar to any new name of the entities as provided by the plan of merger.

(c) If a plan of merger is abandoned in accordance with a statutory provision for abandonment, the secretary of state:

(A) will change the status of

the entities filed with the secretary of state which would have merged out of existence to active on the computer records of the agency and record the filing of the abandonment. If the names of these entities are not available, the entities must file articles of amendment or take other action to change the entity name or bring the name into compliance with applicable statutory provisions as a condition to acceptance of the abandonment; and

(B) will change the status of all entities that would have created and filed with the secretary of state by the terms of the plan of merger to inactive on the computer records of the agency.

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

Issued in Austin, Texas, on January 13, 1992.

TRD-9200751

Lorna Wassdorf
Special Assistant
Office of the Secretary of
State

Effective date: February 7, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 463-5586

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 27. Aquaculture Regulations

• 4 TAC §§27.1-27.7, 27.21-27.25, 27.102

The Texas Department of Agriculture (TDA) adopts amendments to §§27.1-27.6, 27.21-27.25 and 27.102 and new §27.7. Sections 27.1, 27.2, and 27.6 are adopted with changes to the proposed text as published in the October 8, 1991, issue of the *Texas Register* (16 TexReg 5547). Sections 27.3-27.5, 27.7, 27.21-27.25 and 27.102 are adopted without changes and will not be republished.

The amendments are adopted to make the department's aquaculture regulations consistent with the amended definitions and other new provisions of Senate Bill 977, 72nd Leg-

islature, 1991, and to establish new license and renewal fees. New §27.7 is adopted to establish procedures for suspension of licenses.

In order to clarify in §27.1 that all aquaculture facilities, both public and private, need aquaculture licenses, the department has added the definition of "aquaculture facility". The definition of "private facility" has been deleted, as a private facility would be included in the more general definition of "aquaculture facility". Also, to be consistent with the deletion of the definition of "private facility", the definition of "aquaculture or fish farming" has been changed.

In §27.2 subsections (a) and (b) have been combined to clarify that all aquaculture facilities, both public and private, must be licensed to operate. In §27.6 subsection (a) has been changed to clarify that records must be kept only for those species regulated by a bag, possession or size limit.

The amendments and new section, as adopted, make the sections consistent with amendments made by Senate Bill 977, 72nd Legislature, 1991; clarify record keeping and licensing requirements and procedures; establish new licensing and renewal fees; and provide for suspension of an aquaculture license by the department.

Comments on the amendments and new section were received from the Texas Aquaculture Association. The association was generally supportive of the amendments and new section, but did request clarification of who was required to be licensed. The department made changes to §27.1 and §27.2 based upon the association's comments.

The amendments and new section are adopted under the Texas Agriculture Code, Chapter 134, §134.005(a), which requires the department to adopt rules to carry out the aquaculture program.

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

Aquaculture or fish farming—The business of producing and selling cultured species raised in aquaculture facilities.

Aquaculture facility—A pond, tank, cage, or other structure capable of holding cultured species in confinement wholly within or on private land or water, or within or on permitted public land or water.

Aquaculturist or fish farmer—Any person licensed to engage in aquaculture or fish farming.

Cultured species—Aquatic plants or animals raised under conditions where at least a portion of their life cycle is controlled by an aquaculturist.

Exotic species—A nonindigenous plant or animal not normally found in the public waters of this state.

Owner—An aquaculturist operating a facility licensed by the department.

§27.2. *Aquaculture License Required.* A

person may not operate an aquaculture facility, including a facility engaged in the business of producing and selling cultured species for bait purposes, without first having acquired from the department an aquaculture license.

§27.6. Records.

(a) The holder of an aquaculture license or a fish farm vehicle license shall make and keep records on the licensed premises or vehicle showing purchases or other acquisitions, sales, and shipments of cultured species regulated by a bag, possession or size limit for a period of three years from such event.

(b) (No change.)

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

Issued in Austin, Texas, on January 16, 1992.

TRD-9200785

Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: February 7, 1992

Proposal publication date: October 8, 1991

For further information, please call: (512) 463-7583

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• 4 TAC §§27.12-27.16

The Texas Department of Agriculture adopts the repeal of §§27.12-27.16 concerning fish farm regulations, without changes to the proposed text as published in the October 8, 1991, issue of the *Texas Register* (16 TexReg 5548).

The sections are repealed to reflect the repeal of the Texas Agriculture Code §134.002(3) during the 72nd Legislative Session (1991), and to eliminate duplication of regulation of cultured fish processing plants by TDA and the Texas Department of Health.

The repeal of §§27.12-27.16 deletes from Chapter 27 regulations concerning licensing of cultured fish processing plants by TDA and recordkeeping requirements imposed on such facilities by TDA.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Agriculture Code, Chapter 134, §134.005(a) which provides the Texas Department of Agriculture with the authority to adopt rules to carry out the aquaculture program.

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

Issued in Austin, Texas, on January 16, 1992.

TRD-9200786

Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: February 7, 1992

Proposal publication date: October 8, 1991

For further information, please call: (512) 463-7583

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**TITLE 7. BANKING AND
SECURITIES**

**Part VI. Credit Union
Department**

**Chapter 91. Chartering,
Operations, Mergers,
Liquidations**

Loans

• 7 TAC §91.701

The Credit Union Commission adopts an amendment to §91.701(d)(6), concerning the giving of prior notice for engaging in indirect financing of automobiles and other chattels, without changes to the proposed text as published in the December 10, 1991, issue of the *Texas Register* (16 TexReg 7067).

The required notice enacted by the rule enables the department to better monitor credit unions becoming involved in indirect financing of collateral on loans.

A credit union planning to engage in indirect financing will have to provide prior written notice of its plans to the department.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Civil Statutes, Article 2461-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200897

John R. Hale
Commissioner
Credit Union Department

Effective date: February 11, 1992

Proposal publication date: December 10, 1991

For further information, please call: (512) 837-9236

◆ ◆ ◆
**TITLE 22. EXAMINING
BOARDS**

Part XX. Texas Board of Private Investigators and Private Security Agencies

Chapter 460. Application Processing and Refunds

• 22 TAC §460.1

The Texas Board of Private Investigators and Private Security Agencies adopts the repeal of §460.1 concerning processing of applications for a license, without changes to the proposed text as published in the October 18, 1991, issue of the *Texas Register* (16 TexReg 5813).

The board has determined that repeal of this section is in the public interest and is necessary to comply with the Administrative Procedures Act, Texas Civil Statutes, Article 6252-13b.1, §3, which sets forth specific guide-lines for the processing of applications.

The repeal of this section will delete procedures which are not in conformance with the Administrative Procedures Act, Texas Civil Statutes, Article 6252-13b.1, §3.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4413 (29bb), which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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

Issued in Austin, Texas, on January 9, 1992.

TRD-9200627
Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and
Private Security
Agencies

Effective date: February 5, 1992

Proposal publication date: October 18, 1992

For further information, please call: (512) 353-5545

The Texas Board of Private Investigators and Private Security Agencies adopts new §460.1 concerning acceptance for filing; defective applications, without changes to the proposed text as published in the October 18, 1991, issue of the *Texas Register* (16 TexReg 5813).

The board has determined that adoption of this section is in the public interest and is necessary to comply with the Administrative Procedures Act, Texas Civil Statutes, Article 6252-13b.1, §3, which sets forth specific guidelines for the processing of applications.

The new section sets forth guidelines for the acceptance of, processing of, and time limitations on applications.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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

Issued in Austin, Texas, on January 9, 1992.

TRD-9200628
Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and
Private Security
Agencies

Effective date: February 5, 1992

Proposal publication date: October 18, 1991

For further information, please call: (512) 463-5545

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act

Licenses

• 22 TAC §535.95

The Texas Real Estate Commission adopts new §535.95, concerning license renewals, with changes to the proposed text as published in the November 29, 1991, issue of the *Texas Register* (16 TexReg 6900).

The new section is necessary for the commission to comply with House Bill 1393, 72nd Legislature, 1991, which requires state agencies issuing licenses to adopt rules to exempt a licensee from increased fees or other penalties for failure to renew a license if the licensee was on active duty in the United States armed forces serving outside the State of Texas. On final adoption the section was revised to clarify that copies of official orders or other official documentation must be furnished by the licensee to show active duty outside the state and that any real estate salesman annual education requirements would be deferred until the next renewal of the license.

The new section is also necessary for the commission to comply with the Texas Education Code, §57.491, which requires adoption of any rules necessary to carry out the commission's duties with regard to licensees who have defaulted on a loan or repayment agreement with the Texas Guaranteed Student Loan Corporation (TGSLC). The new section requires the commission to provide notice and an opportunity for a hearing before declining to renew a license under the provisions of the Texas Education Code. The commission is also required by the new section to advise licensees in renewal notices

and license application forms that default on a loan guaranteed by the TGSLC may prevent a subsequent renewal of a license.

No comments were received regarding adoption of the new section.

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

§535.95. Miscellaneous Provisions Concerning License Renewals.

(a) A licensee on active duty in the United States armed forces serving outside the State of Texas may renew an expired license without being subject to any increase in fee, any education or experience requirements, or examination if the licensee:

(1) provides a copy of official orders or other official documentation acceptable to the commission showing that the licensee was on active duty outside the state during the licensee's last renewal period,

(2) applies for the renewal within 90 days after the licensee's active duty ends; and

(3) pays the renewal application fee in effect when the previous license expired.

(b) Salesman annual education (SAE) requirements that would have been imposed for a timely renewal shall be deferred under this section to the next renewal of the license.

(c) Renewals of licenses issued by the commission are subject to the policies established by the Texas Education Code, §57.491. Before the commission declines to renew a license due to a default on a loan guaranteed by Texas Guaranteed Student Loan Corporation (TGSLC), a default on a repayment agreement with TGSLC, or a failure to enter a repayment agreement with TGSLC, the commission shall give notice and provide an opportunity for a hearing in accordance with the provisions of Texas Civil Statutes, Article 6252-13a, §18. The commission shall advise licensees in renewal notices and license application forms that default on a loan guaranteed by the TGSLC may prevent a subsequent renewal of a license.

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200865
Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Effective date: February 11, 1992

Proposal publication date: November 29, 1991

For further information, please call: (512) 465-3900

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Licensed Real Estate Inspectors

• **22 TAC §535.212**

The Texas Real Estate Commission adopts new §535.212, concerning the education and experience requirements for a license as a real estate inspector or inspector-in-training, with changes to the proposed text as published in the November 5, 1991, issue of the *Texas Register* (16 TexReg 6258).

The new section is necessary to establish guidelines for the acceptance of core real estate inspection courses to satisfy the education requirements specified in Texas Civil Statutes, Article 6573a, §23(d). On final adoption, the section was revised to clarify that the commission may approve a provider and the provider's courses in the manner set out for real estate core courses in §535.66, or the commission may accept for licensing purposes courses which are offered by other providers, such as those approved and regulated by other agencies of this state. The section also was revised to extend acceptance to courses offered by a unit of federal, state, or local government and to set a minimum class length at two hours on the recommendation of the Texas Real Estate Inspector Committee, an advisory committee of real estate inspectors which developed the proposed rule.

The new section also provides guidelines for measuring experience required by law for a license. No changes were made in those provisions of the new section relating to satisfaction of experience requirements.

No comments were received regarding adoption of the new section.

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

§535.212. Education and Experience Requirements for a License.

(a) The commission shall accept a course of study to satisfy educational requirements for licensing if the course meets the requirements of this section.

(b) The commission may accept courses submitted by applicants for a real estate inspector-in-training or a real estate inspector license upon a determination of the commission that:

(1) the course was devoted to a subject or subjects named in the Real Estate License Act (the Act), §23(a)(3); and

(2) the course was offered by an accredited college or university, by a school accredited by the commission or by a real estate or inspector regulatory agency of another state, by a professional trade association, or by a unit of federal, state, or local government, or the course was approved and regulated by an agency of this state.

(c) After November 1, 1991, a course must also meet the following requirements:

(1) The applicant must have received in a classroom presentation the hours of instruction for which credit was given.

(2) The applicant must have successfully completed a final examination for course credit.

(3) If the course was offered by a trade association, the course must have been approved and regulated by an agency of this state.

(d) For the purposes of this section, a professional trade association is a non-profit, cooperative, and voluntarily joined association of business or professional competitors that is designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting the common interest of its members.

(e) The commission may require an applicant to furnish materials such as course outlines, syllabi, course descriptions, or official transcripts to verify course content or credit. The minimum class length shall be no less than two hours.

(f) Correspondence courses may be accepted by the commission under the following conditions:

(1) The course must have been offered by an accredited college or university which offers correspondence programs in other disciplines.

(2) Successful completion of a written examination administered to positively identified students at a location and by an official approved by the college or university must be required for course credit.

(3) The content and length of the course must meet the requirements established by this section.

(g) The commission shall periodically publish guidelines as to the acceptability of courses which have been approved by the commission. Except as may be specifically provided to the contrary in this section, the review and acceptance of courses or the approval of providers and courses submitted to satisfy educational requirements for inspector licensing shall be conducted by the commission, in the manner prescribed by §535.61 of this title (relating

to Examinations) and §535.66 of this title (relating to Educational Programs: Accreditation).

(h) Course providers other than those approved by the commission may obtain a determination of the acceptability of a course by submitting the following items to the commission:

(1) a course description;

(2) a copy of any textbook, course outline, syllabus, or other written course material provided to students; and

(3) a copy of the written final examination which measures a student's mastery of the course.

(i) For the purpose of determining the number of inspections required for a license, the commission shall consider an improvement to real property to be any unit which is capable of being separately rented, leased, or sold. An inspection report for such a unit which includes the structural and equipment/systems components of the unit shall constitute a single inspection. Half credit shall be given for an inspection limited to structural components only or equipment/systems only; provided, no more than 80% of the inspections submitted for experience credit may be limited to structural only or equipment/systems only. A single report which covers two or more units shall be considered a single inspection. Applicants who claim experience for oral inspection reports must be able to verify that an inspection was performed by file memoranda or other documentation. Inspectors-in-training and inspectors may not receive experience credit for an inspection performed by an apprentice under their supervision.

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200864

Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Effective date: February 11, 1992

Proposal publication date: November 5, 1991

For further information, please call: (512) 465-3900

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Licensed Real Estate Inspectors

• **22 TAC §535.216, §535.218**

The Texas Real Estate Commission adopts new §535.216 and §535.218, concerning licensed real estate inspectors, without changes to the proposed text as published in the November 29, 1991, issue of the *Texas Register* (16 TexReg 6901).

New §535.216 establishes a procedure for renewing a license or registration issued to a real estate inspector under the provisions of Texas Civil Statutes, Article 6573a, §23(f). The new section is necessary to provide an orderly process for renewal of licenses and registrations. The new section also clarifies that renewal applications filed after expiration of the license or registration are subject to an increased fee under the law and that an applicant whose license has expired must receive a new license or registration certificate in order to resume practice.

New §535.218 relates to the continuing education required for renewal of an inspector or inspector-in-training license. The section is necessary to establish guidelines for the acceptance of continuing education courses. Courses would be subject to §535.212, which permits courses offered by a variety of providers to be accepted by the commission. Courses must be completed during the 12-month period immediately preceding the expiration date of the license, and credit cannot be given twice for the same course within the 12-month period. The section also requires an inspector who files a renewal application after expiration to complete any continuing education that would have been required for a timely renewal.

No comments were received regarding adoption of the new sections.

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

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200866 Mark A Moseley
General Counsel
Texas Real Estate
Commission

Effective date: February 11, 1992

Proposal publication date: November 29, 1991

For further information, please call: (512) 465-3900

TITLE 25. HEALTH SERVICES

Part VIII. Interagency Council on Early Childhood Intervention

Chapter 621. Early Childhood Intervention Program

Early Childhood Intervention Service Delivery

The Interagency Council on Early Childhood Intervention (ECI) adopts amendments to

§§621.22-621.26, 621.28, 621.41, 621.42, and 621.44, concerning the Early Childhood Intervention Program. Sections 621.22-621.25 and 621.41 are adopted with changes to the proposed text as published in the August 9, 1991, issue of the *Texas Register* (16 TexReg 4328). Sections 621.26, 621.28, 621.42, and 621.44 are adopted without changes and will not be republished.

The amendments correct citations, clarify language, improve consistency, and modify language to reflect more respect for the dignity of individuals with developmental delays.

The following comments were received during the comment period.

COMMENT: Several commenters requested that a definition of "child find" be added to state regulations.

RESPONSE: The Council concurs and added a definition which is consistent with federal regulations.

COMMENT: In the definition of "Council" the Public Law number "99-457" has been changed by reauthorization to Public Law number "101-476".

RESPONSE: The Council concurs and has amended Public Law number 99-457 in the definition and in all sections where the Public Law number is used.

COMMENT: Several commenters requested that a definition of "public health clinic" be added to state regulations.

RESPONSE: The Council concurs and added a definition of "public health clinic".

COMMENT: The definition of "Texas Department of Mental Health and Mental Retardation (TDMHMR)" has been changed by the Texas State Legislature to "Texas Mental Health and Mental Retardation (TXMHMR)".

RESPONSE: The Council concurs and has changed the definition and in all sections where "Texas Department of Mental Health and Mental Retardation (TDMHMR)" is used.

COMMENT: In the definition of "Family Educational Rights and Privacy Act of 1994", the date of adoption is incorrect.

RESPONSE: The Council agrees that the date is incorrect and it has been changed to "1974".

COMMENT: One commenter stated that in the definitions of "Developmental delay" and "Evaluation" the language is not consistent with the language that was added in other sections.

RESPONSE: The Council agrees and has changed the language in the definitions and in all sections where it is used.

COMMENT: Concerning §621.22, a commenter suggested that the definition of "Interdisciplinary Team" should be revised to apply to all times in which a team is required. The current definition applies only to the individualized family service plan (IFSP) team.

RESPONSE: The Council concurs and has changed the definition.

COMMENT: Concerning §621.22, a commenter requested that the term "service coordinator" be used in all sections where "case manager" is currently used.

RESPONSE: The Council concurs, and has changed the term to "service coordinator" in the definition and in all sections where "case manager" is used.

COMMENT: In the definition of "Services" an editorial change was requested to correct the reference "§621.23 (d)(4)" to reflect a change in the section structure.

RESPONSE: The Council agrees and has corrected the reference in the definition and in all sections where the reference is used.

COMMENT: Concerning the definition of "Surrogate Parent", one commenter stated that the last phrase in the definition is not understandable and it appeared to relate to legal custody issues.

RESPONSE: The Council agrees and has changed the definition to clarify the rules.

COMMENT: The Council requested an editorial change to replace the phrase "handicapped children" with "children with developmental delays" to be consistent through out the rules.

RESPONSE: The rules have been changed in all sections where the phrase "handicapped children" was used.

COMMENT: Concerning §621.23 (1)(D)(i)(II), five commenters suggested that a broader group of professionals be listed as qualified to identify attachment disorders. Commenters stated that individuals with Masters in Social Work should be listed as qualified professionals to identify attachment disorders. Three commenters said that qualified personnel should include social workers, counselors, special educators, early childhood specialists, child life specialists, and other related therapists/specialists who have demonstrated at least 100 hours of infant family mental health training theory and practice and family mental health training in theory and practice and who have had ongoing supervision.

RESPONSE: The Council concurs that there are other qualified professionals who can identify "attachment disorders." The list included in the rules is not exhaustive. No change in proposed rules.

COMMENT: Concerning §621.23(1)(D)(ii)(v), a commenter stated that severe attachment disorders should not be omitted from the eligibility criteria. One commenter stated that "attachment disorders" should be listed under "atypical behavior" and not under "medical diagnosis."

RESPONSE: The Council agrees that severe attachment disorders should be listed under atypical behaviors as a criteria for eligibility. This has been specified in the fiscal year 92 policy manual. No change in proposed rule.

COMMENT: Concerning §621.23(1)(D)(ii)(VII), three commenters expressed concern that infants who were prenatally exposed to drugs or alcohol would not be eligible to receive services if "prenatal exposure to cocaine and crack" and "fetal alcohol syndrome" were removed from the list of

medical diagnoses contained in the rules.

COMMENT: Another commenter stated that excluding "infants prenatally exposed to cocaine and crack" because it was not a medical diagnosis would make it difficult to classify many infants who need services as eligible. The commenter was concerned that many infants needing services would not qualify under the "atypical behavior" category and therefore would not be able to receive services until a delay was identified. The commenter was concerned that this action was inconsistent with ECI's value of prevention and early intervention.

RESPONSE: The Council shares the commenters' concerns that all infants are admitted to ECI as early as possible. "Fetal alcohol syndrome" is a medical diagnosis under International Classification of Disease Volume 9 (ICD-9) and was not removed from the listing of criteria in the rules. In the future the diagnosis of "drug withdrawal syndrome" and "drug addiction" will be added to the listing in the rules since they represent medical diagnoses under ICD-9. The intent of this policy clarification was not to change the eligibility criteria to exclude infants who have a diagnosis related to prenatal exposure. "Prenatal exposure" is not a diagnosis and in a future posting should be removed from this category in the rules. The Council believes that all children prenatally exposed to drugs who are in need of services could be classified under one of the diagnoses or one of the "atypical behavior" categories by a qualified professional and therefore be eligible for services.

COMMENT: Concerning §621.23 (4)(A), two commenters requested that ECI reduce the requirements for physical examinations and allow a nurse to perform a nursing assessment to meet the health admission requirement. One commenter felt that it was difficult getting families to keep appointments for physical examinations and that pediatric nurse practitioners were difficult to locate and required high salaries.

RESPONSE: The Council does not feel that a nursing assessment can be substituted for the physical examination requirement. In order to ensure that the highest standard in the state is applied, the Council has determined that only an advanced pediatric nurse practitioner/clinician or a registered nurse in a public health clinic with appropriate education and experience can perform the physical examination. The language has been changed to clarify the requirements for the physical examination. The definition of public health clinic has been added to help clarify the requirements for the physical examination.

COMMENT: Concerning §621.23(4)(A), three commenters suggested that the requirement to have a medical examination 90 days prior to the IFSP or 30 days after the IFSP would result in families being required to have an examination which was beyond the schedule recommended by the American Academy of Pediatrics. One commenter suggested that the guidelines for pediatric health exams be followed.

RESPONSE: The Council does not intend to require more frequent examinations than

those recommended by the American Academy of Pediatrics. The language has been changed to clarify the requirements for medical examinations.

COMMENT: Concerning §621.23 (5)(E)(iii), a commenter expressed support for the delivery of services in natural environments. The commenter endorsed use of language that emphasizes the importance of providing services where children without handicapping conditions are found.

RESPONSE: The Council expressed its appreciation for this support.

COMMENT: Concerning §621.24(c)(13)(A), 14 commenters suggested that all staff including contracted staff who work directly with children should be required to receive training in first aid and have certification in cardiopulmonary resuscitation for children and infants to ensure safety.

RESPONSE: The Council concurs and has retained the original language in §621.24(c)(13)(A), and has clarified further by deleting §621.24(8)(A).

COMMENT: Concerning §621.24(10)(D), the ECI staff requested an editorial change to clarify what type of training was required.

RESPONSE: The Council agrees and has added language to clarify the rules.

COMMENT: Concerning §621.25(e)(1), the Council requested a grammatical change that would clarify the intent of the paragraph.

RESPONSE: The language has been changed to clarify the rules.

COMMENT: Concerning §621.41(f)(3)(e)(E), one commenter requested that the word "handicapped" be deleted from this section in order to be consistent with federal regulation language.

RESPONSE: The Council concurs and the word "handicapped" has been deleted.

The following associations and agencies offered comments during the comment period: the Early Childhood Interagency Council of Metropolitan Dallas; Richardson Development Center, Richardson; Mental Health and Mental Retardation (MHMR) Center, Dallas; Southwestern Medical Center at Dallas; and Dallas County MHMR-Parent Infant Training Center, Dallas.

The agencies and centers generally supported the amendments but offered some recommendations for change.

• 25 TAC §§621.22-621.26, §621.28

The amendments are adopted under the Human Resource Code §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays.

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

Child find—Activities and strategies designed to locate and identify, as early as

possible, infants and toddlers with developmental delay.

Complaint—A formal written allegation submitted to the Council stating that a requirement of Public Law 101-476, or an applicable federal and/or state regulation has been violated.

Council—The entity designated as the lead agency by the governor under Public Law 101-476. The Council has the final authority and responsibility for the administration, supervision, and monitoring of programs and activities under this system. The Council has the final authority for the obligation and expenditure of funds and compliance with all applicable laws and rules. The Council includes a representative appointed by the commissioner of each of the following agencies: the Texas Department of Health, the Texas Department of Human Services, Texas Mental Health and Mental Retardation, the Texas Education Agency, and a parent appointed by the governor of the State of Texas.

Developmental delay—A significant variation in normal development in one or more of the following areas as measured and determined by appropriate diagnostic instruments and procedures administered by an interdisciplinary team and by informed clinical opinion: cognitive development; physical development, including vision and hearing, gross and fine motor skills, and nutrition status, communication development, social and emotional development; and adaptive development or self-help skills.

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

Evaluation—The procedures used by appropriate qualified personnel to determine the child's initial and continuing eligibility, consistent with the definition of infants and toddlers with developmental delay, including determining the status of the child in areas of cognitive development, physical development, communication development, social-emotional development and adaptive development, or self-help skills.

Family Educational Rights and Privacy Act of 1974 (FERPA)—Requirements for the protection of parents and children under the General Education Provisions Act, §438, which include confidentiality, disclosure of personally identifiable information, and the right to inspect records.

Interdisciplinary team—The child's parent(s) and a minimum of two professionals from different disciplines who meet to share evaluation information, determine eligibility, assess needs, and develop the individualized family service plan (IFSP). The team must include the service coordinator who has been working with the family since the initial referral or the person responsible for implementing the IFSP and a person directly involved in conducting the evaluations and assessments.

Public health clinic—Any clinic that provides pediatric physical examinations and receives public funding from federal, state, city, or county governments.

Services—Individualized intervention services, as determined by the interdisciplinary team and listed in the IFSP. Services are further defined in §621.23(5)(C)-(E) of this title (relating to Service Delivery Requirements).

Service coordinator (case manager)—A staff person who is assigned to a child/family who is the single contact point for families, and who is responsible for assisting and empowering families in accessing services and coordinating those services.

Surrogate parent—An individual appointed or assigned to take the place of a parent for the purposes of this chapter when no parent can be identified or located or when the child is under managing conservatorship of the state. A surrogate parent appointed under this chapter shall act to advocate for or represent the child, relating to the identification, evaluation, educational placement, and provision of Public Law 101-476, Part H services.

TXMHMR—Texas Mental Health and Mental Retardation.

§621.23. *Service Delivery Requirements.* Programs that receive Early Childhood Intervention Program (ECI) funds must have written policies and procedures which are implemented and evaluated in each of the following areas.

(1) Client eligibility. The program must have written criteria for accepting children into the program.

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

(C) If funding is available and all eligible children are being served in the state, the state ECI office can indicate that children at risk can also be served. Services may be provided to a child if the child is:

(i) (No change.)

(ii) over three years of age and ineligible for public school services.

(D) Determination of eligibility shall be as follows.

(i) Children whose development is delayed in one or more of the following areas: cognitive, physical development including vision and hearing, communication, social-emotional, self-help skills, or adaptive development must be determined eligible for:

(I) (No change.)

(II) determination of delayed or a typical development by a qualified professional (i.e., psychologist, occupational therapist, speech therapist, physical therapist, physician, etc.) in one of the following ways:

(-a)-(-c) (No change.)

(ii) Children who have a medically diagnosed physical or mental condition that has a high probability of resulting in developmental delay must be determined eligible by identification of specific conditions with known etiologies and developmental consequences, including, but not limited to:

(I)-(IV) (No change.)

(V) failure to thrive;

(VI) (No change.)

(VII) fetal alcohol syndrome or prenatal exposure to cocaine as evidenced by the medical diagnosis of drug withdrawal syndrome or drug addiction.

(iii) (No change.)

(2) (No change.)

(3) Assessment and evaluation. The assessment and evaluation must be in accordance with the following criteria and procedures.

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

(E) Child assessments and evaluations must include the following:

(i) a review of the child's health and medical history and any other pertinent records including records of previous examinations and immunizations:

(ii) an evaluation of the child's level of functioning in the following developmental areas:

(I) (No change.)

(II) physical development, including vision and hearing, gross and fine motor skills, and nutrition status;

(III) communication development;

(IV) social-emotional development; and

(V) adaptive development or self-help skills;

(iii)-(v) (No change.)

(F) Identification of the family's concerns, priorities, and resources must be voluntary. If a family agrees, the identification must:

(i) be designed to determine the concerns, priorities, and resources of the family related to enhancing the child's development; and

(ii) be based on information provided by the family.

(4) Health admission requirement.

(A) Each child must have an examination by a physician, an advanced pediatric nurse practitioner/clinician, or a registered nurse in a public health clinic. The public health clinic may provide physical examinations by a physician who assumes the responsibility for the examination and agrees to be available routinely for consultation to nursing staff, ensures that the registered nurse has the training and adequate skills for performing the physical examination, and reviews periodically the level of performance of the registered nurses administering the physical examination.

(B) If the child has received a physical examination in accordance with the periodicity schedule of the American Academy of Pediatrics, an additional examination is not required for admission. If the child has not received an examination as recommended in the American Academy of Pediatrics schedule, a physical exam must be conducted within 90 days prior to enrollment or within 30 days following enrollment.

(C) Children who will be participating in any ECI group activities must have immunizations appropriate to the child's age as recommended by the Texas Department of Health. If medical or religious reasons contraindicate immunization requirements, documentation to that effect must be maintained by the program and the family must be notified that their infant could be excluded from group activities if a contagious outbreak occurs.

(5) Individualized family service plan (IFSP). An IFSP must be developed for each child and the child's family.

(A) Procedures for development, review, and evaluation.

(i) The IFSP must be

written within 45 days of referral and be developed jointly by the family and appropriate qualified personnel. The IFSP must be based on assessment and evaluation information and include services necessary to enhance the development of the child and the capacity of the family to meet the child's special needs. No IFSP shall be implemented without prior written consent from the parent(s).

(ii) If services are delivered by more than one provider, services must be jointly coordinated.

(iii) Reviews of the IFSP must be conducted every six months (or more frequently if conditions warrant or the family requests such a review) The review may be carried out by a meeting or by other means acceptable to the parents and other participants. The purposes of the review are to determine:

(I) the degree to which progress toward achieving the outcomes is being made; and

(II) whether modification or revision of the outcomes or services is necessary

(iv) An annual meeting must be conducted to evaluate the IFSP for the child and family, and, as appropriate, to revise its provisions. Evaluation results and other information available from the ongoing assessment of the child and family may be used in determining what services are needed and will be provided.

(v) IFSP meetings must be conducted:

(I) in settings and at times that are convenient to families; and

(II) in the native language or mode of communication used by the family.

(vi) Meeting arrangements must be made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that they will be able to attend, unless waived by the parent.

(B) IFSP participants. An interdisciplinary team must meet to establish eligibility and develop the initial IFSP. The interdisciplinary team must include the following participants:

(i) the parent(s) of the child;

(ii) other family members or child care persons, when requested by the parent;

(iii) an advocate or person outside the family, when requested by the parent; and

(iv) a minimum of two professionals from different disciplines. The team must include the service coordinator who has been working with the family since the initial referral or the person responsible for implementing the IFSP and a person directly involved in conducting the evaluations and assessments.

(C) Required services. Individualized intervention services, as determined by the interdisciplinary team, must be provided to meet the developmental needs of the child, and the needs of the family related to enhancing the child's development. All services identified as needed for the child by the interdisciplinary team must be addressed in the IFSP. With concurrence of the family, all services identified as needed by the family, may be addressed in the IFSP. The array of services must include, but is not limited to, the following:

(i) service coordination services;

(ii) early identification, screening and assessment services, and the other early intervention services;

(iii) medical services only for diagnostic or evaluation purposes;

(iv) special instruction;

(v) family education;

(vi) home visits;

(vii) speech and language therapy;

(viii) audiology;

(ix) occupational therapy;

(x) adaptive equipment;

(xi) physical therapy;

(xii) psychological services;

(xiii) family counseling;

(xiv) social work services;

(xv) health services necessary to enable the child to benefit from the other early intervention services;

(xvi) nursing services;

(xvii) transportation;

(xviii) nutrition services; and

(xix) other services.

(D) Types of services. For

the purpose of this chapter the following types of services apply.

(i) The service of audiology includes:

(I) identification of children with auditory impairment, using at-risk criteria and appropriate audiologic screening techniques;

(II) determination of the range, nature, and degree of hearing loss and communication functions, by use of audiological evaluation procedures;

(III) referral for medical and other services necessary for the habilitation or rehabilitation of children with auditory impairment;

(IV) provision of auditory training, aural rehabilitation, speech reading and listening device orientation and training, and other services;

(V) provision of services for prevention of hearing loss; and

(VI) determination of the child's need for individual amplification, including selecting, fitting, and dispensing appropriate listening and vibrotactile devices, and evaluating the effectiveness of those devices.

(ii) Service coordination services include assistance provided by a service coordinator to an eligible child and the child's family that is designed to assist and empower the family in enhancing the child's development in accordance with the rights provisions and procedural safeguards of this chapter.

(iii) Family education, counseling, and home visits include services provided, as appropriate, by social workers, psychologists, and other qualified personnel to assist the family of an eligible child in understanding the special needs of the child and enhancing the child's development.

(I) Family education is activities designed to improve the knowledge and skills of parents and other family members in matters related to growth, development, and learning of their child.

(II) Counseling is assistance provided to the parents by qualified personnel.

(III) Home visits are all services provided in the child's home.

(iv) Health services include services necessary to enable a child to benefit from the other early intervention services during the time that the child is receiving the other early intervention services.

(I) The term "health services" includes:

(-a-) such services as clean intermittent catheterization, tracheostomy care, tube feeding, the changing of dressings or ostomy collection bags, and other health services; and

(-b-) consultation by physicians with other service providers concerning the special health care needs of eligible children that will need to be addressed in the course of providing other early intervention services.

(II) The term "health services" does not include services that are:

(-a-) surgical in nature (such as cleft palate surgery, surgery for club foot, or the shunting of hydrocephalus); or

(-b-) purely medical in nature (such as hospitalization for management of congenital heart ailments, or the prescribing of medicine or drugs for any purpose);

(-c-) provision of devices necessary to control or treat a medical condition; or

(-d-) medical health services (such as immunizations and regular "well-baby" care) that are routinely recommended for all children.

(v) Medical services only for diagnostic or evaluation purposes include services provided by a licensed physician to determine a child's developmental status and need for early intervention services.

(vi) Nursing services include:

(I) the assessment of health status for the purpose of providing nursing care, including the identification of patterns of human response to actual or potential health problems;

(II) the provision of nursing care to prevent health problems, restore or improve functioning, and promote optimal health and development; and

(III) the administration of medications, treatments, and regimens prescribed by a licensed physician.

(vii) Nutrition services include:

(I) conducting individual assessments in:

(-a-) nutritional history and dietary intake;

(-b-) anthropometric, biochemical, and clinical variables;

(-c-) feeding skills and feeding problems; and

(-d-) food habits and food preferences.

(II) developing and monitoring appropriate plans to address the nutritional needs of eligible children; and

(III) making referrals to appropriate community resources to carry out nutrition goals.

(viii) Occupational therapy services include:

(I) services to address the functional needs of a child related to the performance of self-help skills; adaptive behavior and play; and sensory, motor, and postural development in home, school, and community settings;

(II) identification, assessment, and intervention;

(III) adaptation of the environment, and selection, design, and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills; and

(IV) prevention or minimization of the impact of initial or future impairment, delay in development, or loss of functional ability.

(ix) Physical therapy services include:

(I) screening of infants and toddlers to identify movement dysfunction;

(II) obtaining, interpreting, and integrating information appropriate to program planning to prevent or alleviate movement dysfunction and related functional problems; and

(III) providing services to prevent or alleviate movement dysfunction and related functional problems.

(x) Psychological services include:

(I) administering psychological and developmental tests, and other assessment procedures;

(II) interpreting assessment results;

(III) obtaining, integrating, and interpreting information about child behavior, and child and family conditions related to learning, mental health, and development; and

(IV) planning and managing a program of psychological services, including psychological counseling for children and parents, family counseling, consultation on child development, parent training, and education programs.

(xi) Social work services include:

(I) making home visits to evaluate a child's living conditions and patterns of parent-child interaction;

(II) preparing a social and emotional developmental assessment of the child within the family context;

(III) providing individual and family-group counseling with parents and other family members, and appropriate social skill-building activities with the child and parents;

(IV) working with those problems in a child's and family's living situation (home, community, and any center where early intervention services are provided) that affect the child's maximum utilization of early intervention services; and

(V) identifying, mobilizing, and coordinating community resources and services to enable the child and family to receive maximum benefit from early intervention services.

(xii) Special instruction services include:

(I) the design of learning environments and activities that promote the child's acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction;

(II) curriculum planning, including the planned interaction of personnel, materials, and time and space, that leads to achieving the outcomes in the child's IFSP;

(III) providing families with information, skills, and support related to enhancing the skill development of the child; and

(IV) working with the child to enhance the child's development.

(xiii) Speech-language pathology services include:

(I) identification of children with communicative or oral pharyngeal disorders and delays in development of communication skills, including the diagnosis and appraisal of specific disorders and delays in those skills;

(II) referral for medical or other professional services necessary for the habilitation or rehabilitation of children with communicative or oral pharyngeal disorders and delays in development of communication skills; and

(III) provision of services for the habilitation, rehabilitation, or prevention of communicative or oral pharyngeal disorders and delays in development of communication skills.

(xiv) Transportation services include the coverage of cost of travel (e.g., mileage, or travel by taxi, common carrier, or other means) and related costs (e.g., tolls and parking expenses) that are necessary to enable an eligible child and the child's family to receive early intervention services.

(xv) Adaptive equipment services include the provision of equipment which has been designed or altered to match the abilities of the child and enables the child to interact with the environment more independently.

(E) Service options. In a service area, options for instruction or treatment must be available based upon consideration of the medical, social, educational, and developmental needs of the child and family as stated in the IFSP. These options include:

(i) individual services in the home or center or other locations;

(ii) group services delivered at a site with other children;

(iii) to the maximum extent appropriate, early intervention services

to be provided in natural environments including the home and community settings in which children without disabilities may participate;

(iv) flexible hours in programming which allow options for parents to participate (i.e., working parents);

(v) variable degrees of family involvement in services, as determined by the family;

(F) Availability of services.

(i) The provider must demonstrate the capacity to provide instruction and treatment for a minimum of 48 weeks of each year.

(ii) The provider must demonstrate the capacity to deliver a minimum of one hour of services per week for each child whose IFSP indicates such a need.

(G) Service coordination.

(i) One service coordinator must be identified for each eligible child/family.

(I) An initial service coordinator must be assigned at the time of referral/intake. A new service coordinator may be assigned at the time the IFSP is developed or the original service coordinator may be retained, if appropriate. The parents must be given the name of their assigned service coordinator and told how to contact them.

(II) The service coordinator assigned by the interdisciplinary team must be from the profession most relevant to the child/family's needs.

(III) The service coordinator assigned may not be the parent. In some instances a staff person may share case coordination responsibilities with a parent.

(IV) A new service coordinator must be appointed if a parent requests.

(ii) The service coordinator is responsible for coordinating all services within the program and between agencies including:

(I) coordinating the performance of evaluations/assessments;

(II) facilitating and participating in development, review, and evaluation of the IFSP;

(III) monitoring the provision of services to ensure timely delivery of services;

(IV) facilitating the development of a transition plan to include follow-up services when a child leaves the program;

(V) continually seeking appropriate services for children/families; and

(VI) coordinating with medical and health providers.

(iii) The service coordinator must serve as the single contact point for parents to help the families with services including:

(I) addressing identified needs and ongoing service requests;

(II) identifying resources and helping parents to choose among and to access these resources;

(III) informing families of advocacy services; and

(IV) informing families of complaint procedures.

(iv) The local program must ensure that all persons functioning as service coordinators are:

(I) knowledgeable about infants and toddlers who are developmentally delayed or at risk of delay;

(II) knowledgeable of Part H of Public Law 101-476; and

(III) knowledgeable about services available on the state and local levels, including eligibility and fee-for-service information.

(H) Contents of the plan. Programs which receive ECI funds must have a written IFSP for each child developed jointly by the interdisciplinary team including the child's parents.

(i) The IFSP must include an integrated summary of all assessments and evaluations of the child's present levels of physical development (including gross and fine motor skills, nutrition, vision, hearing, and health status), cognitive development, communication development, social-

emotional development, and self-help skills or adaptive development. This integrated summary must be based on professionally acceptable criteria. A description of the child's strengths and needs must be included in the IFSP.

(ii) With the concurrence of the family, the IFSP must include an integrated summary of the family's concerns, priorities, and resources related to enhancing the development of the child.

(iii) The IFSP must include a statement of the major strategies and outcomes expected to be achieved for the child and family, and the criteria, procedures, and timelines used to determine:

(I) the degree to which progress toward achieving the outcomes is being made; and

(II) whether modifications or revisions of the outcomes or services are necessary.

(iv) The IFSP must address the specific early intervention services necessary to meet the unique needs of the child and the family to achieve the outcomes identified in the plan, including:

(I) the frequency, intensity, location, and method of delivering the service;

(II) a summary of the age appropriate opportunities that the child will have to interact with peers who do not have disabilities in natural environments;

(III) the payment arrangements, if any, for all services provided, including those provided by the ECI program.

(v) To the extent appropriate, the IFSP must include:

(I) medical and other services that the child needs, but that are not required in accordance with subparagraphs (C) and (D) of this paragraph; and

(II) if necessary, the steps that will be taken to secure those services through public or private resources.

(vi) The IFSP must include the projected dates for initiation of intervention services and the expected duration of those services.

(vii) The IFSP must identify the service coordinator who will be responsible for implementation of the IFSP

and coordination with other agencies and persons.

(I) Transition. The IFSP must include the steps to be taken to support the transition of the child to public school preschool services (Part B, of the Individual's with Disabilities Education Act), upon reaching the age of three, or to other services that may be available, if appropriate. The steps required include:

(i) discussions with, and training of, parents regarding future placements and other matters related to the child's transition;

(ii) procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting; and

(iii) with parental consent, the transmission of information about the child to the local educational agency or other service provider, to ensure continuity of services, including evaluation and assessment information, and copies of IFSPs that have been developed.

(J) Interim IFSP. Early intervention services for an eligible child and the child's family may commence before the completion of the evaluation and assessment if the following conditions are met:

(i) parental consent is obtained;

(ii) an interim IFSP is developed that includes:

(I) the name of the service coordinator who will be responsible for implementation of the interim IFSP and coordination with other agencies and persons; and

(II) the early intervention services that have been determined to be needed immediately by the child and the child's family; and

(iii) the evaluation and assessments are completed within 45 days of intake.

(K) Responsibility/accountability. Each agency or person who has a direct role in the provision of early intervention services is responsible for making a good faith effort to assist each eligible child in achieving the outcomes in the child's IFSP. However, no agency or person can be held accountable if an eligible child does not achieve the growth projected in the child's IFSP.

(L) Reimbursement for ser-

vice.

(i) All ECI required services must be provided at no cost to families, including, but not limited to, child find, evaluation and assessment, service coordination, and administration and coordination related to the development, review, and evaluation of IFSP's.

(ii) No child may be denied services because of the family's inability to pay. All programs will be required to bill third party insurers for all services at no cost to families. Third parties include, but are not limited to, HMOs, private insurance, Medicaid, and the Chronically Ill and Disabled Children's Program.

(iii) Families will be required to apply for assistance for all applicable funding resources for which they are potentially eligible including, but not limited to, Medicaid and the Chronically Ill and Disabled Children's Program.

(iv) All programs will be required to apply for Chapter I funds.

§621.24. Program Administration.

(a) Program eligibility.

(1) Funds are available to public or private service organizations that may be current or potential providers of services for children with developmental delays.

(2) (No change.)

(b) (No change.)

(c) Program requirements.

(1) Child find. Each program must develop and implement a child find plan which includes:

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

(2) Required services. As of September 1, 1990, each program must provide an evaluation and assessment, service coordination, and an IFSP for all eligible children.

(3) Public awareness. Each program must develop and implement a public awareness plan which includes:

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

(4)-(6) (No change.)

(7) Child health standards. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in each of the following areas.

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

(8) Safety regulations regarding emergencies for all buildings where ECI

programs are housed. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in the following areas.

(A) First aid supplies must be maintained on the premises and in vehicles routinely used by the program.

(B) There must be written posted procedures to be followed in the event of actual or threatened natural disasters, such as fire, tornado, flood, hurricane (as appropriate for the area). Evacuation routes must be posted. Procedures must be individualized for each location.

(C) Each facility must conduct quarterly fire drills rehearsing the evacuation of all children. Such drills must be documented.

(D) Each facility must have a working telephone, and emergency telephone numbers must be posted.

(9) Accessibility and safety. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in the following areas.

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

(10) Transportation safety. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in the following areas.

(A) The transportation system operated by the ECI Program must meet local and state licensing, inspection, insurance, and capacity requirements.

(B) Children must be transported in an appropriately installed federally approved child passenger restraint seat, appropriate to the child's age and size.

(C) Drivers of vehicles must have valid and appropriate drivers' licenses. Drivers must have current defensive driving certification.

(D) Drivers and driver's aides must have training in first aid, emergency care of seizures, and be certified in cardiopulmonary resuscitation for children and infants.

(11) (No change.)

(12) Staff health regulations. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in the following areas.

(A) (No change.)

(B) Programs shall not require HIV testing of employees.

(C)-(D) (No change.)

(13) Staff development for health/safety issues. Programs that receive ECI funds must have written policies and procedures which are implemented and evaluated in the following areas.

(A) All staff who work directly with children must receive training in first aid and have certification in cardiopulmonary resuscitation for children and infants.

(B) All staff who work directly with children must receive training in the implementation of Universal Precautions for Texas ECI Programs and in the recognition of common childhood illnesses.

(C) When activities are provided in a swimming pool, there must be at least one person present who is certified by the American Red Cross in water safety instruction, lifeguard training, or emergency water safety.

§621.25. Application Requirements.

(a)-(c) (No change.)

(d) Applicant share or maintenance of effort.

(1) The maximum reimbursement through ECI for continuation programs is contingent on program expenditure levels maintained in the previous year in which ECI funds were requested. All ECI funded programs are required to maintain local funding and support based on their previous year expenditures.

(2) New programs may follow a phase-in period for developing local community support. The following schedule illustrates the maximum reimbursement percentages for new programs in their first three years.

NEW PROGRAMS	ECI SHARE
First Year	100%
Second Year	90%
Third Year	80%

Note: These percentages are not intended to apply on a line item basis. The ECI share is calculated on the basis of the annualized budget of the original ECI award. If programs are unable to establish the local support as indicated in this phase in period or on the basis of their previous years expenditures, they may request a waiver from the Council.

(3) The applicant's share or maintenance of effort may include the following:

(A) federal state, and local

funds if allowable as match by source of funds;

(B)-(D) (No change.)

(4)-(7) (No change.)

(e) Allowable costs.

(1) The following is intended to be a summary of the most frequently requested costs, and should not be construed to be complete. (Exclusion of a particular item from the allowable list does not necessarily mean it is unallowable. All costs to be reimbursed by ECI or applicant share

must go exclusively for conducting the program.) A complete list of expenditures is listed in the UG&CMS:

(A)-(E) (No change.)

(2) The following expenses are the most common types of "other expenses:"

(A) (No change.)

(B) depreciation-allowable whenever real or personal property are used for the benefit of the grant. May only count toward the applicant's share; with grantors approval; is not chargeable to the ECI share;

(C)-(G) (No change.)

(f) (No change.)

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

Issued in Austin, Texas, on January 16, 1992.

TRD-9200716 Austin R. Kessler
Chairperson
Interagency Council on
Early Childhood
Intervention

Effective date: February 6, 1992

Proposal publication date: August 9, 1991

For further information, please call: (512) 458-7673

◆ ◆ ◆ Procedural Safeguards and Due Process Procedures

• 25 TAC §§621.41, 621.42, 621.44

The amendments are adopted under the Human Resource Code §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays.

§621.41. Procedural Safeguards.

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

(c) Responsibilities. Each program shall be responsible for:

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

(3) providing oral and written explanation to parents regarding procedural safeguards during the intake process and at other times when parental consent is required.

(d) Prior notice; native language.

(1) Prior notice. Written prior notice must be given to parents at least 10 days before a public agency or service pro-

vider proposes, or refuses, to initiate or change the eligibility, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family, unless waived by the child's family.

(2)-(3) (No change.)

(e) (No change.)

(f) Surrogate parents.

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

(3) Criteria for selecting surrogates are as follows.

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

(E) These requirements of subparagraphs (A)-(D) of this paragraph ensure that the surrogate parent does not hold a job or a position that would either bias the decisions made for the child or make the surrogate parent vulnerable to the possibility of administrative retaliation for the execution of their responsibilities. The conflict of interest requirement has also been interpreted to mean that employees of private institutions educating children cannot serve as surrogate parents for children being served by that private institution.

(4) (No change.)

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

Issued in Austin, Texas, on January 16, 1992.

TRD-9200714 Austin R. Kessler
Chairperson
Interagency Council on
Early Childhood
Intervention

Effective date: February 6, 1992

Proposal publication date: August 9, 1991

For further information, please call: (512) 458-7673

◆ ◆ ◆ TITLE 28. INSURANCE Part II. Texas Workers' Compensation Commission

Chapter 116. General Provisions-Subsequent Injury Fund

• 28 TAC §116.11, §116.12

The Texas Workers' Compensation Commission adopts new §116.11 and §116.12, concerning reimbursement from the subsequent injury fund to insurance carriers who have overpaid benefits pursuant to an interlocutory order or decision of the appeals panel, without changes to the proposed text as pub-

lished in the November 5, 1991, issue of the *Texas Register* (16 TexReg 6270).

The new sections are necessary to prescribe procedures for seeking reimbursement.

Section 116.11 describes the circumstances permitting a carrier to request reimbursement, and sets out the requirements for framing and filing the request. Section 116.12 establishes priorities for claims against the fund, provides for reimbursement to be paid annually, describes the procedures to be followed by the fund's administrator in reviewing and responding to requests for reimbursement, and permits the administrator to suspend action on requests for reimbursement for payments pursuant to interlocutory orders until final resolution of liability for those payments.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Articles 8308-2.09(a), which authorizes the commission to adopt rules necessary to implement and enforce the Texas Workers' Compensation Act, and 8308-6.15(e), which requires the commission to adopt rules to provide for a periodic reimbursement schedule.

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

Issued in Austin, Texas, on January 21, 1992.

TRD-9200911 Ernest Boardman
Acting General Counsel
Texas Workers'
Compensation
Commission

Effective date: February 11, 1992

Proposal publication date: November 5, 1991

For further information, please call: (512) 440-3971

◆ ◆ ◆ Chapter 130. Benefits- Impairment and Supplemental Income Benefits

Subchapter A. Impairment In- come Benefits

• 28 TAC §130.8

The Texas Workers' Compensation Commission adopts new §130.8, concerning initiating payment of impairment income benefits, without changes to the proposed text as published in the November 5, 1991, issue of the *Texas Register* (16 TexReg 6270).

The new section establishes that an injured worker who receives an impairment rating greater than zero is entitled to impairment income benefits regardless of whether the worker suffered more than seven days of disability, and provides time frames for initiating payment of impairment income benefits under various conditions.

No public comment was received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 8308-2.09(a), which authorize the commission to adopt rules necessary to implement and enforce the Texas Workers' Compensation Act.

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

Issued in Austin, Texas, on January 21, 1992.

TRD-9200912 Ernest Boardman
Acting General Counsel
Texas Workers'
Compensation
Commission

Effective date: February 11, 1992

Proposal publication date: November 5, 1991

For further information, please call: (512) 440-3971

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 111. Control of Air Pollution From Visible Emissions and Particulate Matter

Visible Emissions

• 31 TAC §111.111

The Texas Air Control Board (TACB) adopts amendments to §111.111, concerning visible emissions, with changes to the proposed text as published in the August 6, 1991, issue of the *Texas Register* (16 TexReg 4265-4266). The new subsection (c) adds controls for solid fuel heating devices and are in conjunction with the development of a State Implementation Plan (SIP) for the control of inhalable particulate matter, in accordance with the 1990 Federal Clean Air Act (FCAA) Amendments. All provisions are applicable only in the City of El Paso (El Paso).

A public hearing was held in El Paso on September 5, 1991. Testimony was received from three commenters during the comment period which ended September 6, 1991. One individual supported the proposal. Opposing the proposal were the United States Environmental Protection Agency (EPA) and the El Paso City-County Health District (EPCCHD). The following discussion initially addresses the more general comments and then addresses the comments which deal with specific parts of the new subsection.

EPA was concerned with how the requirements of Regulation I will be implemented and enforced in El Paso. The commenter recommended that a memorandum of understanding (MOU) be developed between El

Paso and the TACB to define responsibilities and commitments necessary to accomplish the provisions of the regulation. Specifically, EPA wanted the implementation of a public information program dealing with residential wood combustion. EPA also stated that local ordinances may be necessary to enable the city to meet the requirements of Regulation I.

The TACB has negotiated and executed a MOU with El Paso to define responsibilities under the SIP. The city currently has an enforceable ordinance in place controlling the use of solid fuel heating devices during periods of atmospheric stagnation. El Paso has provided detailed information on this ordinance and committed to a public information program.

EPA wanted to know the source of meteorological data that will be used to implement the provisions of §111.111. Additionally, they requested a definition of "adequate dispersion of smoke" and wanted to apply solid fuel heating device controls to sources outside of buildings as well as inside. Also, EPA was concerned with the distribution of information on adverse atmospheric conditions to the public, and EPA requested justification for the exemption of commercial cookers. Finally, EPA noted that exemptions from other TACB regulations require the approval of the executive director rather than the regional director, as with §111.111.

The specification of National Weather Service data provides an official and verifiable source of weather information, and the term "atmospheric stagnation" indicates a condition where pollutants are not dispersed. Inclusion of these concepts in the rule language satisfies EPA requirements. With regard to EPA's concern with outdoor solid fuel heating devices, this section does not apply to the warning of individuals who must remain outdoors. The relatively small number of cases will minimize impact.

El Paso currently has a regulation limiting the use of heating devices during atmospheric stagnation, along with the necessary public information distribution mechanism. These procedures are detailed in the MOU. The inclusion of commercial cookers in this regulation would cause the closure of those establishments using solid fuel during atmospheric stagnation, while those using gas or electricity could remain open. The staff has decided that this is unfair and overly restrictive. Again, the relatively small number of restaurants using solid fuel makes their impact on air quality minimal. In response to the last EPA comment on this section, the TACB has reworded §111.111(c)(2) to require executive director approval for exemptions to the section. This is to maintain consistency with similar requirements in other rules.

EPCCHD wanted to be allowed to grant exemptions in the use of solid fuel heating devices. Also, EPCCHD requested that the compliance date for §111.111 to be the same as the board adoption date.

The request of EPCCHD to have the authority to exempt solid fuel heating devices is understandable. The TACB prefers to retain sole authority in this matter. However, exemptions granted by the executive director in the future

can be determined in concert with local authorities. It is necessary for exemptions from TACB regulations to be authorized by the executive director. The staff has generally found a better level of understanding when a specific compliance date is stated in the rule rather than relying on the adoption date.

A substantial portion of the comments from EPA dealt with the State Implementation Plan (SIP) document and modeling procedures. ASARCO also had comments on modeling and submitted additional data to be incorporated into their emission inventory. The following discussion contains general comments on test methods for PM₁₀ followed by comments on specific points raised about the SIP document and modeling.

EPA commented that federal rules, promulgated on April 17, 1990 (55 Federal Register 14246), require every PM₁₀ nonattainment area SIP to contain the test methods for measurement of PM₁₀ emissions. The staff did not believe that test methods for stack emissions of PM₁₀ should be included in this SIP revision, and no revised rule language was included on this point. In staff discussions between the TACB and EPA Region 6 staff, a consensus was reached that the more appropriate approach would be to revise TACB Regulation I on a statewide basis. The revisions would include the development of rules requiring the use of specific test methods and possibly a testing frequency in cases where an allowable rate of emissions has been established. Development of statewide regulations will occur apart from this SIP revision.

EPA commented that the emissions reduction claimed from residential fireplaces had not been specified and that other credits claimed under the revisions to Regulation I can not be accounted for without a specific plan of implementation from El Paso.

Fireplace emissions for 1990 and 1994 are shown in Table 22 of the SIP document. The 1994 emissions reflect projected population growth from 1990 to 1994 coupled with the emissions reducing effect of restrictions on fireplace operation as adopted in §111.111. The net decrease in fireplace emissions from 1990 to 1994 is eleven tons per year. The SIP revision was enhanced to clarify this issue. The issue of a plan of implementation is addressed through a MOU which is mentioned earlier in this discussion.

The amendments are adopted under the Texas Clean Air Act (TCAA) §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purpose of the TCAA.

§111.111. Requirements for Specified Sources.

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

(c) Solid fuel heating devices.

(1) Operating restrictions. In the City of El Paso, including the Fort Bliss Military Reservation, no person shall oper-

ate a solid fuel heating device during a period when National Weather Service data indicates that an atmospheric stagnation condition exists or is predicted to exist. For the purposes of this section, a solid fuel heating device shall be defined as any fireplace, wood heater, wood stove, wood-fired boiler, coal-fired furnace, or similar device burning any solid fuel which is used for aesthetic, cooking (excluding commercial cooking), or heating purposes, and located inside a building.

(2) Exemptions. An exemption from the requirements of this section may be granted by the executive director of the Texas Air Control Board if one or more of the following conditions are met:

(A) the solid fuel heating device is in a period of burn down; that is, a period of time not to exceed three hours for the cessation of combustion within the device;

(B) the solid fuel heating device is the sole source of heat for the building in which it is situated; or

(C) the solid fuel heating device becomes the sole source of heat within the building because of a temporary power loss.

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

Issued in Austin, Texas, on January 21, 1992.

TRD-9200963 Lane Hartsock
Deputy Director, Air Quality
Planning Program
Texas Air Control Board

Effective date: February 12, 1992

Proposal publication date: August 6, 1991

For further information, please call: (512) 908-1451

◆ ◆ ◆
Materials Handling, Construction, Roads, Streets, Alleys, and Parking Lots

• **31 TAC §§111.141, 111.145, 111.147**

The Texas Air Control Board (TACB) adopts amendments to §§111.141, 111.145, and 111.147 concerning materials handling, construction, roads, streets, alleys, and parking lots, with changes to the proposed text as published in the August 6, 1991, issue of the *Texas Register* (16 TexReg 4266-4267). The amendments are adopted in conjunction with the development of a State Implementation Plan (SIP) for the control of inhalable particulate matter in accordance with the 1990 Federal Clean Air Act (FCAA) amendments.

All revisions are applicable only in the City of El Paso (El Paso). The revisions to §111.141, concerning geographic areas of application and date of compliance, include the Fort Bliss Military Reservation (Fort Bliss) and establish a separate compliance date of December 10, 1993, for the newly-affected sources. The revisions to §111.145, concerning construction and demolition, require controls for all such activities, regardless of the size of the area of land affected, and require the application of paving or wetting agents to construction or demolition site access roads. The revisions to §111.147, concerning roads, streets, and alleys, eliminate the exemption of sand applied for snow or ice control, add requirements for paving and cleaning all vehicle traffic surfaces, require that specific thoroughfares be paved, and define a street sweeping schedule and recordkeeping requirements.

A public hearing was held in El Paso on September 5, 1991. Testimony was received from seven commenters during the comment period which ended September 6, 1991. Two commenters supported the proposals and five were in opposition. Opposing the proposals were Asarco, Incorporated (Asarco), the United States Environmental Protection Agency (EPA), the Texas Department of Public Safety (DPS), El Paso Water Utility (EL Paso), and an individual. The following discussion initially addresses the more general comments and then addresses the comments which deal with specific parts of the regulation.

EPA was concerned with how the requirements of Regulation I will be implemented and enforced in El Paso. The commenter recommended that a memorandum of understanding (MOU) be developed between El Paso and the TACB to define responsibilities and commitments necessary to accomplish the provisions of the regulation. Specifically, EPA wanted a commitment of funds necessary for the paving of road surfaces, that is, an agreement that funds for paving and construction will remain intact in the event of city budget cuts.

The TACB has negotiated and executed a MOU with El Paso to define responsibilities under the SIP. Through a resolution of the city council, El Paso has agreed to commit the funds necessary to accomplish the requirements of the amendments.

A private citizen wanted to see the application of these revisions throughout West Texas because of the dust from construction that is a problem throughout this area. Another individual felt that the TACB offices are frequently distant from areas causing dust problems and can not respond quickly to complaints.

Regulation I requires dust control at construction sites and other unpaved surfaces in areas where monitored air quality data indicates a high probability of particulate problems (El Paso, Harris, and Nueces Counties). The majority of Texas counties meet the National Ambient Air Quality Standards (NAAQS) for particulate matter of less than 10 microns (PM₁₀); therefore, the enhanced controls required by this revision are not needed. In such areas, protection is provided by TACB rule under §101.4 relating to nuisance.

The location of the TACB offices in major population areas of the state allows quick response to complaints from the majority of the population. Every effort is made to respond as quickly as possible to complaints, but communities farther from the regional office experience longer response times. Nevertheless, every complaint will get attention.

An individual was concerned about the amount of dust resulting from the movement of military vehicles on Fort Bliss range roads.

Fort Bliss is subject to the same paving requirements as the City of El Paso for roads used by passenger vehicles. Areas used for tactical training maneuvers and the roads and trails leading to them are exempted from regulation. Control of the maneuver areas is not practical due to their large size and the fact that there are no set paths for vehicles to follow. The roads leading to the maneuver areas would be subject to damage from tracked vehicles.

An individual expressed concern that the illegal dumping of industrial solid waste and a nearby rock quarry were responsible for a portion of the PM₁₀ levels. The individual indicated that these activities currently are not regulated.

While illegal dumping is a legitimate concern, the contribution to airborne dust is minimal and control of this activity is covered in other state and local laws and is beyond the scope of this revision. Activities at quarries are regulated under the Materials Handling section of Regulation I. Citizens having problems with this kind of facility are urged to file complaints with the TACB regional offices.

DPS expressed concern that many of the paving materials now in use will be classified as air toxics under the new amendments to the FCAA.

The adopted revisions apply to the control of PM₁₀. The classification of certain paving materials as toxic will not necessarily prohibit their use but may require enhanced control. In any event, toxic controls are not the subject of this revision.

El Paso expressed concern that water used for dust control will place a strain on a limited water supply.

Using water is only one of the alternatives available for dust control. The requirement that El Paso pave alleys and other surfaces is based on the understanding that water accomplishes only temporary dust control and is a very limited resource in El Paso. The TACB recognizes the need of the local government to manage the use of such a basic resource for the greater good of the citizens.

EPA recommended that the words "as soon as practicable" and "maximum" be deleted from the text of §111.147. These words are used here, and in other sections, in conjunction with the application of dust control methods. EPA also requested a specification as to how long sweeping records are to be kept by the city. The El Paso City-County Health District requested that the levee roads be added to the paving requirements at the same rate (15 miles per year) as alleys.

The words "as soon as practicable" and

"maximum" have been deleted from this section and other sections of this revision since EPA is concerned that the terms provide too much subjectivity in the regulation. A specification was added clarifying that records be kept for two years. Control methods other than paving are allowed for levee roads in the regulation because of low traffic volume on levee roads. Thus, there is no need to specify a paving rate for them.

ASARCO requested an exemption from the paving requirement for the low-use slag hauling routes on their property. These routes are still subject to dust control through the application of suitable oil, chemicals, or water. ASARCO stated that the weight of the slag haulers would soon destroy any pavement, except airport-style reinforced concrete. Their contention was that the additional dust control gained by paving, as opposed to other methods of control, is not justified by the expense of heavy-duty paving. They stated the cost of paving would exceed \$2,000 per ton of additional particulate control.

The slag hauling trucks used by ASARCO, when loaded, weigh nearly 100 tons each. ASARCO's concern about the durability of conventional pavement subjected to this weight is well founded. The tonnage figure obtained by ASARCO for additional tons of particulate control was calculated using EPA emission factors for fugitive dust. Considering the low use of these roads and the fact that they are still subject to dust control by other methods, the staff has determined that the requirement to pave is excessive and has added the option for the executive director and EPA to grant a waiver in this and similar circumstances. In considering waivers for industrial roads in El Paso, a figure of \$2,000 per additional ton of particulate control per year will be used. This figure is also used by EPA as a level to evaluate best available control technology. The ASARCO roadways also will be addressed in the permitting process where methods of dust control will be specified.

Several comments from EPA were directed at those portions of Regulation I which are applicable statewide. These comments go beyond the scope of this rulemaking and would need to be considered in a future proposal.

A substantial portion of the comments from EPA dealt with the SIP document and modeling procedures. ASARCO also had comments on modeling and submitted additional data to be incorporated into their emission inventory. The following portion of this discussion contains general comments on test methods for PM¹⁰ followed by comments on specific points raised about the SIP document and modeling.

EPA commented that federal rules, promulgated on April 17, 1990 (§5 Federal Register 14246), require every PM¹⁰ nonattainment area SIP to contain the test methods for measurement of PM¹⁰ emissions. The staff did not intend for test methods for stack emissions of PM¹⁰ to be included in this SIP revision, and no revised rule language was included on this point. In staff discussions between the TACB and EPA Region 6 staff, a consensus was reached that the more appropriate approach would be to revise TACB Regulation I on a

statewide basis. The revisions would include the development of rules requiring the use of specific test methods and possibly a testing frequency in cases where an allowable rate of emissions has been established. Development of statewide regulations will occur apart from this SIP revision.

EPA commented that area source controls under Regulation I do not contain a compliance date and again raised the issue of a specific plan of implementation by El Paso. EPA also argued that a contingency plan likely will be required in El Paso despite the international nature of the PM¹⁰ problem.

As indicated in §111.141, December 10, 1993, is the compliance date for the adopted revisions to Regulation I and the memorandum of understanding addresses implementation plans. Based on conversations with EPA Region 6 staff, the SIP was clarified to indicate that a contingency plan will be developed in future El Paso PM¹⁰ SIP revisions. The TACB, in cooperation with EPA, El Paso, and other agencies, will continue studying the PM¹⁰ problem in the El Paso-Juarez air basin. Enhanced emissions inventory and monitoring data and modeling techniques will help to define better the contributions of each city to the PM¹⁰ problem. A plan can be more appropriately developed once these studies are complete.

ASARCO commented that a statement might be included in section C(4)(h) of the control strategy stating that the adopted SIP revision satisfies §179B of the FCAA for border nonattainment areas.

Discussions with EPA legal staff indicate that such a statement is not necessary.

EPA commented that there is an abnormally large difference between the 1985 National Acid Precipitation Assessment Program (NAPAP) total suspended particulate (TSP) estimate and the PM¹⁰ area source emissions estimates contained in the draft SIP.

The 1990 El Paso PM¹⁰ emissions inventory followed all applicable PM¹⁰ guidance documents published by EPA. These guidelines are significantly different from those established for the 1985 NAPAP emissions inventory. The emphasis of the 1985 NAPAP emissions inventory was directed toward large emitters of sulfur dioxide and nitrogen oxides. Emissions of TSP were, therefore, reported only for these large sources. The TACB staff believes that the difference in the focus of the NAPAP inventory is the primary reason for the inconsistency noted by EPA.

EPA expressed concern that the modeling discussed in the draft SIP emphasized only one "critical" receptor in its refined modeling conducted with a 100-meter receptor spacing. EPA also commented that the draft SIP was unclear as to the meaning of "in the vicinity of the critical receptor."

In response to EPA's comment, the TACB staff conducted additional modeling with a 100-meter receptor spacing for the 1994 case. Previously, for each of the annual and 24-hour averaging periods and for each of the years 1990 and 1994, only one area identified as a "hot spot" with one-kilometer receptor spacing was further modeled with a 100-

meter spacing. For the 24-hour averaging period, modeling had focused on the one area centered on the highest sixth-high concentration predicted by the modeling. For the annual averaging period, modeling focused on the one area centered on the highest predicted five-year average annual concentration.

In the updated modeling for the 1994 case, the TACB staff modeled two additional "hot spot" areas for each of the 24-hour and annual averaging periods, using a 100-meter receptor spacing, refined modeling based on the location of relatively high concentrations predicted at one-kilometer receptors in the initial modeling. All modeling conducted in the vicinity of critical one-kilometer receptors employed a minimum grid size of five columns and five rows, spaced at 100 meters.

The additional modeling for 1994 demonstrated very weak concentration gradients, even with the 100-meter receptor spacing. The predicted 24-hour and annual PM¹⁰ design concentrations remained below the NAAQS.

For the base year 1990, no additional modeling was conducted in the vicinity of critical one-kilometer receptors since area and point source emissions modeled for 1994 were greater than or equal to those modeled for 1990. As a conservative measure for the 1994 modeling, no credit was taken for any area source emissions reductions related to the controls adopted in the SIP.

Section 4(e) of the El Paso SIP revision has been updated to reflect the additional modeling conducted in response to EPA's comment.

EPA commented that non-complex terrain modeling around critical point sources ideally should be done with the Industrial Source Complex Model, taking downwash into account. EPA noted that this might particularly be the case for modeling around Jobe Concrete Products, Incorporated (Jobe) (page 69 of the draft SIP).

The TACB staff has determined that downwash is not an important consideration in the modeling of Jobe. The nearest downwashed sources are approximately 500 meters from the property line at which the maximum concentrations were predicted with the Gaussian-Plume Multiple Source Air Quality model. Furthermore, over 90 percent of PM¹⁰ emissions from Jobe are fugitives with low release heights. Applying building downwash to such fugitive emissions would only decrease predicted concentrations below the currently predicted values. Thus, the current modeling provides a conservative estimate of PM¹⁰ concentrations resulting from Jobe emissions.

ASARCO commented that the company's emissions information reported in the draft SIP require certain corrections. ASARCO recommended updates to various emissions tables in the SIP and also provided revised

modeling estimates based on the updated emissions data.

Subsequent to the date of ASARCO's comment letter (September 6, 1991), the TACB staff and ASARCO discussed the company's emissions inventory in several meetings and telephone conversations. Through these discussions, the TACB staff learned that the company's PM^{[sup]10/sub} emissions updates were associated in large part with their ongoing continuous smelting-top blowing permit application, which currently is in review at the TACB. ASARCO continued to provide updates to their inventory through September 23, 1991.

The revised modeling predictions proposed in ASARCO's comment letter were not used because the company updated the emissions data subsequent to the comment letter and since the TACB staff did not feel that the techniques proposed by ASARCO for scaling up the design concentrations were technically defensible. Once ASARCO completed the emissions updates, the TACB staff conducted extensive remodeling to take into account the company's revised emissions inventory. However, the updates to the emissions inventory did not significantly change the modeling results previously reported in the draft SIP.

The SIP document has been updated to reflect all ASARCO emissions inventory updates and revised modeling results.

The amendments are adopted under the Texas Clean Air Act (TCAA) §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purpose of the TCAA.

§111.141. *Geographic Areas of Application and Date of Compliance.* Section 111.141 of this title (relating to Geographic Areas of Application and Date of Compliance), §111.143 of this title (relating to Materials Handling), §111.145 of this title (relating to Construction and Demolition), §111.147 of this title (relating to Roads, Streets, and Alleys), and §111.149 of this title (relating to Parking Lots) shall apply to the following areas: the City of El Paso, including the Fort Bliss Military Reservation except for training areas for tactical training, maneuvering, air support, and such other and further uses that are not inconsistent therewith, including access to and from said areas, unless otherwise specified; that portion of Harris County inside the loop formed by Beltway 8; and that area of Nueces County outlined in the Group II State Implementation Plan for Inhalable Particulate Matter adopted by the Texas Air Control Board on May 13, 1988. Compliance with these sections shall be as soon as practicable, but no later than December 31, 1991, except as follows: compliance on the Fort Bliss Military Reservation and compliance with §111.145(3) of this title relating to Construction and Demolition); the paving requirements of §111.147(1); and the street sweeping requirements of §111.147(2) of

this title (relating to Roads, Streets and Alleys), shall be as soon as practicable, but no later than December 10, 1993.

§111.145. *Construction and Demolition.* For the purpose of this section, the following restrictions apply if the area of land affected by the listed activities is more than one acre in size, except for the City of El Paso, where restrictions shall apply regardless of the size of the area of land affected. No person may cause, suffer, allow, or permit a structure, road, street, alley, or parking area to be constructed, altered, repaired, or demolished, or land to be cleared without taking at least the following precautions to achieve control of dust emissions:

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

(3) application of asphalt, other paving materials, water, suitable oil, or chemicals on construction and/or demolition site access roads located in the City of El Paso.

§111.147. *Roads, Street, and Alleys.* No person may cause, suffer, allow, or permit any public, industrial, commercial, or private road, street, or alley to be used without taking at least the following precautions to achieve control of dust emissions:

(1) application of asphalt, water, or suitable oil or chemicals on the following unpaved surfaces, except in the City of El Paso and the Fort Bliss Military Reservation, except as noted in §111.141, where the use of paving materials is the only acceptable method of dust control, unless otherwise specified:

(A) industrial facility roadways—all major inplant roads and all truck or other heavy-duty vehicle pathways. Major in-plant roads shall be defined as those which are designed to accommodate two-way traffic and are at least 30 feet wide at least one point, measuring the distance from the edge of the undisturbed earth on either side of the established roadway the executive director, with the concurrence of the United States Environmental Protection Agency, may grant a waiver from the requirement to pave an industrial facility roadway if the owner of the roadway demonstrates that the cost of paving is economically unreasonable compared to other methods of dust control specified in paragraph (1) of this section;

(B)-(D) (No change.)

(E) alleys—in the City of El Paso, alleys shall be paved at the rate of at least 15 miles per year;

(F) levee roads in the City of El Paso, all levee roads and access to such roads shall be controlled with the application of asphalt, or suitable oil or chemicals.

(2) Removal from public thoroughfares, as necessary, of soil or other materials, except for sand applied for the specific purpose of snow or ice control. In the City of El Paso, removal of soil shall be by mechanical sweepers or their equivalent at the rate of four times per year for all public thoroughfares within the city limits and six times per week or as necessary for public thoroughfares within the central business district. For the purpose of this section, the central business district shall be defined as that area bordered by Loop 375 to the south, Santa Fe Street to the west, Missouri Street to the north, and Kansas Street to the east. The City of El Paso shall spot clean dirty roadways, and shall maintain street sweeping records for two years. Sand applied for the specific purpose of snow or ice control shall be removed as soon as such control is no longer necessary.

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

Issued in Austin, Texas, on January 21, 1992.

TRD-9200962

Lane Hartssock
Deputy Director, Air Quality
Planning Program
Texas Air Control Board

Effective date: February 12, 1992

Proposal publication date: August 6, 1991

For further information, please call: (512) 908-1451

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 8. Home Energy Assistance Program (HEAP)

Program Requirements

• 40 TAC §8.2

The Texas Department of Human Services (DHS) adopts an amendment to §8.2, concerning Home Energy Assistant Program (HEAP) eligibility criteria, without changes to the proposed text as published in the December 6, 1991, issue of the *Texas Register* (16 TexReg 6995).

The justification for the amendment is to adjust the income eligibility criteria to reflect the 1991 annual update to the federal poverty income guidelines.

The amendment will function by adding to the

rule income guidelines for the HEAP program that incorporate last year's increase in prices as measured by the Consumer Price Index.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200831 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: February 7, 1992

Proposal publication date: December 6, 1991

For further information, please call: (512) 450-3765

Chapter 29. Purchased Health Services

Subchapter K. Definitions

• 40 TAC §29.1001

The Texas Department of Human Services (DHS) adopts an amendment to §29.1001, concerning definitions, without changes to the proposed text as published in December 27, 1991, issue of the *Texas Register* (16 TexReg).

The amendment is justified by enabling therapeutic optometrists to treat Medicaid clients and be reimbursed for the same services currently reimbursable to optometrists.

The amendment will function by redefining the practice of optometry to include therapeutic optometry. All references to optometrists in the Purchased Health Services rules chapter will include therapeutic optometrists.

No comments were received regarding the adoption of the amendment.

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

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200825 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: March 1, 1992

Proposal publication date: November 26, 1991

For further information, please call: (512) 450-3765

Chapter 79. Legal Services

Subchapter U. Fraud Involving Recipients

• 40 TAC §79.2009, §79.2011

The Texas Department of Human Services (DHS) adopts amendments to §79.2009 and §79.2011, concerning recipient fraud in the Food Stamp Program with, changes to the proposed text as published in the November 1, 1991, issue of the *Texas Register* (16 TexReg 6204).

The justification for the amendments is to implement a more efficient manner of disposing of food stamp cases involving intentional program violation and of recovering benefits received as a result of program violation.

The amendment to §79.2009 will function by giving individuals an opportunity to waive their right to an administrative disqualification hearing. The amendment to §79.2011 changes the procedure DHS initiates to recover overissuances when persons waive their right to an administrative disqualification hearing.

During the comment period, DHS received comments from West Texas Legal Services, an attorney, and several individuals. All commenters opposed adoption of the amendments. The commenters raised three issues.

Comment: The first issue concerned the possibility that the proposed rule revisions would expose the recipient charged with an intentional program violation to the use of information obtained in an administrative disqualification hearing for prosecution for criminal sanctions for the same offense.

Response: Provisions of 7 Code of Federal Regulations (CFR), §273.16(e)(3) (H) and (f) provide that the hearing does not preclude the state or federal government from prosecuting the household member for intentional program violation in a civil or criminal court action, or from collecting the overissuances. The fact that evidence obtained in the course of prosecution of a civil sanction, or vice versa, does not preclude the use of such information. Office of Inspector General (OIG) policy prohibits pursuit of both administrative and criminal disposition in the same fraud case.

Comment: The second issue raised concern that the proposed rule revisions would violate the due process provisions of the federal or state constitutions.

Response: DHS does not believe that the proposed rule revisions would violate due process. The rules provide for the recipient to receive: notice of the time, date, and place of hearing; notice of the charge against the household; a summary of the evidence and how and where the evidence can be examined; a warning that the decision will be based solely on information provided by DHS, if the recipient fails to appear at the hearing; a

warning that a determination of intentional program violation will result in disqualification for benefits for a period of time and a statement as to which penalty time is being sought; a listing of the household members' rights, as provided in 7 CFR, §273.15(p); a statement of availability of legal representation; a copy of the hearing procedures; a statement that the accused individual had the right to remain silent concerning the charge, and that anything said or signed by the individual concerning the charge could be used against him in a court of law; an opportunity to admit or deny the facts as presented by DHS; and a statement that the remaining household members would be responsible for repayment of the resulting claim. These provisions, as set forth in 7 CFR, §273.16, satisfy all of the substantive and procedural requirements of "due process" as that term is presently defined by the courts.

Comment: The third issue concerned providing for independent review of a client's alleged fraud case by someone in addition to the investigator assigned to investigate the case, before a waiver of a disqualification hearing is accepted.

Response: As proposed, the evidence against a client is reviewed at two levels other than the caseworker to determine whether a hearing would be warranted. This review includes the investigator and the investigator's supervisor, is standard practice in all OIG cases, and exceeds the requirements of the federal regulations. DHS believes that it would be unnecessary and counterproductive to add a third level of review to what is intended to be an expedited and voluntary process for the client.

DHS is adopting the amendments with changes needed to improve the clarity of the sections. The changes do not affect the intent of the sections.

Section 79.2009(d) is changed to clarify that the individual who is alleged to have committed an intentional program violation may waive the administrative disqualification hearing. Also added to this subsection is a clarification that by waiving the hearing, the individual understands that disqualification will occur.

Section 79.2011(i)(2) is adopted with a change to clarify that if there is no face-to-face contact between the investigator and client, DHS uses direct mail contact to give the client an opportunity to waive the hearing.

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

§79.2009. Referral of Food Stamp Intentional Program Violation Claims to Administrative Disqualification Hearing Officer.

(a)-(c) (No change.)

(d) DHS gives individuals who are alleged to have committed an intentional program violation an opportunity to waive their right to an administrative disqualifica-

tion hearing. By waiving this right, individuals acknowledge that they understand their rights and responsibilities, that disqualification will occur, and that they understand the disqualification period that applies to their case; and they agree to repay the overissuance without having a hearing.

§79.2011. Collection Action on Food Stamp Intentional Program Violation Claims.

(a)-(h) (No change.)

(i) If the investigator interviews the person suspected of committing an intentional program violation and the person expresses that he does not want to have an administrative disqualification hearing and is willing to repay the overissuance, the following policies and procedures apply.

(1) The investigator obtains the individual's signature on a repayment agreement form and on an administrative disqualification hearing waiver form.

(2) By signing the waiver of hearing, and repayment agreement forms, the recipient agrees that he does not want a hearing, that he will repay the overissuance, and that he understands that he will be disqualified from receiving food stamps for a period of time determined by whether it is the first, second, or third offense. If there is no face-to-face contact between the investigator and the client, the client may be given an opportunity to waive his right to a hearing through direct mail contact.

(3) The investigator will not send the case to the hearing officer, but will initiate repayment and disqualification actions.

(4) During the interview with the client, the investigator gives the client an opportunity to retract the waiver within seven workdays of signing the waiver form. If DHS receives a written retraction of waiver by the seventh day from the date the recipient signed the waiver, an administrative hearing will be scheduled and conducted. If DHS does not receive a written retraction of the waiver by the end of the seventh day, the waiver and repayment agreement remain valid, and no further appeals will be authorized.

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

Issued in Austin, Texas, on January 17, 1992.

TRD-9200832

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: March 1, 1992

Proposal publication date: November 1, 1991

For further information, please call: (512)
450-3765





Name: Mat Hall

Grade: 4

School: Montgomery Elementary, Carrollton-Farmers Branch ISD



Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Texas Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Texas Department of Agriculture

Tuesday, January 28, 1992, 10 a.m. The Texas Department of Agriculture will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 928-B, Austin. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code §76.116(A)(1)(Vernon 1991) and 4 TAC §7.22, by Harold Noel doing business as Noel's Flying Service.

Contact: Elaine L. Fannin, P.O. Box 12847, Austin, Texas 78711, (512) 465-1681.

Filed: January 16, 1992, 10:51 a.m.

TRD-9200680

Tuesday, January 28, 1992, 10 a.m. The Texas Agricultural Finance Authority of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, Stephen F. Austin Building, 1700 North Congress Avenue, Room 924-A, Austin. According to the agenda summary, the authority will call the meeting to order; discuss and act on minutes of the previous meeting; applications being appealed; loans approved by the board; rules for Young Farmer Endowment Program; rules for Loan Guaranty Program; development of revenue bond program; election of secretary/treasurer; and discussion of other business.

Contact: Robert Kennedy, P.O. Box 12847, Austin, Texas 78711, (512) 463-7686.

Filed: January 17, 1992, 11:41 a.m.

TRD-9200784

Tuesday, February 4, 1992, 7 p.m. The Southern Rolling Plains Cotton Producers Board of the Texas Department of Agriculture will meet at the Miles Co-operative Gin, 1 1/2 miles northwest of Miles on FM 1692. According to the agenda summary, the board will read and approve minutes; hear treasurer's report; report on activities; committee reports; reports from special guests with discussion and action on pro-

posals; and may discuss and act on old and new business.

Contact: Sid Long, P.O. Box 30036, San Angelo, Texas 76903, (915) 453-2383.

Filed: January 16, 1992, 3:22 p.m.

TRD-9200702

Wednesday, February 12, 1992, 10 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture, Expressway 83, two blocks west of Morningside Road, San Juan. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code, §76.116(A)(1)(Vernon 1991) and 4 TAC §7.22 by Steve Freeman doing business as Mercedes Flying Service.

Contact: Elaine L. Fannin, P.O. Box 12847, Austin, Texas 78711, (512) 465-1681.

Filed: January 16, 1992, 10:51 a.m.

TRD-9200679

Texas Alcoholic Beverage Commission

Tuesday, January 28, 1992, 11 a.m. The Texas Alcoholic Beverage Commission will meet at 5806 Mesa, Room 180, Travis County, Austin. According to the complete agenda, the commission will discuss approval of minutes of the December 16, 1991 meeting; presentation of certificate of merit to A. L. Martinez; administrator's and staff reports on agency activity; approval of affidavit of destruction of tested alcoholic beverages; hear public comment; consider proposed changes to bingo rules §55.550 and §55.553 and proposed new bingo rule §55.565 as published in the 16 TexReg 7688-7691; and discuss and possibly act on amending time line to appoint permanent administrator.

Contact: Jeannene Fox, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: January 17, 1992, 10:53 a.m.

TRD-9200767

Texas Council on Alzheimer's Disease and Related Disorders

Thursday, January 30, 1992, 9:45 a.m. The Texas Council on Alzheimer's Disease and Related Disorders will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the council will hear opening remarks; introduce council members; consider and possibly act on chairman's report; legislative report; Texas Department of Health report; report on the Governor's health policy task force; Texas respite resource network report; report on study of special care units for nursing facility residents with cognition impairment; recognize retiring council members; hear input from council members; and hear an update of the legislative nursing home study.

Contact: Morris Craig, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7323.

Filed: January 22, 1992, 8:03 a.m.

TRD-9200923

Texas Appraiser Licensing and Certification Board

Thursday-Friday, January 30-31, 1992, 9 a.m. The Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, Conference Room 235, Second Floor, 1101 Camino La Costa, Austin. According to the agenda summary, on Thursday, the board will call the meeting to order; discuss consideration of the minutes of December 13, 1991 meeting; hear staff reports; report from the budget subcommittee; report from the education subcommittee; discussion and possible final action to

adopt proposed new 22 TAC §§151.1-151.30 relating to practice and procedure; new 22 TAC §§153.1, 153.3, 153.5, 153.7, 153.9, 153.11, 153.13, 153.15, 153.17, 153.19, 153.21, 153.23 concerning provisions of the Texas Appraiser Licensing and Certification a new 22 TAC §155.1 concerning standards of practice; hear comments and presentations from visitors; selection of date of subsequent meetings; and adjourn. On Friday, the board will call the meeting to order; discuss and possibly act on agenda items from previous day still requiring action; and adjourn.

Contact: Renil C. Liner, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950.

Filed: January 22, 1992, 3:35 p.m.

TRD-9201057

State Bar of Texas

Monday, January 27, 1992, 9 a.m. The Executive Committee of the State Bar of Texas met at the Marriott-Mandalay/Las Colinas, Salon D, 221 East Las Colinas Boulevard, Irving. According to the agenda summary, the committee called the meeting to order; took roll call; heard reports of: chair of the board; president; president-elect; executive director; general counsel; immediate past president; immediate past chair of the board; TYLA president; and supreme court liaison.

Contact: Pat Hiller, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1451.

Filed: January 17, 1992, 4:13 p.m.

TRD-9200843

Monday-Tuesday, January 27-28, 1992, 9 a.m. The Board of Directors of the State Bar of Texas will meet at the Marriott-Mandalay/Las Colinas, Salon D, 221 East Las Colinas Boulevard, Irving. According to the agenda summary, the board will call the meeting to order; take roll call; give invocation; hear reports of: chair of the board; president; president-elect; meet in executive session to discuss personnel matters (closed pursuant to Article 6252-17(2)(g)); discussion of pro bono; reports of: executive director; general counsel; board committees; bar committees/sections/divisions; other groups; immediate past president; immediate past chair of the board; TYLA president; supreme court liaison; court of criminal appeals liaison; judicial section liaison; federal judicial liaison; remarks from the general public; and committees and sections wrap-up.

Contact: Pat Hiller, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1451.

Filed: January 17, 1992, 4:10 p.m.

TRD-9200842

Texas Commission for the Blind, Texas Rehabilitation Commission

Monday, February 3, 1992, 9:15 a.m. The State Independent Living Council of the Texas Commission for the Blind, Texas Rehabilitation Commission will meet at the Doubletree Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the council will call the meeting to order; discuss the role of the council; hear public comments on independent living issues; report of council member liaison with agencies; discuss the new Texas; hear public comments on independent living issues; and adjourn.

Contact: Robert Packard (TCB), P.O. Box 12866, Austin, Texas 78711, (512) 459-2588 and Mel Fajkus (TRC), 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4133.

Filed: January 21, 1992, 11:19 a.m.

TRD-9200882

Child Care Development Board

Wednesday, February 5, 1992, 10 a.m. The Child Care Development Board will meet at the Sam Houston Building, 201 East 14th Street, Room 710, Austin. According to the complete agenda, the board will award lease and contract to Creative World, Inc. for operation of Capitol Complex child care facility; adoption of enrollment policy; discussion of publicity and notification of state employees concerning facility opening and enrollment procedures; final approval of any operational amendments; and discussion of age groupings for Capitol Complex facility.

Contact: Mary E. Fero, 201 West 14th Street, Austin, Texas 78711, (512) 463-2062.

Filed: January 22, 1992, 11:45 a.m.

TRD-9200977

Texas Department of Commerce

Wednesday, January 29, 1992, 1 p.m. The Texas-Mexico Authority Advisory Board of the Texas Department of Commerce will meet at the First City Centre Building, 816 Congress Avenue, 11th Floor Board Room, Austin. According to the agenda summary, the board will call the meeting to order; make brief remarks; introduce board members and Sol Villasana; overview on commerce perspective; overview of border infrastructure; environmental issues; coopera-

tive efforts with Mexico; report on border governor's conference; report on legislation and sunset; free trade consortium; discussion on future agendas; and adjourn.

Contact: Deborah Kastrin, Suite 1200, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9699.

Filed: January 21, 1992, 3:55 p.m.

TRD-9200917

Texas Board of Criminal Justice

Friday, January 24, 1992, 9 a.m. The Texas Board of Criminal Justice met at the Hazel B. Kerper Courtroom, George J. Beto Criminal Justice Center, S.H.S.U., 815 16th Street, Huntsville. According to the agenda summary, the board convened in executive session to discuss pending litigation; acquisition of real property-site selection; regular session to discuss consent items; heard board reports; introduction of new senior staff; heard director's report; industrial advisory board appointment; certification of overcrowded conditions; historical markings of TDCJ-ID Units; community justice assistance division; pardons and paroles division; construction; finance; and discussed prior pending business; adjourned; convened Windham School Board to discuss consent items; and adjourned.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: January 16, 1992, 4:26 p.m.

TRD-9200726

Texans' War on Drugs

Tuesday, January 21, 1992, 9:30 a.m. The Board of Directors of the Texans' War on Drugs held an emergency teleconference meeting at 11044-D Research Boulevard, Suite 200, Austin. According to the complete agenda, the board called the meeting to order; took roll call; met in executive session to consult with attorney regarding personnel issues; setting board policy on severance pay; adjourned executive session; acted on items discussed in executive session; and adjourned. The emergency status was necessary due to urgent personnel issues.

Contact: Janis Pittel, 11044-D Research Boulevard, Room 404, Austin, Texas 78759, (512) 343-6950.

Filed: January 17, 1992, 4:36 p.m.

TRD-9200848

Thursday, January 30, 1992, 8:30 a.m. The Board of Directors of the Texans' War

on Drugs will meet at 11044-D Research Boulevard, Suite 200, Austin. According to the complete agenda, the board will call the meeting to order; take roll call; discuss approval of minutes; hear treasurer's report; discuss new business: meet in executive session; update on charge of employment discrimination filed with Austin Human Rights Commission; other personnel issues; adjourn executive session; act on items discussed in executive session; hear president's report; discuss financial status; implementation of restructure plan; involvement of board in fundraising; executive director search; selection of new directors; discuss plans for board training; set next meeting date; and adjourn.

Contact: Janis Pittel, 11044-D Research Boulevard, Suite 200, Austin, Texas 78759, (512) 343-6950.

Filed: January 22, 1992, 7:21 p.m.

TRD-9201071

Texas Education Agency

Thursday, January 30, 1992, 8:30 a.m. The State Board of Education Task Force on Professional Preparation and Development of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the board will make introductory remarks; discuss approval of the minutes of January 14, 1992 meeting; overview and discussion of position paper of the task force on professional preparation and development, including: preservice education and development; continuing staff development; and compensation and incentive systems.

Contact: Richard Swain, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9328.

Filed: January 22, 1992, 4 p.m.

TRD-9201061

Employees Retirement System of Texas

Wednesday, January 29, 1992, 3 p.m. The Organization and Compensation Committee, Board of Trustees of the Employees Retirement System of Texas will meet at the ERS Building, 18th and Brazos Streets, Room 401, Austin. According to the complete agenda, the board will discuss the Texas Employees Uniform Group Insurance Program contribution eligibility; status report regarding: automation; ERS trustee rules revision; appeals informational booklet; set future meeting date; and adjourn.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 867-3336.

Filed: January 17, 1992, 10:16 a.m.

TRD-9200757

Thursday, January 30, 1992, 8:30 a.m.

The Board of Trustees of the Employees Retirement System of Texas will meet at the ERS Auditorium, ERS Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will discuss approval of the minutes; hear appeals of contested cases; mutual fund investment program approval for Judicial Retirement System of Texas Plan Two; vendor selection for dental coverage administration under Texas Employees Uniform Group Insurance Program; firm selection to conduct 1990-1991 insurance carrier operations audit regarding Texas Employees Uniform Group Insurance Program; status of Uniform Group Insurance Program Strategic Plan implementation; Group Benefits Advisory Committee report; status of fiscal year 1991 internal auditing recommendations/recommendations in state auditor report to management based on financial statement audit for fiscal year ended August 31, 1990; hear executive director's report; plan next trustee meeting date; and adjourn.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 867-3336.

Filed: January 22, 1992, 10:02 a.m.

TRD-9200966

Texas Employment Commission

Tuesday, January 28, 1992, 8:30 a.m. The Texas Employment Commission will meet at the TEC Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will discuss approval of prior meeting notes; meet in executive session to discuss Administaff, Inc. versus James Kaster, et al.; actions, if any, resulting from executive session; consideration and possible approval of expenditure for a fair market value appraisal of the Sherman agency-owned property; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 4; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: January 17, 1992, 4:10 p.m.

TRD-9200841

General Services Commission

Wednesday, January 29, 1992, 9:30 a.m.

The General Services Commission will meet at the Central Services Building, 1711 San Jacinto Street, Room 402, Austin. According to the agenda summary, the commission will consider retention and delegation of authority; discuss proposed amendments to §111.3 regarding protests; final adoption of amendments to §§113.2, 113.4, 113.6, 113.9, 113.10, 113.11, 113.25, 113.51, 113.52, 113.56, 113.93, 113.95, and 113.99 and new section §113.76 concerning central purchasing; proposed amendments to §§113.2, 113.6, 113.13, 113.73 and new §113.16 regarding central purchasing; proposed amendments to §121.11 regarding CCTS; proposed repeal existing §121.6 and proposed new section §121.6 regarding TEX-AN; briefing on telecommunications plan; adoption of amendments to §§123.13, 123.15, and 123.18 regarding construction; monthly construction report; consider authorization to sign vouchers; monthly operating budget; activity report; consider resolution requesting financing from TPFA; meet in executive session to review applications for executive director; and status of pending litigation.

Contact: Judith M. Porras, 1711 San Jacinto Street, Austin, Texas 78701, (512) 463-3446.

Filed: January 21, 1992, 9:23 a.m.

TRD-9200860

Interagency Council For Genetic Services

Wednesday, February 5, 1992, 9 a.m. The Interagency Council For Genetic Services will meet at The Texas Department of Health, Room T-607, 1100 West 49th Street, Austin. According to the complete agenda, the council will hear presentations on state government reorganization from the Texas Department of Health, the Texas Department of Human Services, and the Texas Department of Mental Health and Mental Retardation. The council then will discuss and possibly act on using this information in the preparation of the resource allocation plan.

Contact: William E. Moore, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700.

Filed: January 16, 1992, 4:06 p.m.

TRD-9200723

Governor's Health Policy Task Force

Thursday, January 30, 1992, 1 p.m. The Governor's Health Policy Task Force will meet at the Hyatt Regency, 208 Barton

Springs Road, Texas Room I, Austin. According to the agenda summary, the task force will hear opening remarks from the chair; discuss health related decisions by Health Ethicist, Dr. Ron Carson; review and discussion by Panel I-employers; break; and discussion by Panel II-providers.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: January 21, 1992, 2:40 p.m.

TRD-9200902

Friday, January 31, 1992, 9 a.m. The Governor's Health Policy Task Force will meet at the Hyatt Regency, 208 Barton Springs Road, Texas I Room, Austin. According to the agenda summary, the task force will have a discussion of issues by the chairman; discussion by health ethicist; discussion by Panel III-Consumers; lunch; discussion by Panel IV-insurance; discussion; and subcommittee meetings.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: January 21, 1992, 2:40 p.m.

TRD-9200903

Friday, January 31, 1992, 2 p.m. The Subcommittee on Essential Services of the Governor's Health Policy Task Force will meet at the Hyatt Regency, 208 Barton Springs Road, Hill Country A Room, Austin. According to the agenda summary, the subcommittee will call the meeting to order; introduce members; discuss work plan; and other business.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: January 21, 1992, 2:40 p.m.

TRD-9200904

Friday, January 31, 1992, 2 p.m. The Subcommittee on Finance of the Governor's Health Policy Task Force will meet at the Hyatt Regency, 208 Barton Springs Road, Hill Country B Room, Austin. According to the agenda summary, the subcommittee will call the meeting to order; introduce members; discuss work plan; and discuss other business.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: January 21, 1992, 2:40 p.m.

TRD-9200905

Friday, January 31, 1992, 2 p.m. The Availability Subcommittee of the Governor's Health Policy Task Force will meet at the Hyatt Regency, 208 Barton Springs Road, Hill Country C Room, Austin. According to the agenda summary, the subcommittee will call the meeting to order; introduce members; discuss work plan; and other business.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: January 21, 1992, 2:40 p.m.

TRD-9200906

Friday, January 31, 1992, 2 p.m. The Subcommittee on Cost Containment of the Governor's Health Policy Task Force will meet at the Hyatt Regency, 208 Barton Springs Road, Texas I Room, Austin. According to the agenda summary, the subcommittee will call the meeting to order; introduce members; discuss work plan; and other business.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: January 21, 1992, 2:41 p.m.

TRD-9200907

Texas Department of Health

Friday January 17, 1992, 10 a.m. The Hospital Licensing Advisory Council of the Texas Department of Health held an emergency meeting at 1100 West 49th Street, Room T-607, Austin. According to the agenda, the council may have approved minutes of previous meeting; discussed and possibly acted on emergency medical conditions currently reported by rehabilitation hospitals; patient transfer policies and agreements; proposed to increase hospital licensure fees to maximum allowed by law; discussed emergency rules concerning special licensing standards governing the provisions of mental health services in general hospitals (new chapter 12, Hospital Licensing Standards); hospital patient transfer agreement questionnaire; finalized rules concerning the waivers on modification of certain provisions of the Hospital Licensing Standards to a particular special hospital or particular general or special hospital serving a rural community; and had an open discussion of subject matter for the next council meeting.

Contact: Maurice Shaw, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538.

Filed: January 16, 1992, 4:03 p.m.

TRD-9200713

Friday, January 24, 1992, 1 p.m. The Public Health Promotion Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-721, Austin. According to the agenda, the committee considered and possibly acted on monthly update of three year public information plan, role of committee in supporting public information on the hazards of carcinogenic materials released by manufacturing plants on cancer rates in Texas and general role of the committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 4 p.m.

TRD-9200709

Friday, January 24, 1992, 1:30 p.m. The Internal Audit Subcommittee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-741, Austin. According to the agenda, the committee approved minutes of previous meeting, considered and possibly acted on status of independent single audit reviews, and discussed in executive session a personnel item concerning long term care investigation.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 4 p.m.

TRD-9200710

Friday, January 24, 1992, 2 p.m. The Budget and Finance Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-741, Austin. According to the agenda, the committee considered and possibly acted on proposed rules concerning actions requiring board of health approval.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 3:59 p.m.

TRD-9200705

Friday, January 24, 1992, 2:30 p.m. The Health Provider, Licensure and Certification Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-721, Austin. According to the agenda, the committee discussed and possibly acted on appointments to Respiratory Care Practitioner Advisory Board, appointment to the Advisory Council on Massage Therapy, and appointments to Medical Radiologic Technologist Advisory Board.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 3:58 p.m.

TRD-9200704

Friday, January 24, 1992, 3 p.m. The Long Term Care Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-741, Austin. According to the agenda, the committee considered and possibly acted on proposed rules concerning nurse aide registry and training, proposed amendments to rules on long term care facilities licensing standards concerning accessibility

provisions, appointment of chairperson for the committee on nursing facility affairs, and appointment to the advisory committee for mental retardation facilities.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 4:03 p.m.

TRD-9200712

Friday, January 24, 1992, 4 p.m. The Hospital and Ambulatory Care Services Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-652, Austin. According to the agenda, the committee may have ratified action of the executive committee of the board at their December 19, 1991 meeting concerning special licensing standards concerning the provision of mental health services in general hospitals; considered and possibly acted on State Chest Hospital activities and appointment to the State Primary Care Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 3:59 p.m.

TRD-9200707

Friday, January 24, 1992, 5 p.m. The Emergency and Disaster Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-741, Austin. According to the agenda, the committee considered and possibly acted on final adoption of emergency medical services (EMS) trauma system rules, ad hoc committee report concerning EMS decertification case, and appointments to the Texas Emergency Medical Services Advisory Council.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 3:59 p.m.

TRD-9200708

Friday, January 24, 1992, 6 p.m. The Strategic Planning Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-652, Austin. According to the agenda, the committee considered and possibly acted on department operating principles progress report.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 3:59 p.m.

TRD-9200706

Saturday, January 25, 1992, 8 a.m. The Executive Committee of the Texas Board of

Health of the Texas Department of Health met at 1100 West 49th Street, Room M-749, Austin. According to the agenda, the committee considered and possibly acted on items of procedure for the January 25, 1992 Texas Board of Health meeting.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 4:04 p.m.

TRD-9200717

Saturday, January 25, 1992, 8:30 a.m. The Ad Hoc Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-749, Austin. According to the agenda, the committee considered and possibly acted on approval of Ad Hoc Committee report concerning EMS decertification case.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 4:05 p.m.

TRD-9200718

Saturday, January 25, 1992, 8:30 a.m. The Environmental Health Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-652, Austin. According to the agenda, the committee may have considered and possibly acted on rules on licensure of wholesale distribution of drugs, recycling rate reporting, newsprint recycling, solid waste disposal fees and associated reporting requirements, prohibition of landfill disposal of specific special wastes, minimum standards for approved narcotic drug treatment programs, drinking water standards pertaining to public health service fees, control of radiation concerning safety requirements for well logging service operations and tracer studies, withdrawal of proposed solid waste management rules; resolution on transferring solid waste management rules to Texas Water Commission; may have listened to appointments on Municipal Solid Waste Management and Resources Recovery Advisory Council; heard comments from Jim Mattox, Demarco Energy; and heard comments and announcements which required no committee action.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 4:05 p.m.

TRD-9200719

Saturday, January 25, 1992, 9:30 a.m. The Family Health Services Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-721, Austin. According to the agenda, the committee may have considered and possibly acted on chroni-

cally ill and disabled children's program update, appointments to the children's speech, hearing and language screening advisory committee, and appointment to the children's vision screening advisory committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 4:05 p.m.

TRD-9200720

Saturday, January 25, 1992, 10:30 a.m. The Disease Control Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-741, Austin. According to the agenda, the committee may have discussed and possibly acted on HIV medication rules, HIV Medication Program Advisory Committee rules; rules concerning consent for immunization; appointments to the HIV Medication Program Advisory Committee; appointments to the HIV Services Advisory Committee; appointments to the HIV Education, Prevention and Risk Reduction Advisory Committee; and appointments to the Dental Technical Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 4:05 p.m.

TRD-9200721

Saturday, January 25, 1992, 11:30 a.m. The Personnel and Search Committee of the Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-652, Austin. According to the agenda, the committee in its executive session may have discussed and possibly acted on in open session the Board of Health rule concerning advisory committees; appointments to committees (HIV Medication Program Advisory Committee; HIV Services Advisory Committee; HIV Education, Prevention and Risk Reduction Advisory Committee; Dental Technical Advisory Committee; State Primary Care Advisory Committee; Committee on Nursing Facility Affairs; Respiratory Care Practitioner Advisory Board; Medical Radiologic Technologists Advisory Board; Advisory Council on Massage Therapy; Advisory Committee for Mental Retardation Facilities; Municipal Solid Waste Management and Resource Recovery Advisory Council; Children's Speech, Hearing and Language Screening Advisory Committee; Children's Vision Screening Advisory Committee; and Texas Emergency Medical Services Advisory Council). The committee may have discussed in executive session selection and duties of the commissioner of health.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 4:06 p.m.

TRD-9200722

Saturday, January 25, 1992, 1:30 a.m. The Texas Board of Health of the Texas Department of Health met at 1100 West 49th Street, Room M-739, Austin. According to the agenda, the board may have approved minutes of previous meeting, heard acting commissioner's report, considered and possibly acted on resolutions; non-discrimination progress; rules (actions requiring board approval; HIV medication; consent for immunization; EMS trauma systems; EMS decertification case; wholesale distribution of drugs; solid waste management recycling rate reporting, newsprint recycling, disposal fees, special waste; withdrawal of solid waste rules; mental health services in general hospitals; nurse aids; long term care; and board advisory committees); committee reports and appointments; and selection of commissioner of health (executive and open session). The board also may have discussed in executive session personnel matter on long term care investigation, and heard announcements and comments.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 16, 1992, 4:04 p.m.

TRD-9200715

Wednesday, January 29, 1992, 9 a.m. The Texas State Board of Examiners of Marriage and Family Therapists of the Texas Department of Health will meet at the Saint Anthony Hotel, 300 East Travis Street, San Antonio. According to the complete agenda, the board will approve the minutes of the previous meeting and discuss and possibly act on the following items: hear executive director's report on application packet mailout, computer program, application process, Open Meetings Act, strategic planning, and budget; proposed rules submitted to the Texas Board of Health; comments received on proposed rules; final rules for submittal to the Texas Board of Health; forms to implement Senate Bill 181, 72nd Legislature, 1991, and board rules; supervision issues concerning student application, approval of supervisors, and role of board members as supervisors; and assisting training institutions with curriculum.

Contact: Bobby D. Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2912.

Filed: January 17, 1992, 4:16 p.m.

TRD-9200846

Wednesday, January 29, 1992, 9 a.m. The Texas State Board of Examiners of Marriage and Family Therapists of the Texas

Department of Health will meet at the Saint Anthony Hotel, 300 East Travis Street, San Antonio. According to the complete agenda, the board will approve the minutes of the previous meeting; hear executive director's report, and discuss and possibly act on the following items: proposed rules as submitted to the Texas Board of Health and published in the *Texas Register* covering the licensure of marriage and family therapists; comments received concerning proposed rules; approval of final rules for submittal to the Texas Board of Health; forms needed to implement Senate Bill 181, 72nd Legislature, 1991, and board rules; and other matters relating to the licensure and regulation of marriage and family therapists.

Contact: Bobby D. Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2912.

Filed: January 16, 1992, 4:06 p.m.

TRD-9200724

Friday, January 31, 1992, 10 a.m. The Code Enforcement Officer Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health Exchange Building, 8407 Wall Street, S-446, Austin. According to the complete agenda, the committee will approve the minutes of the last meeting; discuss and possibly act on: chairman's report; program manager's report; comments concerning proposed rules; and approve final rules.

Contact: Sandi Laurent, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2913, after January 27, 1992, (512) 834-6659.

Filed: January 16, 1992, 4:07 p.m.

TRD-9200725

Friday, February 7, 1992, 9:30 a.m. The Subcommittee of the Advisory Committee on Nursing Facility Affairs of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the subcommittee will discuss and possibly act on the grading system for nursing homes.

Contact: Janice Caldwell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-3014.

Filed: January 22, 1992, 8:04 a.m.

TRD-9200924

Texas Historical Commission

Sunday, February 2, 1992, noon. The Executive Committee of the Texas Historical Commission will meet at the St. Anthony Hotel Cafe, 300 East Travis Street, San Antonio. According to the complete agenda,

the committee will hold intragency meetings; review and discuss special projects; annual meeting; and budget reductions.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 22, 1992, 4:20 p.m.

TRD-9201062

Sunday, February 2, 1992, 1 p.m. The National Register Programs Committee of the Texas Historical Commission will meet at the St. Anthony Hotel Cafe, 300 East Travis Street, San Antonio. According to the agenda summary, the committee will make announcements; discuss approval for final adoption of the proposed rule changes to §§15.3 and 15.6; and discuss approval of the FY 1992 certified local government grants.

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: January 22, 1992, 4:21 p.m.

TRD-9201066

Sunday, February 2, 1992, 1 p.m. The Publications and Education Committee of the Texas Historical Commission will meet at the St. Anthony Hotel Cafe, 300 East Travis Street, San Antonio. According to the complete agenda, the committee will review and discuss proposed medallion rate increase; fund raising campaign; and T. R. Fehrenbach book award.

Contact: Roni Morales, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 22, 1992, 4:21 p.m.

TRD-9201068

Sunday, February 2, 1992, 2 p.m. The Archeological Planning and Review Committee of the Texas Historical Commission will meet at the St. Anthony Hotel Cafe, 300 East Travis Street, San Antonio. According to the complete agenda, the committee will discuss office reorganization; change in office personnel; section 106 activity; and possible purchase of a new phone system.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 22, 1992, 4:21 p.m.

TRD-9201069

Sunday, February 2, 1992, 2 p.m. The Local History Program Committee of the Texas Historical Commission will meet at the St. Anthony Hotel Cafe, 300 East Travis Street, San Antonio. According to the complete agenda, the committee will review and discuss museum grant allocations; and give an update on departmental activities.

Contact: Frances Rickard, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 22, 1992, 4:20 p.m.

TRD-9201063

Sunday, February 2, 1992, 2 p.m. The Archeology Committee of the Texas Historical Commission will meet at the St. Anthony Hotel Cafe, 300 East Travis Street, San Antonio. According to the complete agenda, the committee will review and discuss Presidio San Saba, Menard County; donation of collections: Medina Cache; Riley Core; programs activities; and upcoming fieldwork.

Contact: Cindy Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 22, 1992, 4:20 p.m.

TRD-9201064

Monday, February 3, 1992, 9:30 a.m. The Texas Historical Commission will meet at the St. Anthony Hotel Cafe, 300 East Travis Street, San Antonio. According to the agenda summary, the board will hear chairman's report; archeology committee report (informational)-Harold Courson; Texas Antiquities Committee report (informational)-Barto Arnold; National Register Committee report-Carrielu Christensen; Publications/Education Committee report-Al Davis; Architecture Committee report-Sheldon Hall; Local History Programs Committee report-Jean Kaspar; Archaeological Planning and Review Committee report-Brian Babin; Los Caminos del Rio Project-Mario Sanchez; and Main Street Committee report-Betty Hanna.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 22, 1992, 4:20 p.m.

TRD-9201065

Monday, February 3, 1992, 7:30 a.m. The Texas Preservation Trust Fund Committee of the Texas Historical Commission will meet at the St. Anthony Hotel Cafe, 300 East Travis Street, San Antonio. According to the complete agenda, the committee will discuss Texas Preservation Trust Fund rules: deletion of the state-wide membership organization from the TPTF rules; advisory board and guardians: appointment of bank/savings and loan representative to advisory board; meeting plans for the THC's annual conference in Houston; status report on FY 1992 architectural grant program; and discuss other business.

Contact: Stan Graves/Lisa Harvell, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: January 22, 1992, 4:21 p.m.

TRD-9201067

Texas Department of Housing and Community Affairs

Thursday, February 13, 1992, 9 a.m. The State Community Development Review Committee of the Texas Department of Housing and Community Affairs will meet at the John H. Reagan Building, 105 West 15th Street, Room 104, Austin. According to the complete agenda, the committee will review and discuss funding recommendations on the planning/capacity building fund applications; funding recommendations on the Colonia Fund; funding recommendations on the Community Development Fund; and appeals for the Community Development Fund, Colonia Fund, and Planning/Capacity Building Fund.

Contact: Ruth Cedillo, P.O. Box 12026, Austin, Texas 78711-2026, (512) 320-9507.

Filed: January 21, 1992, 12:14 p.m.

TRD-9200885

Texas Department of Human Services

Thursday, February 6, 1992, 9:30 a.m. The Family Violence Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, Fourth Floor, West Tower, Conference Room 4W, Austin. According to the complete agenda, the committee will call the meeting to order; welcome and make introductions; discuss approval of minutes; make announcements; subcommittee meetings; reports; discuss old and new business; and adjourn.

Contact: Anne Heiligenstein, P.O. Box 149030, Austin, Texas 78714-9030.

Filed: January 21, 1992, 4:01 p.m.

TRD-9200918

Texas Department of Insurance

Tuesday, January 28, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against James C. Huddleston, Huddleston Financial Services, Inc., CSH Underwriters, Inc., Hudco Insurance Agency, Inc., Hudco Consumer Insurance Corporation, UPP Incorporation, and Claims Administration Services, Inc. for violations of the Texas Revised Civil Statutes Annotated Insurance Code. Docket Number 11383.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: January 17, 1992, 2:31 p.m.

TRD-9200798

Wednesday, January 29, 1992, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Austin. According to the agenda summary, the board will review and discuss personnel; litigation; commissioner's orders; solvency; board and commissioner's planning calendar; consider appointment of members to the following: Utilization Review Advisory Committee; Title Insurance Guaranty Association Board of Directors; Advisory Committee to study reinsurance coverage for windstorm and hail insurance; Advisory Committee to create incentives to depopulate the catpool; consider TDI affirmative action plan for FY 1992; consider publication of the following rules under 28 TAC: §7.7 concerning evidences of indebtedness; §21.7, concerning insurance advertising, trade practices and solicitation; §7.1301 concerning fees credit life, accident and health insurance; and §3.5001-3.6403 concerning filing requirements of credit life, accident and health; consider adoption of following 28 TAC: §7.51 repeal and new §7.51 concerning tax forms; §5.2002 concerning selection of members to JUA Board of Directors; and §§15.2-15.101 concerning regulation of surplus lines insurance.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: January 21, 1992, 2:55 p.m.

TRD-9200908

Wednesday, January 29, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Christian S. Tacey, of Allen, for a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11398.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: January 17, 1992, 2:31 p.m.

TRD-9200799

Wednesday, January 29, 1992, 1:30 p.m. The Commissioner's Hearing Section will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Jean Walter Good, Alice, who holds a Group I,

Legal Reserve Life Insurance license and a Local Recording Agent's license. Docket Number 11397.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: January 17, 1992, 2:32 p.m.

TRD-9200800

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Texas Commission on Jail Standards

Wednesday, January 22, 1992, 9 a.m. The Texas Commission on Jail Standards met at the Employees Retirement Building, 18th and Brazos Streets, Room 100, Austin. According to the emergency revised agenda summary, the commission discussed new business: Newton County's housing of felony backlog inmates; heard director's report: internal audit requirements-risk assessment; and education committee appointment. The emergency status was necessary as an unexpected development required the immediate attention of the commission.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: January 17, 1992, 3:08 p.m.

TRD-9200804

◆ ◆ ◆
Lamar University System

Thursday, January 23, 1992, 3 p.m. The Board of Regents Liaison Committee of the Lamar University System met at the Mary and John Gray Library, 4400 MLK Parkway, Beaumont. According to the agenda summary, the committee called the meeting to order; heard chairman's remarks; reviewed and discussed Beaumont/Port Arthur/Orange Campuses; future agenda items; and held an open forum.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: January 17, 1992, 3:11 p.m.

TRD-9200807

◆ ◆ ◆
Texas State Library and Archives Commission

Friday, March 6, 1992, 10 a.m. The Texas Historical Records Advisory Board of the Texas State Library and Archives Commission will meet at the Chancery Building of the Diocese of Austin, 1600 North Congress Avenue, Austin. According to the complete agenda, the board will review and discuss grant proposals prior to making final fund-

ing recommendations to the National Historical Publications and Records Commission.

Contact: Chris LaPlante, State Library, 1201 Brazos Street, Austin, Texas 78701, (512) 463-5480.

Filed: January 17, 1992, 10:54 a.m.

TRD-9200768

◆ ◆ ◆
Texas Department of Licensing and Regulation

Thursday, January 30, 1992, 9:30 a.m. (revised agenda). The Texas Commission of Licensing and Regulation of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the agenda summary, the commission will call the meeting to order; take roll call; discuss approval of minutes; hear contested cases; agreed orders; meet in executive session; advisory committees; proposed amendment to the Texas Air Conditioning and Refrigeration contractors licensing rules; update on restructuring of the department; approval of the FY 1992 operating budget for the Texas Department of Licensing and Regulation; consider staff proposal to maintain current fees as set in Texas Commission and Licensing and Regulation rules; strategic planning for the department as required by House Bill 2009, 72nd Legislature, Regular Session; discussion of staff support appointment for the Texas Commission of Licensing and Regulation; resolution concerning legislative changes to the Homeowners Recovery Fund; meet in executive session; discuss date, time and location of next commission meeting; and adjourn.

Contact: Larry E. Kosta, 920 Colorado Street, Austin, Texas 78701, (512) 463-3173.

Filed: January 17, 1992, 8:46 a.m.

TRD-9200745

Tuesday, February 4, 1992, 9 a.m. The Inspections and Investigations, Vehicle Storage Facility of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for El Paso Towing, Inc. for violation of Statutes, Articles 6687-9a and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 17, 1992, 8:48 a.m.

TRD-9200750

Thursday, February 6, 1992, 9 a.m. The Inspections and Investigations, Manufactured Housing of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Wayne Dopslop for violation of Statutes, Articles 5221f and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 17, 1992, 8:48 a.m.

TRD-9200749

Friday, February 7, 1992, 9 a.m. The Inspections and Investigations, Vehicle Storage Facility of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Tavo's Automotive for violation of Statutes, Articles 6687-9a and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 17, 1992, 8:48 a.m.

TRD-9200748

Monday, February 10, 1992, 9 a.m. The Inspections and Investigations, Tow Trucks of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Arlene Carson for violation of Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 17, 1992, 8:47 a.m.

TRD-9200747

Tuesday, February 11, 1992, 9 a.m. The Inspections and Investigations, Manufactured Housing of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Third Floor, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation

of the license for C. E. Hitchcock, C. E. Hitchcock and Sons Mobile Home Movers for violation of Statutes, Articles 5221f and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 17, 1992, 8:47 a.m.

TRD-9200746

Tuesday, February 18, 1992, 9 a.m. The Inspections and Investigations, Manufactured Housing of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Third Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Joe Grieko, Aztec Mobile Home Movers for violation of Vernon's Texas Civil Statutes, Articles 5221f and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 22, 1992, 8:17 a.m.

TRD-9200929

Thursday, February 20, 1992, 9 a.m. The Inspections and Investigations, Vehicle Storage Facility of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Milam Street Auto Storage for violation of Vernon's Texas Civil Statutes, Articles 6687-9a and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 22, 1992, 8:17 a.m.

TRD-9200930

Monday, February 24, 1992, 9 a.m. The Inspections and Investigations, Tow Trucks of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for John M. Scales for violation of Vernon's Texas Civil Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 22, 1992, 8:17 a.m.

TRD-9200928

Monday, February 24, 1992, 11 a.m. The Inspections and Investigations, Tow Trucks of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Texas Car Connection for violation of Vernon's Texas Civil Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 22, 1992, 8:17 a.m.

TRD-9200927

Tuesday, February 25, 1992, 10 a.m. The Inspections and Investigations, Tow Trucks of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Hughes Auto Sales for violation of Vernon's Texas Civil Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 22, 1992, 8:17 a.m.

TRD-9200926

Tuesday, February 25, 1992, 11 a.m. The Inspections and Investigations, Tow Trucks of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Brad Muncie for violation of Vernon's Texas Civil Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 22, 1992, 8:16 a.m.

TRD-9200925

Wednesday, February 26, 1992, 9 a.m. The Inspections and Investigations, Tow Trucks of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the com-

plete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Rogelio Gutierrez for violation of Vernon's Texas Civil Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: January 22, 1992, 8:18 a.m.

TRD-9200931

Texas National Guard Armory Board

January 25, 1992, 8 a.m. The Texas National Guard Armory Board met at the Radisson Hotel, 611 North West Loop 410, San Antonio. According to the agenda summary, the board discussed approval of previous minutes; administrative matters; construction/renovation/maintenance update; property/leases; and establish next meeting date.

Contact: Sandra Hill, P.O. Box 5426, Austin, Texas 78763

Filed: January 16, 1992, 10:50 a.m.

TRD-9200674

Board of Vocational Nurse Examiners

Monday-Tuesday, January 27-28, 1992, 7 a.m. The Board of Vocational Nurse Examiners will meet at the Ramada Inn Airport (Frontier Room), 5600 North IH-35, Austin. According to the emergency revised agenda summary, the board will discuss education report B, 1, a, 3-Panola Junior College, Marshall Extension. The emergency status is necessary as Panola Junior College will be without an instructor if rule is not waived at this meeting.

Contact: Marjorie A. Bronk, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

Filed: January 22, 1992, 11:14 a.m.

TRD-9200968

Texas Optometry Board

Friday, January 24, 1992, 1 p.m. The Texas Optometry Board met at the Houston Hilton Plaza Hotel, 6633 Travis Street, Houston. According to the agenda summary, Investigation-Enforcement Committee held informal conferences at 1 p.m.; at 2:15 p.m. the rules committee and all committees met; at 3 p.m. the regular meeting of the

board was held to consider reports of the secretary-treasurer, committee chairpersons, legal counsel and executive director; unfinished business to consider delegation of vision therapy matters, and November administration of Treatment/Management of Ocular Disease Examination; new business to consider International Association of Boards in Optometry matters (meeting, fees, and data collection), appearance of individuals before board who have not met CE requirements, accreditation onsite review of University of Houston College of Optometry, request for increase in dedicated fees to University of Houston, discuss Opticians Registry Act and proposed rules; considered mailing to licensees; and met in executive session in compliance with §2(c), Article 6252-17.

Contact: Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938.

Filed: January 16, 1992, 2:56 p.m.

TRD-9200696

Saturday, January 25, 1992, noon or upon conclusion of Board Examination. The Texas Optometry Board met at the University of Houston College of Optometry, 4901 Calhoun, Houston. According to the agenda summary, the board continued from the previous day to consider and conclude business before it.

Contact: Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938.

Filed: January 16, 1992, 2:56 p.m.

TRD-9200697

Texas Parks and Wildlife Department

Tuesday, January 28, 1992, 1 p.m. The Regulations Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the J. D. Murphree Wildlife Management Area, Port Arthur. According to the agenda summary, the committee will tour marsh; meet with Tom Dwyer, Migratory Bird Office, U.S. Fish and Wildlife Service and Department staff, on the J. D. Murphree WMA for a workshop relating to waterfowl. While this meeting is primarily informational and social, the committee may discuss waterfowl issues. The J. D. Murphree WMA is located one-half mile east of the Taylor's Bayou Bridge on State Highway 73; or three miles west of Port Arthur, on State Highway 73. For additional information please contact Mary Magallanez, (512) 389-4971.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: January 21, 1992, 2:59 p.m.

TRD-9200909

Wednesday, January 29, 1992, 10 a.m. The Regulations Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Cloud Room, Hobby Airport, Houston. According to the agenda summary, the committee will have an introduction on the migratory regulations process in Texas; presentation on federal migratory frameworks-how the process works; introduction on the national migratory Game Bird Hunting permit; and a presentation on the national migratory game bird hunting permit.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: January 21, 1992, 2:59 p.m.

TRD-9200910

Texas State Board of Podiatry Examiners

Wednesday-Thursday, January 29-30, 1992, 2 p.m. and 8 a.m. respectively. The Texas State Board of Podiatry Examiners will meet at the Austin Marriott at the Capitol, 701 East 11th Street, Austin. According to the agenda summary, on Wednesday, the board will review and discuss routine board business which will include the following: current complaint files; review board orders; cancellation of podiatry license; appearance by Dr. Michael LaPan; disciplinary hearing; discuss continuing education rule; discuss proposal of National Board requirement to examination rules; discuss oral exams; jurisprudence exam; discuss how to respond to the questions of whether a license is in good standing when the licensee is on probation; promulgation of OSHA rules and aids; review of annual financial report; elect new board officers; inspection of credentials of the candidates to take the exam; set time, place and dates for June 1992 exam; and discussion of PMLexis contract. On Thursday, the board will administer oral exams; and complete agenda by grading and compiling grades and signing of the licenses.

Contact: Janie Alonzo, 3420 Executive Center Drive, Suite 305, Austin, Texas 78731, (512) 794-0145.

Filed: January 21, 1992, 11:19 a.m.

TRD-9200881

Public Utility Commission of Texas

Wednesday, January 22, 1992, 9 a.m. The Public Utility Commission of Texas met at

7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete emergency revised agenda, the commission considered the Motion of Rehearing in Docket Number 10473-Houston Lighting and Power Company for a Certificate of Convenience and Necessity for Du Pont Project, Webster Units 1 and 2 refurbishment project, and Greens Bayou Units 3 and 4 refurbishment project. The emergency status was necessary to preserve jurisdiction over the subject matter and required prompt commission action.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 21, 1992, 11:41 a.m.

TRD-9200884

Tuesday, February 4, 1992, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10876-petition for waiver from requirements of Substantive Rule 23.55(e)(1) and (2) of La Ward Telephone Company.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1992, 2:55 p.m.

TRD-9201053

Tuesday, February 4, 1992, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10874-petition for waiver from requirements of Substantive Rule 23.55(e)(1) and (2) of Ganado Telephone Company.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1991, 2:55 p.m.

TRD-9201052

Tuesday, February 4, 1992, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10875-petition for waiver from requirements of Substantive Rule 23.55(e)(1) and (2) of Fort Bend Telephone Company.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1992, 2:55 p.m.

TRD-9201051

Friday, February 7, 1992, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10687-application of Southwestern Bell Telephone Company for approval of new optional service, Smarttrunk.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 21, 1992, 2:26 p.m.

TRD-9200894

Monday, March 16, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 10767-application of GTE Southwest, Inc. to revise its Texas General Exchange Tariff, Section 24 Sheets 17-25.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 17, 1992, 2:52 p.m.

TRD-9200803

Thursday, April 9, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 10841-application of Hill County Electric Cooperative, Inc. for authority to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 21, 1992, 2:26 p.m.

TRD-9200892

Thursday, March 19, 1992, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the commission will hold a public hearing to discuss merits on Docket Number 10820-Application of Magic Valley Electric Cooperative, Inc. for authority to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 16, 1992, 3 p.m.

TRD-9200699

Monday March 16, 1992, 1:30 p.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite

450N, Austin. According to the agenda, the commission will hold a prehearing conference to discuss Docket Number 10820-Application of Magic Valley Electric Cooperative, Inc. for authority to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 16, 1992, 2:59 p.m.

TRD-9200698

Railroad Commission of Texas

Monday, January 27, 1992, 9:30 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, 12th Floor Conference Room (12-126), Austin. Agendas follow.

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78711, (512) 463-7251.

Filed: January 17, 1992, 10:50 a.m.

TRD-9200758

The commission will consider and act on the Investigation Division Director's report on division administration, investigations, budget and personnel matters.

Contact: Walter H. Washington, P.O. Box 12967, Austin, Texas 78711, (512) 463-6828.

Filed: January 17, 1992, 10:50 a.m.

TRD-9200759

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The commission will discuss the implementation of individual operating budgets for each individual commissioner's office. Consideration of appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: January 17, 1992, 10:51 a.m.

TRD-9200760

The commission will consider and act on the Division Director's report on budget and personnel matters related to organization of the alternative fuels research and education division.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: January 17, 1992, 10:51 a.m.

TRD-9200761

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78711, (512) 463-6710.

Filed: January 17, 1992, 10:51 a.m.

TRD-9200762

The commission will consider category determination under §§102(c)(1)(B), 102(c)(1)(C), 103, 107 and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Box 12967, Austin, Texas 78711, (512) 463-6755.

Filed: January 17, 1992, 10:51 a.m.

TRD-9200763

The commission will consider and act on the Administrative Services Division Director's report on division administration, budget, procedures and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: January 17, 1992, 10:51 a.m.

TRD-9200764

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711, (512) 463-7187.

Filed: January 17, 1992, 10:51 a.m.

TRD-9200765

The commission will consider various matters within the jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various action, including, but not limited to scheduling an item in its entirety or for particular action at a future time or date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the

hearing was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act, including to receive legal advice regarding pending and/or contemplated litigation.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711, (512) 463-7274.

Filed: January 17, 1992, 10:52 a.m.

TRD-9200766

Texas Rehabilitation Commission

Monday, February 3, 1992, 4 p.m. The Texas Rehabilitation Commission will meet at the Metropolitan Multi-Service Center, 1475 West Gray Street, Houston. According to the complete revised agenda, the commission will discuss state plan for vocational rehabilitation services: make introductions; statewide assessment of rehabilitation needs; expanding and improving services to individuals with the most severe handicaps; order of selection; transitioning; rehabilitation engineering services; supported employment services; hear concluding remarks; and discuss programs and services other than vocational rehabilitation.

Contact: Lena Jackson, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4113.

Filed: January 17, 1992, 4:16 p.m.

TRD-9200845

Thursday, March 12, 1992, 4 p.m. The Texas Rehabilitation Commission will meet at 300 Ennis, La Mesa Elementary School, Plainview. According to the complete agenda, the commission will discuss state plan for vocational rehabilitation services; introduction; statewide assessment of rehabilitation needs; expanding and improving services to individuals with the most severe handicaps; order of selection; transitioning; rehabilitation engineering services; supported employment services; concluding remarks; and programs and services other than vocational rehabilitation.

Contact: Lena Jackson, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4113.

Filed: January 16, 1992, 1:33 p.m.

TRD-9200682

Texas Municipal Retirement System

Friday, February 7, 1992, 9 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 North IH-35, Austin. According to the complete agenda, the board will consider and act on personnel matters related to duties and compensation of the system's director; to consider and act upon personnel matters related to the potential recruitment or selection of a director for the system; to consider and act upon establishment of policies relating to the system's employees and adoption of a manual setting forth these policies.

Contact: Jimmie L. Mormon, 1200 North IH-35, Austin, Texas 78701, (512) 476-7577.

Filed: January 22, 1992, 1:07 p.m.

TRD-9201046

Board for Lease of State-owned Lands

Monday, January 27, 1992, 2:30 p.m. The Board for Lease of Texas Department of Criminal Justice of the Board for Lease of State-owned Lands will meet at Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will meet to approve minutes of previous board meetings; consider and approve nominations, terms conditions and procedures for the April 7, 1992 oil, gas and other minerals lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, (512) 463-5016.

Filed: January 16, 1992, 3:13 p.m.

TRD-9200700

Stephen F. Austin State University

Monday January 27, 1992, 1:30 p.m. The Board of Regents Committees of Stephen F. Austin State University, will meet at Stephen F. Austin State University Campus, Room 307, Austin Building, Nacogdoches. According to the agenda summary, the committees will approve minutes of October 22, 1991, December 14, 1991, and December 19, 1991; personnel-faculty and staff appointments 1991-1992; change of status for 1992-1992; faculty development leaves; retirements; severance package for Dr. Donald E. Bowen and release and settlement agreement; search process for university president; policy on use of tobacco products; policy on voluntary modification of employment; academic and student affairs-underenrolled class report for spring

semester, 1992; twelfth class day report; last class day report; name change from schools to colleges; financial affairs-FY 1991 final closing transfers; financial certification; approval of budget adjustments for FY 1992; acceptance of report on compensation study; buildings and grounds-acceptance of Old Stone Fort renovation project; remodeling of the university center cafeteria; improvements to the HVAC system in the art building; renovation of the Birdwell HVAC system; repairs to the outdoor swimming pool; reports; and meet in executive session.

Contact: Dr. William J. Brophy; P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: January 16, 1992, 2:11 p.m.

TRD-9200689

Monday, January 27, 1992, 1:30 p.m. The Board of Regents Committees of the Stephen F. Austin State University met at the Stephen F. Austin State University Campus, Room 307, Nacogdoches. According to the revised agenda summary, the committees may have discussed approval of minutes of October 22, 1991; called meeting of December 14, 1991; discussed personnel: faculty and staff appointments for 1991-1992; change of status for 1991-1992; faculty development leaves; retirements; severance package for Dr. Donald E. Bowen and release and settlement agreement; search process for university president; policy on use of tobacco products; policy on voluntary modification of employment; academic and student affairs-underenrolled class report for the spring semester, 1992; twelfth class day report; last class day report; name change from schools to colleges; financial affairs-FY 1991 final closing transfers; financial certification; approval of budget adjustments for FY 1992; acceptance of report on compensation study; buildings and grounds-acceptance of Old Stone Fort renovation project; remodeling of the University Center Cafeteria; improvements to the HVAC system in the art building; renovation of the Birdwell HVAC system; repairs to the outdoor swimming pool; partial completion of computer lab in Steen Library; reports; meet in executive session to discuss severance package for Dr. Donald E. Bowen and release and settlement agreement; search process for university president; acceptance of report on compensation study; litigation report; and employment and reporting of general counsel. (Where appropriate and permitted by law, executive session may be held for the above-listed subjects).

Contact: Dr. William J. Brophy; P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: January 21, 1992, 4:58 p.m.

TRD-9200921

Tuesday, January 28, 1992, 9 a.m. The Board of Regents of Stephen F. Austin State University will meet at Stephen F. Austin State University Campus, Room 307, Austin Building, Nacogdoches. According to the agenda summary, the board will approve minutes of October 22, 1991, December 14, 1991, and December 19, 1991; personnel-faculty and staff appointments for 1992-1992; change of status for 1991-1992; faculty development leaves; retirements; severance package for Dr. Donald E. Bowen and release and settlement agreement; search process for university president; policy on use of tobacco products; policy on voluntary modification of employment; academic and student affairs-underenrolled class report of the spring semester, 1992; twelfth class day report; last class day report; name change from schools to colleges; financial affairs-FY 1991 final closing transfers; financial certification; approval of budget adjustments for FY 1992; acceptance of report on compensation study; buildings and grounds-acceptance of Old Stone Fort renovation project; remodeling of the university center cafeteria; improvements to the HVAC system in the art building; renovation of the Birdwell HVAC system; reports to the outdoor swimming pool; reports; and meet in executive session.

Contact: Dr. William J. Brophy; P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: January 16, 1992, 2:11 p.m.

TRD-9200690

Monday, January 27, 1992, 1:30 p.m. The Board of Regents Committees of the Stephen F. Austin State University met at the Stephen F. Austin State University Campus, Room 307, Nacogdoches. According to the revised agenda summary, the committees may have discussed approval of minutes of October 22, 1991; called meeting of December 14, 1991; called meeting of December 19, 1991; discussed personnel: faculty and staff appointments for 1991-1992; change of status for 1991-1992; faculty development leaves; retirements; severance package for Dr. Donald E. Bowen and release and settlement agreement; search process for university president; policy on use of tobacco products; policy on voluntary modification of employment; academic and student affairs-underenrolled class report for the spring semester, 1992; twelfth class day report; last class day report; name change from schools to colleges; financial affairs-FY 1991 final closing transfers; financial certification; approval of budget adjustments for FY 1992; acceptance of report on compensation study; buildings and grounds-acceptance of Old Stone Fort renovation project; remodeling of the University Center

Cafeteria; improvements to the HVAC system in the art building; renovation of the Birdwell HVAC system; repairs to the outdoor swimming pool; partial completion of computer lab in Steen Library; reports; meet in executive session to discuss severance package for Dr. Donald E. Bowen and release and settlement agreement; search process for university president; acceptance of report on compensation study; litigation report; and employment and reporting of general counsel. (Where appropriate and permitted by law, executive session may be held for the above-listed subjects).

Contact: Dr. William J. Brophy; P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: January 21, 1992, 4:58 p.m.

TRD-9200922

Monday, January 28, 1992, 9 a.m. The Board of Regents Committees of the Stephen F. Austin State University met at the Stephen F. Austin State University Campus, Room 307, Nacogdoches. According to the revised agenda summary, the committees may have discussed approval of minutes of October 22, 1991; called meeting of December 14, 1991; called meeting of December 19, 1991; discussed personnel: faculty and staff appointments for 1991-1992; change of status for 1991-1992; faculty development leaves; retirements; severance package for Dr. Donald E. Bowen and release and settlement agreement; search process for university president; policy on use of tobacco products; policy on voluntary modification of employment; academic and student affairs-underenrolled class report for the spring semester, 1992; twelfth class day report; last class day report; name change from schools to colleges; financial affairs-FY 1991 final closing transfers; financial certification; approval of budget adjustments for FY 1992; acceptance of report on compensation study; buildings and grounds-acceptance of Old Stone Fort renovation project; remodeling of the University Center Cafeteria; improvements to the HVAC system in the art building; renovation of the Birdwell HVAC system; repairs to the outdoor swimming pool; partial completion of computer lab in Steen Library; reports; meet in executive session to discuss severance package for Dr. Donald E. Bowen and release and settlement agreement; search process for university president; acceptance of report on compensation study; litigation report; and employment and reporting of general counsel. (Where appropriate and permitted by law, executive session may be held for the above-listed subjects).

Contact: Dr. William J. Brophy; P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: January 21, 1992, 4:58 p.m.

TRD-9200921

Tuesday, January 28, 1992, 9 a.m. The Board of Regents of Stephen F. Austin State University will meet at Stephen F. Austin State University Campus, Room 307, Austin Building, Nacogdoches. According to the agenda summary, the board will approve minutes of October 22, 1991, December 14, 1991, and December 19, 1991; personnel-faculty and staff appointments for 1992-1992; change of status for 1991-1992; faculty development leaves; retirements; severance package for Dr. Donald E. Bowen and release and settlement agreement; search process for university president; policy on use of tobacco products; policy on voluntary modification of employment; academic and student affairs-underenrolled class report of the spring semester, 1992; twelfth class day report; last class day report; name change from schools to colleges; financial affairs-FY 1991 final closing transfers; financial certification; approval of budget adjustments for FY 1992; acceptance of report on compensation study; buildings and grounds-acceptance of Old Stone Fort renovation project; remodeling of the university center cafeteria; improvements to the HVAC system in the art building; renovation of the Birdwell HVAC system; reports to the outdoor swimming pool; reports; and meet in executive session.

Contact: Dr. William J. Brophy; P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962, (409) 568-2201.

◆ ◆ ◆ Structural Pest Control Board

Monday, February 3, 1992, 9 a.m. The Strategic Planning Committee of the Structural Pest Control Board will meet at the Thompson Conference Center, Room 1.122, 2405 East Campus Drive, Austin. According to the complete agenda, the committee will discuss the Structural Pest Control Board's proposed strategic plan as mandated by House Bill 2009.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, #201, Austin, Texas 78758, (512) 835-4066.

Filed: January 22, 1992, 2:48 p.m.

TRD-9201049

Monday, February 3, 1992, 1:30 p.m. The Continuing Education Committee of the Structural Pest Control Board will meet at the Thompson Conference Center, Room 1.122, 2405 East Campus Drive, Austin. According to the complete agenda, the committee will discuss technician training and testing; certified noncommercial applicator training; and discussion of the new recertification cycle beginning January 1, 1992.

Contact: Benny M. Mathis, Jr., 9101 Bur-

net Road, #201, Austin, Texas 78758, (512) 835-4066.

Filed: January 22, 1992, 2:49 p.m.

TRD-9201050

The Texas A&M University System

Thursday-Friday, January 23-24, 1992, 9 a.m. and 8 a.m. respectively. The Board of Regents of the Texas A&M University System met at the Board of Regents Meeting Room, College Station. According to the agenda summary, the board reviewed and discussed emeritus titles; sale of land; budget and fiscal transfers, salary increases and new positions; appropriations from unappropriated sources; revision of system investment policy; continuance of revolving funds; revolving bank accounts-designate funds-depository banks; right-of-way easements; adoption of resolutions; appointments; promotions; terminations; gifts, grants, loan and bequests; appropriations from AUF; appointments of deans; purchase of automated tape storage unit; approval of student health insurance carrier; amendment to authorization to increase graduate tuition; authority for application fee; name change for Center for Education; voice and data campus area network; license agreements; disposition and acquisition of real estate and naming of facilities; construction matters for the system parts; selection of architects/engineers; discussion and action regarding external support organizations for the commercialization of technology; appointment of interim director of TEEEX; tenure; correction and approval of minutes; appointment of deputy chancellor and general counsel and Texas A&M University System.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: January 17, 1992, 10:58 a.m.

TRD-9200772

Texas Planning Council for Developmental Disabilities

Thursday, January 30, 1992, 9 a.m. The Advocacy and Public Information Committee will meet at the Texas Rehabilitation Commission, Brown Heatly Building, 4900 North Lamar Boulevard, Rooms 4501 and 4502, Austin. According to the agenda summary, the committee will call the meeting to order; discuss approval of minutes; position statements; approval of schedule to review statements; review of employment position statement; review of disability policy consortium position on access to health care;

discussion of development of additional positions; state policy/legislation: facility review task force activities; health and human services restructuring; legislative interim activities; other state policy issues update; federal policy/legislation: community supported living arrangements; reauthorization of the Vocational Rehabilitation Act; personal assistance services; other federal policy/legislation; hear executive director's report; schedule of next meeting; and adjourn.

Contact: Roger Webb, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4081.

Filed: January 22, 1992, 11:04 a.m.

TRD-9200967

Texas Southern University

Wednesday, January 22, 1992, 4 p.m. The Board of Regents Building and Grounds Committee of Texas Southern University met at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee considered construction change orders; payment to architects, contractors and engineers; authorization and ratification of contracts and awards; and review of on going construction and current contractual relations.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: January 16, 1992, 2:07 p.m.

TRD-9200687

Thursday, January 23, 1992, 4 p.m. The Board of Regents Finance Committee of Texas Southern University met at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee considered matters relating to financial reporting systems and budgets; fiscal reports from the administration; investments; and informational items.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: January 16, 1992, 2:07 p.m.

TRD-9200688

Friday, February 7, 1992, 8:30 a.m. The Board of Regents of Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, University Library, Fifth Floor, Houston. According to the complete agenda, the board will consider approval of minutes; report of the president; reports from Board Standing Committees; and meet in executive session.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: January 16, 1992, 2:07 p.m.

TRD-9200686

Texas State Technical College

Friday, January 24, 1992, 8 a.m. The Board of Regents of the Texas State Technical College met at the Rancho Viejo Resort and Country Club Conference Center, Expressway between Brownsville and Harlingen, Highway 77 North 83, Harlingen. According to the agenda summary, the board discussed and reviewed the following TSTC Policy Committee minute orders and reports: Committee of the Whole; Policy Committee for Instruction and Student Services; Policy Committee for Human Resources and Development; Policy Committee for Fiscal Affairs; Policy Committee for Facilities; and Committee of the Whole.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: January 17, 1992, 3:31 p.m.

TRD-9200813

Saturday, January 25, 1992, 9 a.m. The Board of Regents of the Texas State Technical College met at the TSTC Harlingen Short Course Center, Harlingen. According to the agenda summary, the board discussed and acted on the following minute order: classes meeting with less than ten students; new program for aviation maintenance; budget change request investment policy; bonding authority; leases with Chrysler Technical Airborne Systems; FilterCor of Texas, Inc.; Filterspun Division of Service Filtration Corporation; agreements with Aeronautical Council, Waco-McLennan County; approval of plans and to seek bids for Aerospace Technologies Center; award contract for Central Chilling Plant; acceptance of George F. Young Engineering Technical Center; addition of AC equipment at engineering Technology Center; grant applications for Allied Health Technology Building; aviation Technology Building; auto body and automotive technology building; sale of excess property; reopen enrollment for health plan; and resolutions to George Fred Rhodes, Dr. E. A. Aguilar and Robert A. Chandler.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: January 17, 1992, 3:31 p.m.

TRD-9200811

Saturday, January 25, 1992, 9:30 a.m. The Board of Regents of the Texas State Technical College met at the TSTC Harlingen Short Course Center, Harlingen. According to the agenda summary, the board convened into executive session in accordance with Article 6252-17 for specific pur-

pose provided in Section 2, Subsection (e) and (g).

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: January 17, 1992, 3:31 p.m.

TRD-9200812

Saturday, January 25, 1992, 9 a.m. The Board of Regents of the Texas State Technical College met at the TSTC Harlingen Short Course Center, Harlingen. According to the revised agenda summary, the board discussed legal authority to issue revenue bonds; and authority to issue and sell revenue bonds.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: January 21, 1992, 3:15 p.m.

TRD-9200915

Texas State University System

Tuesday, January 21, 1992, 9:30 a.m. The Board of Regents of Texas State University System held a telephone conference call meeting; speakerphone available in Room 505, Sam Houston State Office Building, Austin. According to the complete agenda, the board considered the refunding the System's 1985 Constitutional Appropriation Bond Issue, (HEAF fund). Where appropriate and permitted by law, executive sessions may be held.

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

Filed: January 16, 1992, 2:15 p.m.

TRD-9200691

Tuesday, January 21, 1992, 9:30 a.m. The Board of Regents of Texas State University System held a telephone conference call meeting by speakerphone at 505 Sam Houston Building, Austin. According to the complete revised agenda, the board considered refunding the system's 1985 constitutional appropriation bond issue (HEAF Fund); and discussed status of Southwest Texas State University's radio station purchase from Southwest Broadcasting of New Braunfels. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects).

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

Filed: January 17, 1992, 3:29 p.m.

TRD-9200810

Texas Department of Transportation

Tuesday, January 28, 1992, 9:30 a.m. The Texas Transportation Commission of the Texas Department of Transportation will meet at the Dewitt C. Greer Building, 125 East 11th Street, Room 101/101-A, First Floor), Austin. According to the agenda summary, the commission will hold public hearings on highway matters and aviation projects in various counties; discuss approval of minutes; execute contract awards, rejections, defaults and/or assignments and routine minute orders; authorize: contract claim funds; eminent domain proceedings; project advancement; right of way leasing; consider suspension of district reorganization; oil overcharge planning and feasibility studies program; aviation projects; approval/transfer of public transportation funds; prior public hearing matters; dissolution of Moka Transportation Corporation; department strategic policy direction; planning process revision; statewide transportation plan; prison access road policy; staff reports/resolutions; rulemaking: 43 TAC, Chapters 1 and 2; meet in executive session with legal counsel, for realty matters and receive staff information.

Contact: Myrna Klipple, 125 East 11th Street, Austin, Texas 78701, (512) 463-8576.

Filed: January 17, 1992, 11:44 a.m.

TRD-9200787

Texas State Treasury Department

Tuesday, January 28, 1992, 1:30 p.m. The Texpool Advisory Board of the Texas State Treasury Department will meet at the Texas State Treasury, 111 East 17th Street, LBJ Office Building, Austin. According to the complete agenda, the board will call the meeting to order; discuss approval of the minutes of the previous meeting of August 29, 1991; remarks by state treasurer; independent audit report-KPMG Peat Marwick; report on texpool operations and financial status; report on texpool investments; approval of investment policy; discuss new business; and adjourn.

Contact: M. Brett Ledbetter, 111 East 17th Street, LBJ Office Building, Austin, Texas, (512) 463-5971.

Filed: January 17, 1992, 4:44 p.m.

TRD-9200849

University of North Texas

Monday, January 20, 1992, 2 p.m. The Board of Regents of the University of North Texas met at the University of North Texas, 201 Administration Building, Denton. According to the complete agenda, the board discussed refunding of the University of North Texas Higher Education Assistance fund bonds, Series 1986.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: January 17, 1992, 2:15 p.m.

TRD-9200796

The University of Texas at Austin

Thursday, January 23, 1992, 2 p.m. The Council for Intercollegiate Athletics for Women of the University of Texas at Austin met at the Ex-Students' Association, Moffett Library, 21st and San Jacinto Streets, University of Texas, Austin. According to the agenda summary, the council called the meeting to order; discussed approval of minutes of the previous meeting December 9, 1991; discussed old and new business; announcements/information reports; and adjourned.

Contact: Dr. Donna Lopiano, BEL 718, University of Texas, Austin, Texas 78712, (512) 471-7693.

Filed: January 17, 1992, 11:20 a.m.

TRD-9200781

University of Texas System, M. D. Anderson Cancer Center

Tuesday, January 21, 1992, 9 a.m. The Institutional Animal Care and Use Committee of the University of Texas System, M. D. Anderson Cancer Center met at the M. D. Anderson Cancer Center, Conference Room AW7.707, Seventh Floor, 1515 Holcombe Boulevard, Houston. According to the agenda summary, the committee reviewed protocols for animal care and use and modifications thereof.

Contact: Anthony Mastromarino, Ph.D., U.T. M. D. Anderson Cancer Center, 1515 Holcombe Boulevard, Houston, Texas 77030, (713) 792-3991.

Filed: January 16, 1992, 3:20 p.m.

TRD-9200701

Texas Board of Veterinary Medical Examiners

Wednesday-Friday, January 29-31, 1992, 8 a.m. The Texas Board of Veterinary

Medical Examiners will meet at the Saint Anthony Hotel, 300 East Travis, San Antonio. According to the agenda summary, the board will conduct disciplinary hearings; act on findings of fact, and conclusions of law presented on cases heard by a hearings officer; consider proposed rules for adoption; review suggested revisions to existing rules and new rules for possible proposal in the *Texas Register*; and conduct other general business. An executive session will be held on Thursday, January 30, 1992.

Contact: Buddy Matthijetz, 1946 South IH-35, #306, Austin, Texas 78704, (512) 447-1183.

Filed: January 17, 1992, 11:26 a.m.

TRD-9200782

Texas Water Commission

Wednesday, January 22, 1992, 9 a.m. The Texas Water Commission met at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the emergency revised agenda summary, the commission considered various matters within the regulatory jurisdiction of the commission. In addition, the commission considered items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission took various actions, including, but not limited to, scheduling an item in its entirety or for particular action at a future date or time. The emergency status was necessary due to reasonably unforeseeable circumstances.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: January 17, 1992, 10:13 a.m.

TRD-9200756

Wednesday, January 29, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to scheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: January 21, 1992, 4:14 p.m.

TRD-9200920

Wednesday, January 29, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission, including specifically the adoption of new or amended agency regulations. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: January 16, 1992, 4:50 p.m.

TRD-9200729

Wednesday, January 29, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: January 16, 1992, 4:50 p.m.

TRD-9200728

Wednesday, February 19, 1992, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider a Temporary Order Number 92-2T for New Braunfels Utilities to discharge the flow from the North Plant at a daily average loading rate of 1,018 pounds per day of five-day biochemical oxygen demand and 1,018 pounds per day of total suspended solids via a diversion from New Braunfels Utilities' South Plant. The North Plant is located approximately 1/2 mile east of FM 725 and 1/2 mile south of IH-35 on Kuehler Avenue in New Braunfels, Comal County.

Contact: Sharon Smith, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: January 21, 1992, 11:17 a.m.

TRD-9200875

Wednesday, February 19, 1992, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider a Temporary Order for the Texas Department of Criminal Justice to authorize the diversion and disposal of process wastewater from the Ramsey III Prison Unit cannery at a volume not to exceed 270,000 gallons per day. The Ramsey III Unit is located on the west bank of Oyster Creek along FM 655, approximately nine miles northwest of the City of Angelton in Brazoria County. Temporary Order Number 92-1T.

Contact: Jennifer Smith, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: January 21, 1991, 11:15 a.m.

TRD-9200870

Thursday, February 27, 1992, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the City Municipal Service Center, Training Room, 501 Shady Brook, Grapevine. According to the agenda summary, the commission will consider an application by the City of Grapevine for renewal of Permit Number 10486-02 authorizing a discharge of treated domestic wastewater effluent into Morehead Branch; thence into Grapevine Reservoir in Segment Number 0826 of the Trinity River Basin.

Contact: Leslie Limes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: January 21, 1992, 11:07 a.m.

TRD-9200869

Tuesday, March 3, 1992, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Environmental Pollution Control, Auditorium, 7411 Park Place, One Mile South of Loop 610 at the intersection of Telephone Road, Houston. According to the agenda summary, the commission will consider an application by C. K. Lee for Proposed Permit Number 13560-01 authorizing discharge of treated domestic wastewater effluent via pipeline into a drainage ditch; thence to Halls Bayou; thence to Greens Bayou; thence to the Houston Ship Channel in Segment Number 1006 of the San Jacinto River Basin.

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: January 21, 1992, 11:16 a.m.

TRD-9200872

Thursday, March 5, 1992, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Matagorda County Courthouse, District Courtroom Number Two, 1700 Seventh Street, Bay City. According to the agenda summary, the commission will consider an application by Fred Williamson for Proposed Permit Number 13563-01 authorizing discharge of treated domestic waste water effluent via a 6-inch pipe to an unnamed slough; thence to East Matagorda Bay in Segment Number 2441 of the Bays and Estuaries.

Contact: Heidi Jackson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: January 21, 1992, 11:15 a.m.

TRD-9200871

Tuesday, March 10, 1992, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Brazos River authority, Conference Room, 4400 Cobbs Drive, Waco. According to the agenda summary, the commission will consider an application by Safety-Kleen Corporation, Waco, for a permit (Proposed Permit Number HW50238) to authorize the operation of a Class I hazardous waste storage and processing facility.

Contact: Heidi Jackson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: January 17, 10:59 a.m.

TRD-9200774

Tuesday, March 17, 1992, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Erath County Courthouse, County Courtroom, On the Square, Stephenville. According to the agenda summary, the commission will consider an application by Jack Tuls doing business as Jack Tuls Dairy authorizing disposal of wastes and wastewater from a dairy which will consist of a maximum of 2,020 milking head and a maximum of 3,285 head total in the final phase. The dairy is located on the north side of FM Road 1188, approximately three miles northwest of the intersection of FM Road 1188 and Highway 377 in Erath County.

Contact: Kerry Sullivan, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: January 21, 1992, 11:17 a.m.

TRD-9200873

Tuesday, March 17, 1992, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Kinney County Courthouse, District Courtroom, 501 Ann Street, Brackettville. According to the agenda summary, the commission will consider an application by Texcor Industries, Inc. for a permit (Proposed Permit Number 03328) authorizing disposal of

stormwater runoff by evaporation, by irrigation on approximately 1,000 acres of company-owned land, or by using the stormwater for soil compaction and dust control. The plant site is adjacent to and on the east side of State Highway 131, about 0.75 mile south of the State Highway 131/FM 1572 near the town of Spofford, Kinney County.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: January 21, 1992, 11:17 a.m.

TRD-9200874

Tuesday, March 17, 1992, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Erath County Courthouse, County Courtroom, On the Square, Stephenville. According to the agenda summary, the commission will consider an application by Aztex Dairy, Inc. authorizing the disposal of waste and wastewater from a dairy which consists of a maximum of 1,200 milking head with 100 dry cows. The proposed amendment will add a surge basin and increase the amount of land used for irrigation to 691 acres. The dairy is approximately one mile west of the intersection of State Highway 219 and FM Road 2156; 2.7 miles northwest of the intersection (within the City of Dublin) of U.S. Highways 67/377 and State Highway 6 in Erath County.

Contact: Kerry Sullivan, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: January 21, 1992, 11:17 a.m.

TRD-9200876

Texas Workers' Compensation Commission

Thursday, January 23, 1992, 9 a.m. The Texas Workers' Compensation Commission met at the Southfield Building, 4000 South IH-35, Rooms 910-911, Austin. According to the agenda summary, the commission called the meeting to order; may have discussed approval of minutes for the public meeting of January 9, 1992; discussed and considered: rules for adoption; rules for proposal; nominations to Medical Advisory Committee; strategies for the TWCC Strategic Plan; met in executive session; action, if any, on matters considered in executive session; heard general reports of issues relating to commission activities; discussed future public meeting; and adjourned.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7963.

Filed: January 16, 1992, 4:02 p.m.

TRD-9200711

Friday, January 24, 1992, 9 a.m. The Medical Advisory Committee of the Texas

Workers' Compensation Commission met at the Southfield Building, 4000 South IH-35, Rooms 910-911, Austin. According to the agenda summary, the committee called the meeting to order; reviewed and discussed approval of the January 10, 1992 minutes; update on rules presented to commissioners January 23, 1992; presentation on health and safety division back injury prevention program (Steve Fahey); update on treatment guideline work groups; discussion of preauthorization rule-134.600; report from Dr. Walter Simmons on the Academy of Health Policy and Practice; established next meeting date; established draft agenda; and adjourned.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

Filed: January 17, 1992, 3:12 p.m.

TRD-9200808

Texas Workers' Compensation Research Center

Monday, January 27, 1992, 10 a.m. The Board of Directors of the Texas Workers' Compensation Research Center met at the University of Texas Austin, LBJ School of Public Affairs, Room 3.109, Sid Richardson Hall, Austin. According to the agenda summary, the board called the meeting to order; may have approved minutes; met in executive session to discuss personnel matters; acted on executive session; acted on committee reports; work session on research agenda; set next meeting date; and adjourned.

Contact: June L. Karp, 1005 Sam Houston Building, Austin, Texas 78701, (512) 475-4991.

Filed: January 17, 1992, 4 p.m.

TRD-9200836

Regional Meetings

Meetings Filed January 16, 1992

The Brown County Appraisal District Board of Directors met at 403 Fisk Avenue, January 20, 1992, at 7 p.m. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9200683.

The Coastal Bend Quality Workforce Planning Association will meet at Elmo's Restaurant, I-37, Nueces County, Corpus Christi, February 22, 1992, at 6 p.m. Information may be obtained from Baldomero Garcia, 5110 Wilkinson Drive, Corpus Christi, Texas 78415, (512) 855-0322. TRD-9200675.

The High Plains Underground Water Conservation District Number One Board of Directors and Managers met at the Best Western Motel, 600 North I-37, Plainview, January 23, 1992, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9200693.

The Houston-Galveston Area Council Projects Review Committee met at 3555 Timmons Lane, Fourth Floor, Board of Directors Conference Room, Houston, January 21, 1992, at 9 a.m. Information may be obtained from R. Ballas, 3555 Timmons Lane, Houston, Texas 77027, (713) 627-3200. TRD-9200676.

The Houston-Galveston Area Council H-GAC Board of Directors met at 3555 Timmons Lane, Fourth Floor Conference Room, Houston, January 21, 1992, at 10 a.m. Information may be obtained from R. Ballas, 3555 Timmons Lane, Houston, Texas 77027, (713) 627-3200. TRD-9200677.

The Middle Rio Grande Development Council Private Industry Council met at the JTPA Center, 1200 Ferry, Eagle Pass, January 22, 1992, at 1 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9200692.

The Middle Rio Grande Development Council Private Industry Council met at the JTPA Center, 1200 Ferry, Eagle Pass, January 22, 1992, at 1 p.m. (revised agenda) Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9200744.

The Pecan Valley Mental Health and Mental Retardation Region Board of Trustees met at the Pecan Valley MHMR Region Clinical Office, 104 Charles Street, Granbury, January 22, 1992, at 9 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9200727.

The Mental Health and Mental Retardation Authority of Brazos Valley Board of Trustees met at 804 Texas Avenue, Conference Room A, Bryan, January 23, 1992, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77803, (409) 822-6467. TRD-9200703.

The Region VIII Education Service Center Board of Directors met at the Education Service Center, Region VIII, FM 1734, Mt. Pleasant, January 23, 1992, at 7 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456-1894, (903) 572-8551. TRD-9200684.

Meetings Filed January 17, 1992

The Alamo Area Council of Governments Management Committee met at 118 Broadway, Suite 420, San Antonio, January 22, 1992, at 10 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9200806.

The Andrews Center Board of Trustees met at 2323 West Front Street, Board Room, Tyler, January 23, 1992, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (903) 597-1351. TRD-9200754.

The Atascosa County Appraisal District Board of Directors met at Fourth and Avenue J, Poteet, January 23, 1992, at 1:30 p.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065-0139, (512) 742-3591. TRD-9200809.

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees met at 1430 Collier Street, Board Room, Austin, January 23, 1992, at 7 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9200834.

The Austin-Travis County Mental Health and Mental Retardation Center Executive Committee met at 1430 Collier Street, Board Room, Austin, January 23, 1992, at 7 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9200835.

The Bexar Appraisal District Board of Directors met at 535 South Main Street, San Antonio, January 27, 1992, at 5 p.m. Information may be obtained from Walter Stoneham, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9200773.

The Bexar-Medina-Atascosa Counties Water Control Improvement District Number One Board of Directors met at the District Office, Highway 81, Natalia, January 22, 1992, at 9 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132. TRD-9200844.

The Capital Area Rural Transportation System (CARTS) Board of Directors met at 5111 East First Street, Austin, January 23, 1992, at 9 a.m. Information may be obtained from Edna M. Burroughs, 5111 East First Street, Austin, Texas 78702, (512) 478-7433. TRD-9200814.

The Coastal Bend Council of Governments Membership Committee met at the Nueces County Courthouse, Commissioners Courtroom, Third Floor, 901 Leopard

Street, Corpus Christi, January 24, 1992, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9200771.

The Dallas Area Rapid Transit Budget and Finance Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, January 21, 1992, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9200839.

The Dallas Area Rapid Transit Rail Planning and Development Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, January 21, 1992, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9200838.

The Dallas Area Rapid Transit Board of Directors met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, January 21, 1992, at 5 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9200840.

The Dallas Area Rapid Transit NCT Regional Certification Agency Board met at the DFW Airport Administrative Offices, 3200 Airfield Drive, Dallas, January 23, 1992, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9200837.

The Erath County Appraisal District Appraisal Review Board met at 1390 Harbin Drive, Board Room, Stephenville, January 23, 1992, at 9:30 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9200770.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. Executive Committee met at 2401 Houston Highway, Victoria, January 20, 1992, at 5 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9200802.

The Golden Crescent Service Delivery Area Private Industry Council met at 2401 Houston Highway, Victoria, January 22, 1992, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9200801.

The Gonzales County Appraisal District Appraisal Review Board met at 928 St. Paul Street, Gonzales, January 21, 1992, at 2 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2979. TRD-9200797.

The Gulf Bend Mental Health and Mental Retardation Center Board of Trustees met at 1404 Village Drive, Gulf Bend MHMR Center, Victoria, January 23, 1992, at 11 a.m. Information may be obtained from Sharon Pratkanis, 1404 Village Drive, Victoria, Texas 77901, (512) 574-0611. TRD-9200795.

The Heart of Texas Council of Governments Executive Committee met at 300 Franklin Avenue, HOTCOG Board Room, Waco, January 23, 1992, at 10 a.m. Information may be obtained from Mary McDow, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9200769.

The Hickory Underground Water Conservation District Number One Board and Advisors met at 2023 South Bridge Street, Brady, January 23, 1992, at 7 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9200653.

The Lower Colorado River Authority Audit and Budget Committee met at 3700 Lake Austin Boulevard, Austin, January 21, 1992, at noon. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9200817.

The Lower Colorado River Authority Committees on Planning and Public Policy and Natural Resources met at 3700 Lake Austin Boulevard, Austin, January 21, 1992, at 1:30 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9200818.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, January 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9200815.

The Lower Colorado River Authority Energy Operations Committee met at 3700 Lake Austin Boulevard, Austin, January 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9200819.

The Lower Colorado River Authority Planning and Public Policy Committee met at 3700 Lake Austin Boulevard, Austin, January 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9200820.

The Lower Colorado River Authority Finance and Administration Committee met at 3700 Lake Austin Boulevard, Austin, January 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283.

TRD-9200821.

The Lower Colorado River Authority Natural Resources Committee met at 3700 Lake Austin Boulevard, Austin, January 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9200822.

The Lower Colorado River Authority Audit and Budget Committee met at 3700 Lake Austin Boulevard, Austin, January 22, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9200823.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, January 23, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9200816.

The Nolan County Central Appraisal District Board of Directors met at the Nolan County Courthouse, Third Floor, Sweetwater, January 21, 1992, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9200794.

The North Central Texas Council of Governments Executive Board met at the Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, January 23, 1992, at 12:45 p.m. Information may be obtained from Edwina Shires, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9200775.

The Panhandle Ground Water Conservation District Number Three Board of Directors held a public meeting at the Water District Office, 300 South Omohundro Street, White Deer, January 22, 1992, at 1 p.m. Information may be obtained from C. E. Williams, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9200789.

The Texas Panhandle Mental Health Authority Board of Trustees will meet at 7120 I-40 West, Suite 150, Amarillo, January 30, 1992, at 10:30 a.m. Information may be obtained from Mellisa Talley, P.O. Box 3250, Amarillo, Texas 79116, (806) 353-3699. TRD-9200805.

The TML Group Benefits Risk Pool Board of Trustees, Group Benefits Risk Pool met at the San Antonio Marriott Rivercenter, San Antonio, January 18, 1992, at 8 a.m. (Emergency revised agenda). The emergency was necessary due to board secretary adjustment. Information may be obtained from Rhonda Ruckel, 211 East Seventh Street, Suite 1100, Austin, Texas 78640, (512) 320-7861. TRD-9200788.

The West Central Texas Council of Governments Big Country Quality Work Force Planning Cooperative will meet at 1023 East North 10th Street, Abilene, January 29, 1992, at 10:30 a.m. Information may be obtained from Charles Dunnam, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9200752.

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**Meetings Filed January 20,
1992**

The Central Texas Mental Health and Mental Retardation Center Chairman of the Board met at 408 Mulberry Drive, Brownwood, January 27, 1992, at 5 p.m. Information may be obtained from Saul Pullman, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574. TRD-9200853.

The Ellis County Appraisal District Appraisal Review Board met at 406 Sycamore Street, Waxahachie, January 23, 1992, at 9 a.m. Information may be obtained from Dorothy Phillips, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9200850.

The Hale-Hockley CED Number Eight Board of Directors met at the Citizens State Bank, Committee Room, Anton, January 23, 1992, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9200851.

The Upper Leon River Municipal Water District Board of Directors met at the General Office of the Filter Plant, Proctor Lake, Comanche County, January 23, 1992, at 6:30 p.m. Information may be obtained from Gary D. Lacy, P. O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-9200852.

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**Meetings Filed January 21,
1992**

The Atascosa County Appraisal District Appraisal Review Board will meet at Fourth and Avenue J, Atascosa County Appraisal District Office, Poteet, January 28, 1992, at 8 a.m. Information may be obtained from Vernon A. Warren, P. O. Box 139, Poteet, Texas 78065, (512) 742-3591. TRD-9200859.

The Bosque, Erath, Hill, Johnson, and Somervell County Education District 21 will meet at the Glen Rose Middle School Cafeteria, 812 College Street, Glen Rose, February 3, 1992, at 7:30 p.m. Information may be obtained from George B. Gilbert, 726 North Clinton Street, Stephenville, Texas 76401, (817) 968-7995. TRD-9200887.

The Brazos River Authority Visions 2000

Task Force met at the Waco Hilton Hotel, Board Room, 113 University Parks Drive, Waco, January 26, 1992, at 2 p.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, 76714-7555, (817) 776-1441. TRD-9200880.

The Brazos River Authority Board of Directors met at 4400 Cobbs Drive, Waco, January 27, 1992, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, 76714-7555, (817) 776-1441. TRD-9200879.

The Deep East Texas Regional Mental Health and Mental Retardation Services Board of Trustees will meet at the Ward R. Burke Community Room, Administration Facility, 4101 South Medford Drive, Lufkin, January 28, 1992, at 3:30 p.m. Information may be obtained from Sandy Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9200890.

The Education Service Center-Region 17 Board of Directors will meet at the ESC Region 17, Board Room, 1111 West Loop 289, Lubbock, February 4, 1992, at 9 a.m. Information may be obtained from Virgil Ed Flathouse, 1111 West Loop 289, Lubbock, Texas 79416, (806) 793-4802. TRD-9200862.

The Gregg Appraisal District Appraisal Review Board met at 2010 Gilmer Road, Longview, January 24, 1992, at 9 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015. TRD-9200858.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl Street, District Office, Granbury, January 28, 1992, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9200888.

The Kendall Appraisal District Appraisal Review Board will meet at 207 East San Antonio Street, Boerne, January 28, 1992, at 9:30 a.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9200883.

The Manville Water Supply Corporation Board of Directors will meet at the Manville Water Supply Corporation, Spur 271, Coupland, January 28, 1992, at 7 p.m. Information may be obtained from LaVerne Rohlack, P.O. Box 248, Coupland, Texas 78615, (512) 272-4044. TRD-9200916.

The Northeast Texas Municipal Water District Board of Directors met at Highway 250 South, Hughes Springs, January 27, 1992, at 10 a.m. Information may be obtained from J. W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (903) 639-7538. TRD-9200863.

The South Orient Rural Rail Transportation District Board of Directors met at the Reagan County Courthouse, Commissioner's Courtroom, Third and Plaza Streets,

Big Lake, January 24, 1992, at 1:30 p.m. Information may be obtained from Coleta Stewart, P.O. Box 907, Mertzon, Texas 76941, (915) 835-7101. TRD-9200861.

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**Meetings Filed January 22,
1992**

The Alamo Area Council of Governments Area Judges will meet at 118 Broadway Street, Suite 420, San Antonio, January 28, 1992, at 11:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway Street, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9201060.

The Alamo Area Council of Governments Board of Directors will meet at 118 Broadway Street, Suite 420, San Antonio, January 28, 1992, at 1 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway Street, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9201045.

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees met at 1430 Collier Street, Board Room, Austin, January 23, 1992, at 7 a.m. The emergency revision was necessary due to being notified today of items requiring immediate board action. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9201055.

The Brazos Higher Education Authority, Inc. Executive Committee of the Board of Directors will meet at 2600 Washington Avenue, Waco, January 30, 1992, at 11 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0913. TRD-9200934.

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949 North Stemmons Freeway, Dallas, January 30, 1992, at 10 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9200933.

The Denton Central Appraisal District Appraisal Review Board will meet at 3911 Morse Street, Denton, January 29, 1992, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9201048.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, January 30, 1992, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9201047.

The Education Service Center Region 12 Administrative, Board of Directors will meet at 401 Franklin Street, Waco, January 30, 1992, at 10:30 a.m. Information may be obtained from Harry J. Beavers, P.O. Box 1249, Waco, Texas 76703-1249, (817) 756-7494. TRD-9201054.

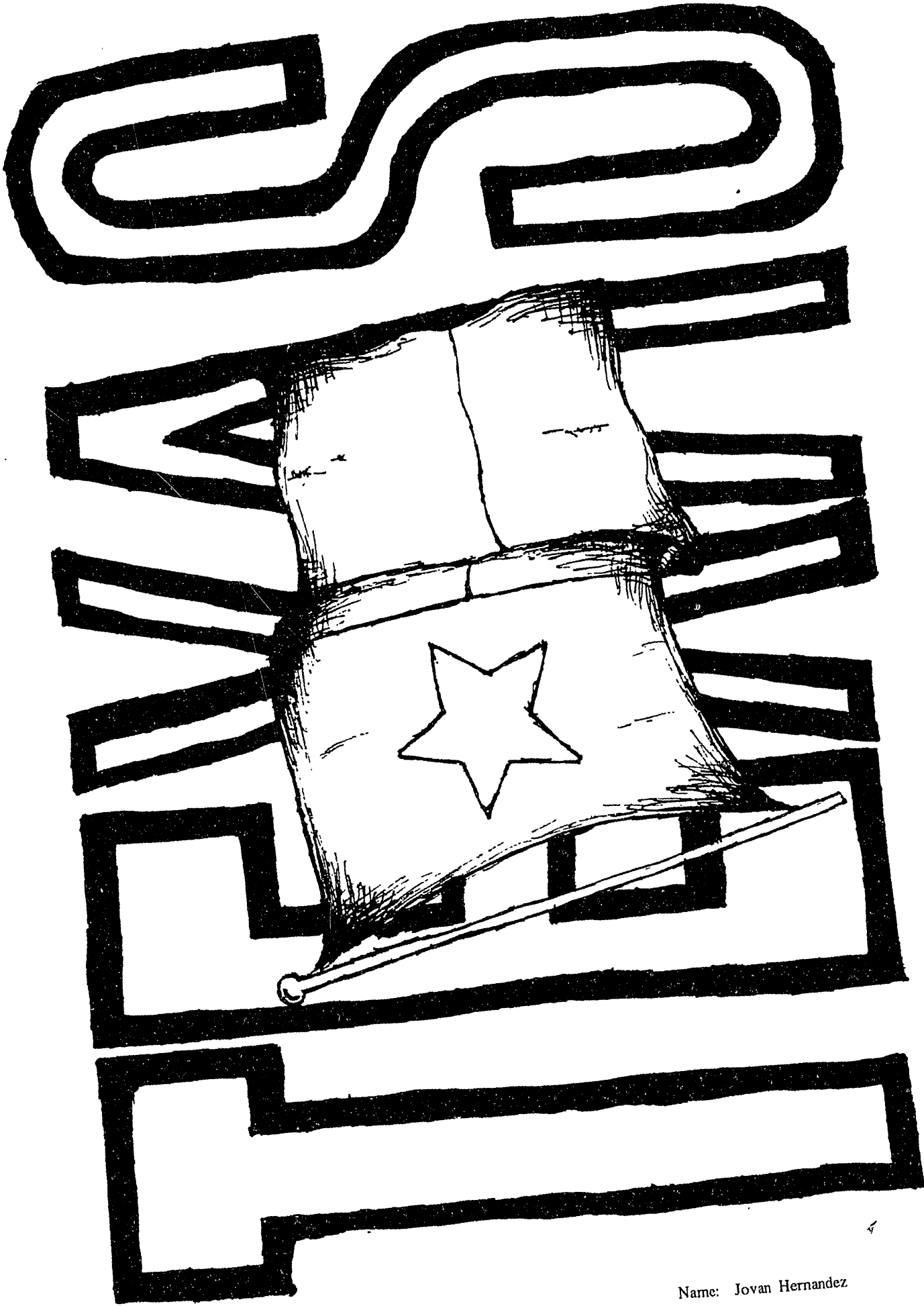
The Hunt County Tax Appraisal District Appraisal Review Board will meet at the Hunt County Appraisal District, Board Room, 4801 King Street, Greenville, February 4, 1992, at 8:30 a.m. Information may be obtained from Melda Hart or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (903) 454-3510. TRD-9200935.

The Johnson County Rural Water Supply Corporation Special Membership will meet at the Cleburne Civic Center, 1501 West Henderson, Cleburne, January 29, 1992, at 7 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9201056.

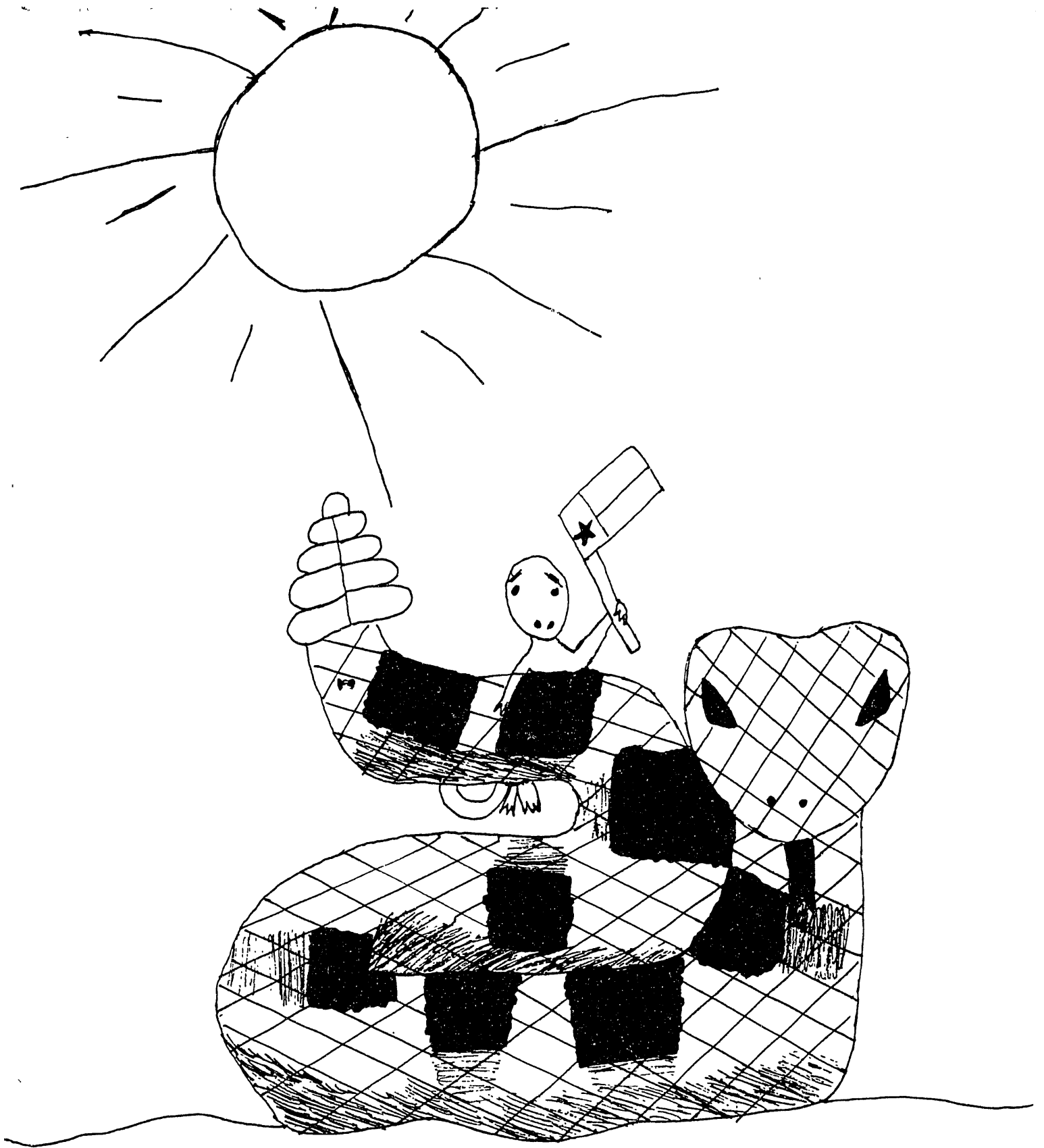
The Martin County Appraisal District Board of Directors will meet at 308 North St. Peter, Stanton, January 30, 1992, at 7 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9200936.

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**Meetings Filed January 23,
1992**

The Wheeler County Appraisal District Board of Directors will meet at the District Office, County Courthouse Square, Wheeler, January 28, 1992, at 6:30 p.m. Information may be obtained from Larry M. Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900. TRD-9201072.



Name: Jovan Hernandez
Grade: 8
School: Clear Lake Intermediate, Clear Creek ISD



Name: Kristin Wendelburg

Grade: 7

School: Clear Lake Intermediate, Clear Creek ISD

In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Department of Agriculture Correction of Error

The Texas Department of Agriculture submitted proposed amendments to the Texas Agricultural Finance Authority Loan Guaranty Program rules of the Texas Agricultural Finance Authority (TAF) 4 TAC §28.10. The rule appeared in the December 27, 1991, issue of the *Texas Register* (16 TexReg 7685).

Due to a proofreading error by the *Texas Register*, the amount of the application fee, \$100, was omitted from the second full sentence of subsection (h). The sentence should read as follows.

"A nonrefundable application fee will be required in the amount of \$100 with the application."



The Texas Department of Agriculture submitted proposed amendments to the Organic Food Standards and Certification rules 4 TAC §18.1. The rules were published in the December 24, 1991, *Texas Register* (16 TexReg 7609).

In the publication of the proposed amendments to §18.1 concerning definitions, the words "for resale" were omitted from the definition of "distributor". The definition of "distributor" should read as follows (with new language boldfaced:

"Distributor"—A person who is engaged in the business of selling food or fiber for resale, including, but not limited to, a wholesaler, broker, packer, repacker, shipper, or agent."



Texas Air Control Board Notice of Change of Address

The Texas Air Control Board relocated its Austin offices in June, 1991. The public is asked to make note of the new address and telephone number: Texas Air Control Board, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1000.

The new address should be used as a replacement for the old one as it may appear in the text of the board's published rules. Newly-printed versions of the rules will include this address in then future.

Issued in Austin, Texas on January 21, 1992.

TRD-9200961 Lane Hartsock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: January 22, 1992

For further information, please call: (512) 908-1451



Notice of Public Hearings

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act (TCAA), §382.017(a); the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5.; the Procedural Rules of the Texas Air Control Board (TACB), §103.11(4); and 40 Code of Federal Regulations 51.102 of the United States Environmental Protection Agency (EPA) regulations, concerning State Implementation Plans, the TACB will conduct public hearings to receive testimony concerning revisions to its rules.

Revisions are being proposed to Regulation V, concerning control of air pollution from volatile organic compounds (VOC), and the general rules in response to EPA requirements. The proposed revisions to the general rules have been developed in order to insure that the definitions within §101.1, concerning Definitions, are consistent with comparable definitions within Regulation V. The proposed revisions to Regulation V have been developed in response to a requirement by EPA to extend the controls that currently exist in certain ozone nonattainment areas to all previously-designated nonattainment areas (Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties). This program is referred to as "leveling the playing field." The proposed revisions also have been developed in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated adjacent nonattainment counties (Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties). This program is referred to as the "perimeter county catch-ups." The revisions also are intended to remove potentially confusing cross-references and to otherwise improve clarity. Additionally, existing requirements for Gregg, Nueces, and Victoria Counties have been moved into a separate subsection in each section within Regulation V. However, no new requirements are intended for these counties.

The revisions proposed in response to federal mandate involve modifications to existing control requirements and emission specifications, corrections to testing requirements, the elimination or lowering of specified exemption limits, additional recordkeeping requirements, changes in the counties affected by certain provisions, and the establishment of compliance dates for the new requirements.

The proposed changes affect the following undesignated heads within Regulation V: Definitions; Storage of VOC; Vent Gas Control; Water Separation; Loading and Unloading of VOC; Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; VOC Leaks from Gasoline Tank-Trucks; Control of Reid Vapor Pres-

sure of Gasoline; Process Unit Turn-Around and Vacuum-Processing Systems; Fugitive Emission Control in Petroleum Refineries; Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin and Methyl Tert-Butyl Ether Manufacturing Processes; Fugitive Emission Control in Natural Gas/Gasoline Processing Operations; Degreasing Processes; Surface Coating Processes; Graphic Arts (Printing) by Rotogravure and Flexographic Processes; Cutback Asphalt; Perchloroethylene Dry Cleaning Systems; Pharmaceutical Manufacturing Facilities; and Consumer-Solvent Products.

Public hearings on these proposals will be held at the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 855 Florida Avenue, Beaumont; February 25, 1992, 11 a.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; February 25, 1992, 7 p. m., City of El Paso, Council Chambers, Second, 2 Civic Center Plaza, El Paso; and February 26, 1992, 6 p.m., City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted, however, a TACB staff member will be available to answer questions informally after the hearings. Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

Issued in Austin, Texas, on January 17, 1992.

TRD-9200957 Lane Hartsock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: January 22, 1992

For further information, please call: (512) 908-1451



Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act (TCAA), §382.017(a); 40 Code of Federal Regulations 51.102 of the United States Environmental Protection Agency (EPA) regulations concerning State Implementation Plans; the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and §103.11(4) of the Procedural Rules of the Texas Air Control Board (TACB), the TACB will conduct public hearings to receive testimony concerning revisions to its rules.

The proposed revisions to the General Rules and Regulations VI are in response to requirements of Title I of the Federal Clean Air Act (FCAA), concerning new source review for nonattainment areas. The proposal also incorporates revisions to the provisions for exempted facilities, amends several standard exemptions, makes editorial changes, and improves consistency of the sections. The TACB proposes revisions to §101.1, concerning definitions, to add or modify various definitions for consistency with new source review requirements of the FCAA Amendments of 1990. The proposed revisions to §116.3, concerning consideration for granting permits to construct and operate, are intended to incorporate provisions in the

amended FCAA which changed new source review requirements for new and modified sources in nonattainment areas. Also, the TACB proposed revisions to §116.4, concerning special requirements for new and modified sources in nonattainment areas. Also, the TACB proposes revisions to §116.4, concerning special conditions, and §116.6 concerning exempted facilities, to clarify that a condition in a permit may restrict the use of standard exemptions at a facility. The TACB proposes additional revisions to §116.6 to change statutory references, to alter wording to reflect the 1990 revisions to the FCAA, and to reflect changes in the Standard Exemption List. In addition, the TACB proposes a revision to §116.11, concerning permit fees, to increase the permit fee to be remitted to \$75,000 if no estimate of project capital cost is included with the permit application. The proposed revisions to the Standard Exemption List include changes to nine existing exemptions and the addition of one new exemption. The exemptions proposed for revision concern internal combustion engines and gas turbine engines, combustion units, water/wastewater treatment units, soil and water remediation, concrete batch plants, pilot plants, ethylene oxide sterilizing equipment/operations, temporarily-located concrete batch plants, and pipeline metering stations. The proposed new exemption concerns aerospace manufacturing facilities.

A public hearing on this proposal is scheduled for 1 p.m. on February 25, 1992, in the Auditorium of the City of Houston Pollution Control Building located at 7411 Park Place Boulevard, Houston. Another public hearing on this proposal is scheduled for 2 p.m. on February 27, 1992, in Room 143-E of the central office of the TACB located at 12124 Park 35 Circle, Austin. The hearings are structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted, however, a TACB staff member will be available to answer questions informally before and after each hearing.

Written comments not presented at each hearing may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposal are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Alan J. Henderson at (512) 908-1510.

Issued in Austin, Texas on January 17, 1992.

TRD-9200958 Lane Hartsock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: January 22, 1992

For further information, please call: (512) 908-1451



State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing at 9 a. m. on Thursday, February 27, 1992, at 2601 North Lamar, Austin, on the bank charter application for First Bank and Trust, Flower, Mound, Denton County.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, State Banking

Department, 2601 North Lamar, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on January 13, 1992.

TRD-9200617 William F. Aldridge
Director of Corporate Activities
State Banking Board

Filed: January 15, 1992

For further information, please call: (512) 475-1317

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Comptroller of Public Accounts
Consultant Contract Award

In compliance with the provisions of Texas Civil Statutes, Article 6252-11C, the Comptroller of Public Accounts furnishes this notice of consultant contract awards.

Publication Date. The consultant proposal request was published in the October 4, 1991, issue of the *Texas Register* (16 TexReg 5523).

Description of Services. The request was for consultants to conduct a school district management performance audit for the Dallas Independent School District.

Name and Address. The contract has been awarded to MGT of America, Inc., who is doing business in Texas

under the name of MGT Consultant, Inc., and whose address is Suite 2018, 100 Congress Avenue, Austin, Texas 78701.

Value and Date of Contract. The total dollar value of the contract is \$394,300. The contract was executed on January 14, 1992, and extends through July 1, 1992.

Issued in Austin, Texas, on January 16, 1992.

TRD-9200694 Martin Cherry
Chief, General Law Section
Comptroller of Public Accounts

Filed: January 16, 1992

For further information, please call: (512) 475-0477

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Office of Consumer Credit
Commissioner

Notice of Rate Ceilings

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

<u>Types of Rate Ceilings</u>	<u>Effective Period</u> <u>(Dates are Inclusive)</u>	<u>Consumer ⁽¹⁾/Agricultural/ Commercial ⁽²⁾ thru \$250,000</u>	<u>Commercial⁽²⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	01/20/92-01/26/92	18.00%	18.00%

⁽¹⁾Credit for personal, family or household use. ⁽²⁾Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on January 13, 1992.

TRD-9200678 Al Endsley
Consumer Credit Commissioner

Filed: January 16, 1992

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

◆ ◆ ◆
Court Reporters Certification Board
Suspension of Certification

On December 7, 1991, the Court Reports Certification Board suspended the certification of Teresa Johnson of Austin, Certification Number 4619, as a Certified Shorthand Reporter in the State of Texas for a period of 12 months commencing on December 7, 1991, and ending on December 7, 1992. Ms. Johnson was found in violation of the Texas Government Code, §52.029(a)(3) and (9). Following the 12 month suspension period, Ms. Johnson must meet certain conditions imposed by the Board to be considered for reinstatement as a shorthand reporter.

Issued in Austin, Texas, on January 13, 1992.

TRD-9200618 Peg Liedtke
Executive Secretary
Court Reporters Certification Board

Filed: January 15, 1992

For further information, please call: (512) 463-1630

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Texas Department of Health
Notice of Preliminary Report for
Assessment of Administrative Penalties
and Notice of Violation

Notice is hereby given that the Bureau of Radiation Control issued a notice of violation and assessed an administrative penalty to Bee-Line Services, Inc., Corsicana, holder of Radioactive Material License Number L03436. A penalty of \$22,500 was assessed the company for violations of the Texas Regulations for Control of Radiation.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, The Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on January 21, 1992

TRD-9200919 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: January 21, 1992

For further information, please call: (512) 835-7000

◆ ◆ ◆
**Permit Application for Municipal Solid
Waste Site Notice of Filing**

Recycle With Kim Cor Hauling, Inc. has filed Application Number 2206 with the Texas Department of Health for a permit to operate a proposed Type V municipal solid waste site (recycling center) to be located approximately two miles northwest of the intersection of FM 14321 and FM 2900, at 167 Industrial Boulevard in Llano County.

The site covers approximately 1.0 acre of land, and is to daily receive approximately 40 tons of solid waste under the regulatory jurisdiction of the Texas Department of Health for disposal or other processing in accordance with the department's "Municipal Solid Waste Management Regulations." A technical review of the application is being made by the department's Bureau of Solid Waste Management. The application will also be reviewed by various state and local agencies which have a jurisdictional interest.

No public hearing will be held on this application unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application. If a hearing is requested by a person affected, or if the Bureau of Solid Waste Management determines that a public hearing should be held, notice of such hearing will be published in a newspaper regularly published or circulated in the county in which the site is located at least 30 days prior to the date of such hearing.

Requests for a public hearing and/or requests for a copy of the application shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the application may be reviewed at the Bureau of Solid Waste Management, (512) 458-7271.

Issued in Austin, Texas, on January 15, 1992

TRD-9200624 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: January 15, 1992

For further information, please call: (512) 458-7271.

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**Primary Health Care Program Request
for Proposals**

Background. In May 1985, the 69th Legislature of the State of Texas enacted the Texas Primary Health Care Services Act (Act), Health and Safety Code, Chapter 31. The Act provides for the delivery of primary health care services to eligible low-income individuals who are not eligible for other programs. The Texas Department of Health (department) was given the responsibility for im-

plementing the Act. In 1991, upon recommendation by the department's Primary Health Care Services Program (PHCSP) Advisory Committee, the department adopted a funding "roll-over" policy. This policy will provide five years of stable funding to allow programs to mature, develop multiple income sources, and establish strong community support. After five years, state support will be reduced by one-third over the next four years to "roll" funds over for additional counties/communities seeking assistance to establish programs of their own. These funds will be targeted to counties not currently served by existing PHCSP contractors (see attached list of eligible counties). For fiscal year 1993, \$700,000 will be available for new projects. This should allow for the funding of 3-4 new PHCSP projects.

General Information. Application packets will be available March 2, 1992. Completed proposals from eligible counties must be received by the Texas Department of Health, Primary Health Care Services Program, 1100 West 49th Street, Austin, Texas 78756, the local Council of Governments, and the department's regional office at the close of the business day on April 17, 1992. Submission of four copies to the department's central office and one copy each to the local Council of Governments and the department's regional office will be required.

Length of Funding. The initial funding will be for 12 months starting September 1, 1992, with subsequent funding for 12 month-periods following the state fiscal year and satisfactory performance of program objectives. Additionally, funding beyond fiscal year 1993 will be dependent upon legislative action. Applicants approved for funding will be notified no later than July 1, 1992. After the awards have been granted, a contract will be negotiated between the department and the selected providers.

Qualification of Applicant. Potential contractors must serve specified counties and ensure that they have the capability, facilities, and all required special resources readily available within the community to meet and to satisfactorily perform the services identified in their proposal. All contractors must provide documentation of the contractor's ability to establish a comprehensive health care system which will ensure both the provision of and access to (at the least) the six initial service priorities to include: diagnosis and treatment; emergency services; family planning services; preventive health services, including immunizations; health education; and laboratory, x-ray, nuclear medicine, or other appropriate diagnostic services.

Application Procedure. More detailed information may be obtained from the PHCSP. The contact person is John Dombroski, Director of the Primary Health Care Services Program, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7771.

Review of Applicant's Proposal. Each application will be evaluated independently on the following proposal sections: project summary; needs assessment; solution; plan of operation; service delivery; and monitoring and evaluation. Review of proposals will be completed by staff at the area Council of Governments, the department's regional office, the department, and the department's State Primary Care Advisory Committee. The committee will forward its final recommendations to the department for final project selection.

**ELIGIBLE COUNTIES FOR PHCSP NEW APPLICATION
FY 1992-1993**

Angelina	Ellis	Knox	Rockwall
Aransas	Erath	Lamar	Runnels
Archer	Falls	Lamb	Sabine
Armstrong	Fannin	La Salle	San Augustine
Atascosa	Fisher	Lavaca	San Patricio
Austin	Floyd	Leon	Scurry
Bailey	Foard	Limestone	Shackelford
Bandera	Franklin	Lipscomb	Shelby
Baylor	Freestone	Live Oak	Sherman
Bee	Frio	Llano	Somervell
Bell	Galveston	Loving	Starr
Bosque	Gillespie	Lubbock	Stephens
Bowie	Glasscock	Lynn	Sterling
Brazoria	Goliad	Madison	Stonewall
Brazos	Gray	Marion	Swisher
Brown	Grayson	Martin	Taylor
Burleson	Grimes	Matagorda	Terrell
Burnet	Guadalupe	Maverick	Throckmorton
Calhoun	Hale	McLennan	Titus
Callahan	Hall	McMullen	Travis
Carson	Hansford	Medina	Tyler
Cass	Hardeman	Midland	Upton
Castro	Hardin	Milam	Uvalde
Childress	Harrison	Mitchell	Victoria
Clay	Hartley	Montague	Walker
Cochran	Haskell	Moore	Waller
Coke	Hemphill	Morris	Ward
Coleman	Hill	Motley	Washington
Collin	Hockley	Nacogdoches	Wharton
Collingsworth	Hood	Nolan	Wheeler
Colorado	Hopkins	Nueces	Wichita
Comal	Howard	Ochiltree	Wilbarger
Cooke	Hudspeth	Oldham	Willacy
Coryell	Hunt	Orange	Wilson
Cottle	Hutchinson	Pala Pinto	Winkler
Crane	Jack	Panola	Wise
Crosby	Jackson	Parker	Young
Culberson	Jim Hogg	Parmer	Zapata
Dallam	Johnson	Pecos	Zavala
Deaf Smith	Jones	Potter	
Delta	Karnes	Randall	
Denton	Kaufman	Reagan	
DeWitt	Kendall	Real	
Dimmit	Kenedy	Red River	
Donley	Kerr	Refugio	
Duval	Kinney	Roberts	
Edwards	Kleberg	Robertson	

Issued in Austin, Texas, on January 21, 1992

TRD-9200889 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: January 21, 1992

For further information, please call: (512) 458-7771

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**Texas Department of Housing and
Community Affairs**

Request for Proposals for Underwriters

The Texas Department of Housing and Community Affairs (TDHCA) gives notice of its intention to engage one or more company(s) to provide underwriter services in various general areas. The company(s) will provide underwriter services at any time and from time to time during the term of the contract at the request of TDHCA and will assign professionals employed by the company(s) who are best suited to appropriately respond to such request.

A copy of the complete request for proposal for underwriters (RFP) and additional information may be obtained by contacting Scott McGuire or Doris Humphrey, TDHCA, 811 Barton Springs Road, Suite 300, (zip 78704) or P.O. Box 13941, Austin, Texas 78711-3941, (512) 474-2974.

TDHCA will make its selection based upon its perception of the need for underwriter services, the demonstrated competence, experience, knowledge, qualifications, and on the reasonableness of the proposed fee for the services. By this RFP, however, TDHCA has not committed itself to employ an underwriter for any or all of the previously described matters.

TDHCA reserves the right to negotiate all elements of the submitted proposal of the company(s) to insure that the best possible consideration be afforded to all concerned. TDHCA reserves the right to accept or reject any or all proposals submitted and to resolicit in such an event. TDHCA's decision on these matters is final.

The information contained in this proposal request is not a complete description of the services requested. Anyone desiring to make an offer to perform the requested services may submit a written proposal (which shall include the information requested in the RFP) to Richard Moya, Acting Executive Director, Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Suite 300, (zip 78704) or P.O. Box 13941, Austin, Texas 78711-3941, for receipt prior to 5 p.m., February 7, 1992.

The TDHCA Board Committee(s) will make recommendations to the full board. The board will make the final selection.

Issued in Austin, Texas, on January 17, 1992.

TRD-9200847 Mario Aguilar
Attorney
Texas Department of Housing and
Community Affairs

Filed: January 17, 1992

For further information, please call: (512) 474-2974
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**Texas Department of Human Services
Notice of Correction**

The Texas Department of Human Services published a request for proposal for improving the registered family home orientation program in the December 27, 1991, issue of the *Texas Register* (16 TexReg 7758). DHS has changed the closing date for accepting proposals from January 31, 1992, to February 3, 1992 at 5 p.m. If you have any questions, please contact Heidi Reifel, Child Care Licensing Department, W-403, Texas Department of Human Services, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3258.

Issued in Austin, Texas, on January 17, 1992.

TRD-9200833 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: January 17, 1992

For further information, please call: (512) 450-3765
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Public Notice

The Texas Department of Human Services (DHS) is planning to submit a Medicaid state plan amendment in response to a recommendation by the Health Care Financing Administration (HCFA) in a state performance evaluation and comprehensive text of reimbursement under Medicaid (SPECTRUM) review. The amendment is to the nursing facility reimbursement methodology and will clarify that both direct and indirect staff time are used to calculate the case mix indexes used to set the Texas index for level of effort (TILE) rates. Since this is a clarification of current practice, and not an actual change in methodology, there will be no increase or decrease in DHS annual aggregate expenditures. For copies of the amendment contact Kathy E. Hall, MC E-601, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3702. Written comments can also be submitted to this address.

Issued in Austin, Texas, on January 17, 1992.

TRD-9200829 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: January 17, 1992

For further information, please call: (512) 450-3765
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Public Notice of Closed Solicitation

Pursuant to the Human Resources Code, Title 2, Chapters 22 and 32 and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is closing the solicitation for new Medicaid beds in Kent County, County Number 132, which appeared in the January 14, 1992, issue of the *Texas Register* (17 TexReg 341) and Hansford County, County Number 098, which appeared in the November 21, 1989, issue of the *Texas Register* (14 TexReg 6144). These solicitations are being closed effective the date of this public notice.

Issued in Austin, Texas, on January 17, 1992.

TRD-9200828 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: January 17, 1992

For further information, please call: (512) 450-3765



Public Notice Open Solicitation

Pursuant to the Human Resources Code, Title 2, Chapters 22 and 32 and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days, effective the date of this public notice, for the counties identified following where Medicaid contracted nursing facility occupancy rates exceed the threshold (90% occupancy) in each

of five months in the continuous June-November, six-month period. Potential contractors seeking to contract for existing beds which are currently licensed as nursing home beds or hospital beds in the county identified in this public notice must submit a written reply (as described in 40 TAC §19.2004) to TDHS, Gary L. Allen, Institutional Program Section, Long Term Care Department, Mail Code W-519, P.O. Box 149030, Austin, Texas 78714-9030. The written reply must be received by TDHS by 5 p.m., February 28, 1992, the last day of the open solicitation period. Potential contractors will be placed on a waiting list for the primary selection process in the order in which the Texas Department of Health originally licensed the beds that are being proposed for Medicaid participation. The primary selection process will be completed on March 9, 1992. If there are insufficient available beds after the primary selection to reduce occupancy rates to less than 80%, TDHS will place a public notice in the *Texas Register* announcing an additional open solicitation period for those individuals wishing to construct a facility.

County Number	County Name	Number of Months Over	Number of Months						
			June	July	Aug	Sept	Oct	Nov	
053	Crockett	5	74.6	92.0	92.4	95.1	99.2	100.0	
192	Reagan	5	89.0	90.5	92.8	92.6	91.9	90.6	

Issued in Austin, Texas, on January 17, 1992.

TRD-9200826 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: January 17, 1992

For further information, please call: (512) 450-3765



Pursuant to the Human Resources Code, Title 2, Chapters 22 and 32 of and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg. 5315), the Texas Department of Human Services (TDHS) is announcing the reopening of the open solicitation period for Reeves County, County Number 195, identified in the July 26, 1991, issue of the *Texas Register* (16 TexReg 4096). Potential contractors desiring to construct a 90-bed nursing facility in the previously referenced area must submit a written reply (as described in 40 TAC §19.2004) to TDHS,

Gary L. Allen, Institutional Programs Section, Long Term Care Department, Mail Code W-519, P.O. Box 149030, Austin, Texas 78714-9030. Upon receipt of a reply from a potential contractor, TDHS will place a notice in the *Texas Register* to announce the closing date of the reopened solicitation period.

Issued in Austin, Texas, on January 17, 1992.

TRD-9200827 Nancy Murphy
Agency liaison, Policy and Document
Support
Texas Department of Human Services

Filed: January 17, 1992

For further information, please call: (512) 450-3765

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**Texas State Library and Archives
Commission**

Consultant Contract Reports

Senate Bill 737 of the 65th Texas Legislature (Article 6252-11c, Texas Revised Civil Statutes) requires state agencies and regional councils of governments to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, the Act directs the contracting agencies to file copies of the resulting reports with the Texas State Library. The Library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Below is a list of reports received for the Fourth quarter of 1991. The reports may be examined in Room 300, Texas State Library, 1201 Brazos Street, Austin.

Agency: Education Agency; Consultant: Center for Assessment and Demographic Studies, Galludet University; Title: Texas state survey of hearing impaired children and youth: 1990/1 final report.

Agency: Human Services, Department of; Consultant: ACTION for Child Protection, Inc.; Title: Final site report, April 22-26, 1991: child at risk field implementation consultation.

Agency: Insurance, Department of; Consultant: KPMG Peat Marwick; Title: State Board of Insurance top management compensation review: final report; Title: State Board of Insurance job evaluation, salary administration, and performance appraisal system study: final report.

Issued in Austin, Texas, on January 14, 1992.

TRD-9200673 Raymond Hitt
Assistant Director
Texas State Library and Archives
Commission

Filed: January 16, 1992

For further information, please call: (512) 463-5440
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**Texas State Board of Examiners of
Psychologists**

Correction of Error

The Texas State Board of Examiners of Psychologists submitted the adoption of new 22 TAC §465.28, concerning career and vocational counseling. The rule appeared in the January 17, 1992, *Texas Register* (17 TexReg 399).

The second paragraph states "The new section enables psychologists to receive training in their doctoral programs to do career and vocational counseling." This is incorrect. Psychologists already receive this training their doctoral programs. This rule will inform the public that psychologists have education and training in career and vocational counseling.

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Public Utility Commission of Texas

Notices of Intent to File

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the Texas Higher Education Coordinating Board, Austin.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for the Texas Higher Education Coordinating Board Pursuant to Public Utility Substantive Rule 23.27(k). Tariff Control Number 10865.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for the Texas Higher Education Coordinating Board. The geographic service market for this specific service is the Austin area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 14, 1992.

TRD-9200632 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 15, 1992

For further information, please call: (512) 458-0100
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Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to PUC Substantive Rule 23.27 for approval of a customer-specific contract between Central Telephone Company of Texas (Centel) and First Community Services, Fort Hood National Bank, and First National Bank in Killeen.

Tariff Title and Number. Application of Central Telephone Company of Texas to file customer-specific contract for First Community Services, et al. Tariff Control Number 10878.

The Application. Central Telephone Company of Texas is requesting approval of Centrex service, a central office-based PBX-type service of over 200 lines, for First Community Services, Fort Hood National Bank, and First National Bank of Killeen. The geographic service market for this specific service is the Killeen, Copperas Cove, and Fort Hood, areas.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 17, 1992.

TRD-9200893 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 21, 1992

For further information, please call: (512) 458-0100

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Office of the Secretary of State
Correction of Error

The Office of the Secretary of State submitted proposed new 1 TAC §102.31, concerning the administration of health spas pursuant to the Health Spa Act. The rule was published in the January 17, 1992 *Texas Register* (17 TexReg 374). Due to a proofreading error in paragraph (b)(1) the word "ruled" was substituted for the word "filed" in the fifth sentence. The sentence should read as follows.

"Such a member may bring an action based on the bond and recover against the surety regardless of the number of claimants or claims filed against the bond, but the liability of the surety may not exceed the aggregate amount of the bond. "

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Texas Water Commission
Meeting Notice

A meeting of the Policy Committee of the Galveston Bay National Estuary Program (GBNEP) is scheduled for: Friday, January 31, 1992, 9:30 a.m., Board Conference Room, Fourth Floor, Houston-Galveston Area Council, 3555 Timmons, Houston.

Following opening remarks and approval of minutes, a briefing concerning ongoing GBNEP activities will be presented by the management conference chairs and program staff. The committee will then hear a briefing on the preliminary fiscal year 1992 project list. The committee will then consider a strategy for funding of Comprehensive Conservation and Management Plan initiatives. The committee will then review and/or revise the management conference bylaws. The committee will then consider approval of a Local Governments Advisory Committee Restructure Plan. The committee will then consider approval of management conference committee appointments. The committee will then consider any other business, a date for the next meeting, and will adjourn.

Issued in Houston, Texas, on January 17, 1992.

TRD-9200878 Frank S. Shibley
Director, Galveston Bay National Estuary
Program
Texas Water Commission

Filed: January 21, 1992

For further information, please call: (713) 332-9937

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**Notice of Application For Waste
Disposal Permit**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of January 11-January 17, 1992.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

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

ABB Vetco Gray, Inc.; Houston; wastewater treatment facilities; at 11800 Charles Street; approximately 1.0 mile west-northwest of the intersection of U.S. Highway 290 and FM 529 in Harris County; new; 13578-01.

Aledo Independent School District; Aledo; wastewater treatment facilities; approximately one mile southwest of the intersection of Interstate Highway 20 and FM Road 1187; 4,500 feet west-northwest of the intersection of FM Road 1187 and County Road 4001 (Old Bankhead Highway) in Parker County; renewal; 13438-01.

Allen Canning Company; Lindale; a vegetable and fruit processing and canning plant; at 200 East North Street in the City of Lindale, Smith County; new; 03385.

City of Claude; wastewater treatment facility; approximately 3/4 mile east of the intersection of U.S. Highway 287 and State Highway 207 (Hurley Avenue) in the City of Claude in Armstrong County; amendment; 10042-01.

City of Corpus Christi; Whitecap Wastewater Treatment Plant; at the west end of Whitecap Boulevard, on Padre Island in the City of Corpus Christi in Nueces County; renewal 10401-09.

Cotton Bayou Manor, Inc.; Baytown; wastewater treatment facilities; approximately 0.8 mile northeast of the intersection of FM Road 3180 and FM Road 565, and 1.6 miles

south-southeast of the intersection of FM Road 31380 and Interstate Highway 10 in Chambers County; renewal; 11109-01.

Forest Cove Municipal Utility District; Humble; wastewater treatment facilities; approximately 200 feet north of the intersection of Hamblen Road and Trail Tree Lane, northeast of the City of Humble in Harris County; renewal; 10807-01.

Harris County Municipal Utility District Number 26; Houston; wastewater treatment facilities; approximately 3,500 feet east of the confluence of Spring Creek and Cypress Creek, and 9,400 feet north of FM Road 1960 in Harris County; renewal; 11406-01.

Koch Refining Company; Channelview; a bulk storage terminal which wholesales refined petroleum products; in the 16,000 block of De Zavala Road in the Town of Channelview, Harris County; renewal; 02480.

Ledbetter Marina, Inc.; Brookeland; wastewater treatment facilities; on the north side of FM Road 255, approximately four miles west of the intersection of U.S. Highway 96 and FM 255 in Jasper County; renewal; 11101-01.

Harvey D. Mayfield doing business as Harvey D. Mayfield Dairy; Dublin; dairy; on the south side of an unnamed county road, approximately two miles southwest of the intersection of FM Road 8 and FM Road 219 in Erath County; new; 03407.

Otaka, Inc.; Lindale; Rattlesnake Creek Wastewater Treatment Facilities; 5, 800 feet north and 3,500 feet east of the confluence of Rattlesnake Creek and the Neches River in Smith County; renewal; 13248-01.

Pennzoil Exploration and Production Company; Galveston; Marine Terminal-Pelican Island Wastewater Treatment Facilities; approximately 2,200 feet southeast of the intersection of Pelican Island Boulevard and the entrance road to the Pennzoil Producing Company, 500 feet northeast of the Galveston Ship Channel in the City of Galveston, Galveston County; renewal; 11679-01.

The Public Utilities Board; Brownsville; Robindale Wastewater Treatment Facilities; adjacent to and east of Robindale Road, approximately one mile north of the intersection of Robindale Road and FM Road 802 in Cameron county; renewal; 10397-05.

Edward N. Smith, Jr.; Orange; Bayou Pines Park Wastewater Treatment Plant; adjacent to and on the east side of State Highway 62, approximately one mile north of the intersection of State Highway 62 and 87 in Bridge City in Orange County; renewal; 11315-01.

City of South Houston; Old Wastewater Treatment Facilities; on the west bank of Berry Bayou, at the intersection

of Georgia and Amarillo Streets in the City of South Houston in Harris County; amendment; 10287-01.

City of South Houston; New Wastewater Treatment Facilities; on the west bank of Berry Bayou, at the intersection of Georgia and Amarillo Street in the City of South Houston in Harris County; amendment; 10287-02.

Tapia Dairy, Inc.; dairy; approximately four miles northwest of the City of Miles, approximately 2 1/4 miles northwest of the intersection of FM Roads 2333 and 1692 in Runnels and Tom Green Counties; amendment; 02966.

Texas Department of Transportation; Huntsville; Walker County (I.H.-45) Northbound Rest Area Wastewater Treatment Facilities; on the east side of Interstate Highway 45, approximately seven miles north of Huntsville in Walter County; renewal; 11326-01.

Texas Industries, Inc.; Tin Top; a sand and gravel mining and washing operating; along Tin Top Road with the mining operation adjacent to each side of the Brazos River, approximately 1.5 miles southwest of the Community of Tin Top, Parker County; renewal; 02170.

Total Road Runner, Inc., Road Runner Fuel Stop Number 91; Hooks; fuel stop with a convenience store; at the southwest corner of the intersection of Interstate Highway 30 and Main Street in the City of Hooks, Bowie County; new; 03415.

Ultra-Fish, Inc.; Willis; aquaculture and fish processing operation; adjacent to Longstreet Road and Gulf States Utilities Company's Lewis Creek Steam Electric Station and approximately 2.6 miles west-northwest of the City of Willis, Montgomery County; new; 03453.

The Uniroyal Goodrich Tire Company doing business as Ameripol Synpol Company; Port Neches; Class II and Class III industrial solid waste management facility; northeast of the intersection of FM Road 366 and Orchard Avenue in the extraterritorial area of Port Neches, Jefferson County; renewal; 03333.

Hurrshell Whitefield; Stephenville; dairy; on the north side of an unnamed county road, located north of FM Road 108 and approximately one mile east of the intersection of FM Road 108 and FM Road 219 in Erath County; new; 03280.

Issued in Austin, Texas, on January 17, 1992.

TRD-9200877 Laurie J. Lancaster
Deputy Chief Clerk
Texas Water Commission

Filed: January 21, 1992

For further information, please call: (512) 463-7906



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