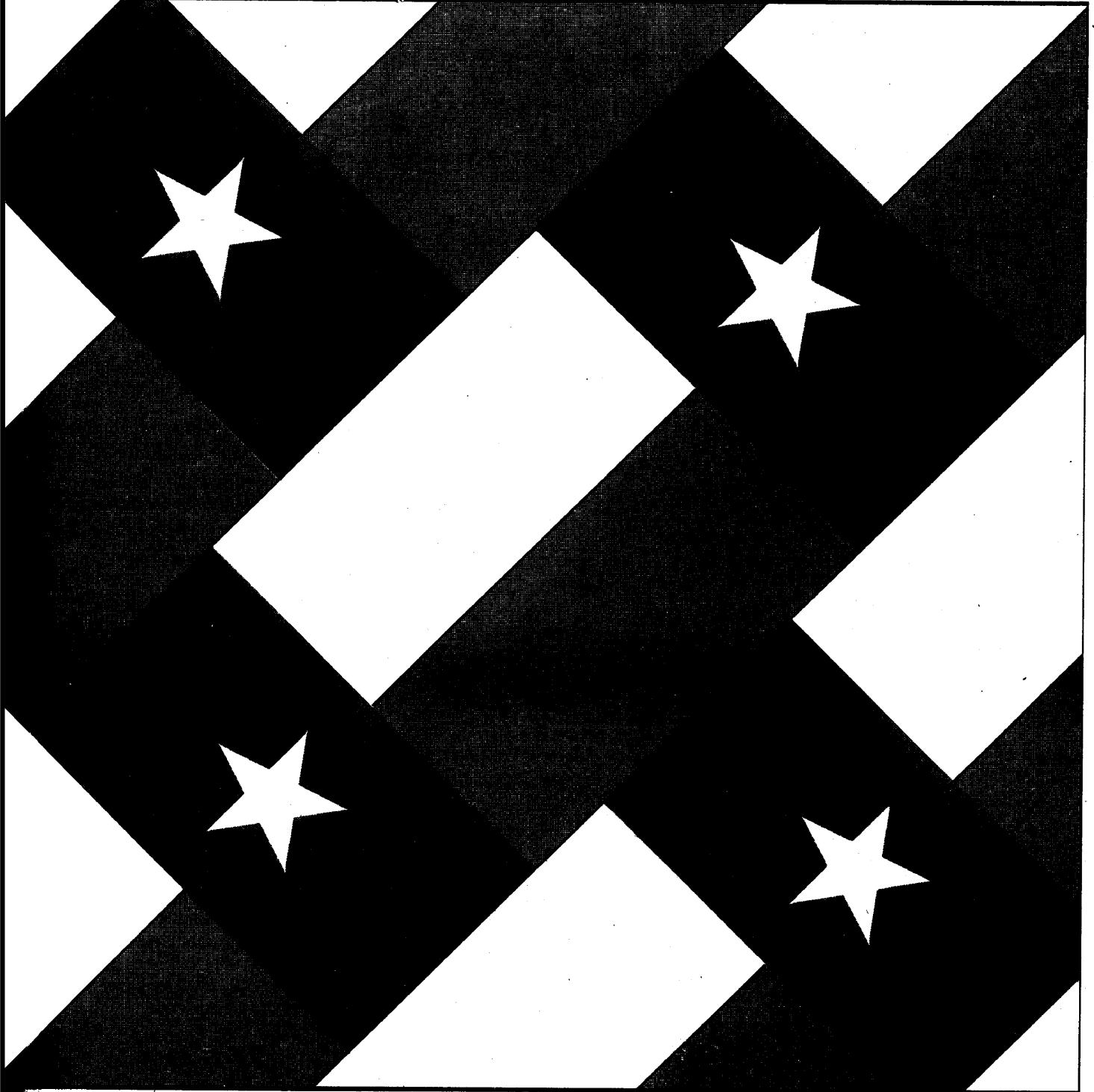


Texas Register

Volume 10, Number 36, May 10, 1985

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**Office of
the Secretary
of State**

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The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

(Editor's note: The following appointments have been submitted by the governor to the Senate of the 69th Legislature, 1985, for confirmation.)

Appointment Submitted April 29

Commission on Jail Standards

For a term to expire January 31, 1991:

Johnny Klevenhagen
Sheriff
1301 Franklin
Houston, Texas 77002

Sheriff Klevenhagen is replacing Sheriff Jack Heard of Houston, whose term expired.

Issued in Austin, Texas, on April 29, 1985.

TRD-853888 Mark White
Governor of Texas

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Appointment Submitted April 30

Finance Commission of Texas

For a term to expire February 1, 1991:

Richard H. Skinner
3209 Huntingdon Place
Houston, Texas 77019

Mr. Skinner is replacing Ronald Lee Kellett of Kingsville, whose term expired.

Issued in Austin, Texas, on April 30, 1985.

TRD-853888 Mark White
Governor of Texas

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Emergency

Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

Symbology in amended emergency rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

TITLE 25. HEALTH SERVICES Part V. Texas Health Facilities Commission Chapter 515. Commission Review of Applications Subchapter D. Evidence ★25 TAC §515.111, §515.123

The Texas Health Facilities Commission (THFC) adopts on an emergency basis amendments to §515.111, concerning discovery, and new §515.123, concerning workpapers. The THFC finds that imminent peril to the public health, safety, and welfare requires an emergency adoption of the amendments and new section because of present abuses being encountered which significantly add to the time and cost, both to the state and the public, of processing cases before the agency. Delay in adopting the amendments and new section would result in such unreasonable time and costs continuing, with resultant adverse impact upon the state, the health-care industry, and the health-care consuming public.

The amendments and new section are adopted on an emergency basis pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the THFC with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

§515.111. Discovery.

(a) Upon proper motion by any party or interested person establishing good cause therefor [and the submission of two copies of the proposed discovery order prepared in substantial compliance with the commission's authorized form], the chairman may issue an order to compel discovery of any [or all] of the following documents that are determined to be applicable to the proceeding and that are not otherwise available to the movant: [various discovery available pursuant to the APA, §14a. The procedures for seeking, objecting to, ordering, and making discovery pursuant to this section will be governed by the APA, §14a, and by this section.]

(1) a list of respondent's witnesses who will be called at the hearing, identifying each witness by name, business address, and scope of intended testimony;

(2) all exhibits which the respondent intends to offer into evidence at the hearing, as and when prepared;

(3) the indigent care policy of the respondent;

(4) the terms of the contract(s) by which an applicant acquires title to, an option on, or possession of, the project site;

(5) patient origin information of an existing respondent facility for time periods subsequent to the latest time period for which such information is available from the Texas Department of Health, or other governmental agency;

(6) utilization data by hospital department or service of an existing hospital which is the subject of a proposed project for the most recent 12-month period for which information is available;

(7) patient day utilization data by bed category of an existing nursing home which is the subject of a proposed project for the most recent 12-month period for which information is available;

(8) utilization data by category of surgical procedure at a contesting party's or interested person's ambulatory surgery center for the most recent 12-month period for which information is available;

(9) the number of licensed and staffed beds by bed category at a respondent facility, as of the date of production;

(10) room rates and ancillary charges by hospital department or service at a respondent hospital, as of the date of production;

(11) room rates by care level and payor category at a respondent nursing home, as of the date of production;

(12) charges for each category of surgical procedure, and charges for pre/postoperative tests and other ancillary charges in effect at any other ambulatory surgery center(s) in Texas owned or controlled by a respondent;

(13) revenues and expenses by hospital department or service at an existing hospital which is the subject of a proposed project for the most recent 12-month period for which information is available;

(14) documents containing or summarizing any waiting list which may exist at a contesting party's or interested person's nursing home;

(15) documents identifying those physicians, by specialty, who have indicated a professional commitment to, or who have a financial interest in, an ambulatory surgery center applicant; or

(16) audited or notarized financial statements of a contesting party's or interested person's facility for the most recent 12-month period for which information is available.

(b) No order to compel discovery of documents other than those enumerated in subsection (a)(1)-(16) of this section shall be issued except upon movant's establishing the existence of special circumstances that will substantially impair the movant's ability to prosecute its case if the requested discovery is not obtained.

(c) Parties and interested persons are not, however, prohibited from agreeing among themselves to produce or permit discovery otherwise available pursuant to the APA, §14a.

(d) A party or interested person from whom discovery is ordered is under a duty to seasonably supplement its response up to the date of the hearing if such party or interested person obtains information upon the basis of which such party or interested person knows that:

(1) the response was incorrect or incomplete when made; or

(2) the response made is no longer true and complete and the circumstances are such that failure to amend the response would be substantially misleading. The determination of when a response has or has not been seasonably supplemented will be made by the hearing officer, and upon a determination that the supplemental response has not been made seasonably, the hearing officer shall take such action he or she deems to be appropriate considering the circumstances of the specific case.

(e) A motion to compel discovery pursuant to this section must be filed with the commission and received by all other parties and interested persons to the proceeding no later than the 45th day following the dating and acceptance of the application(s). The party or interested person from whom discovery is requested shall, no later than the 52nd day following the dating and acceptance of the applications(s), file with the commission and all other parties and interested persons to the proceeding, a written response to the motion. The response shall state, with respect to each item or category of items:

(1) that the items will be produced, [inspection] or [other requested] action [will be] permitted, as requested; or

(2) (No change.)

(f) If no objection is filed to a motion for discovery of information requested under subsection (a) of this section, or if the respondent agrees to provide items requested under subsection (a) or subsection (b) of this section, such motion will be deemed to be granted and the commission will not issue an order thereon. The party or interested person from whom such information is requested shall produce it at a time and place agreed upon by the parties or interested persons, but in the event no agreement is reached, such information must be provided to the movant by 5 p.m. on the 10th calendar day preceding the hearing.

(g)(b) If objections are filed, the chairman or his designee may conduct upon

request of any party or interested person to the proceeding or on his own motion, a hearing on the motion. In ruling on the motion, the chairman shall determine whether good cause exists to order discovery and may make any of the kind of orders permitted by the Texas Rules of Civil Procedure, §166b. In the case of failure of a party or interested person to comply with an order issued pursuant to this section, the chairman may seek enforcement by suspending processing of the application until the applicant complies or by striking status as a formal party or interested person until the party or interested person complies.

§515.123. *Workpapers.* Workpapers, supporting schedules, and a list of source

documents used by a witness who will be called at the hearing relating to the testimony of said witness shall be made available for inspection during the hearing.

Issued in Austin, Texas, on May 2 1985.

TRD-853914

W. G. Kirklín
Chairman
Texas Health Facilities
Commission

Effective date: May 2, 1985
Expiration date: August 30, 1985
For further information, please call
(512) 475-8940.

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Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

Symbology in proposed amendments. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 3. Oil and Gas Division Conservation Rules and Regulations

★ 16 TAC §3.56

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Railroad Commission of Texas proposes the repeal of §3.56, concerning scrubber oil and skim oil. This section is being repealed because Statewide Rule 56 is undergoing enough revisions that it is being proposed as a new section. To propose a new Statewide Rule 56, the current Statewide Rule 56 must be repealed simultaneously.

Kimberly L. Kiplin, staff attorney, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Ms. Kiplin also has determined that for each year of the first five years the repeal is in effect there is no public benefit anticipated as a result of the repeal. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Kimberly L. Kiplin, Legal Section, Oil and Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The repeal is proposed under the Texas Natural Resource Code, §§81.052, 85.042, and 85.059, which provides the Railroad Commission of Texas with the authority to make rules to require accurate record keeping and to regulate persons and their operations under the jurisdiction of the commission.

§3.56. *Scrubber Oil and Skim Oil.*

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 May 3, 1985.

TRD-853924

Walter Earl Lille
Special Counsel
Railroad Commission
of Texas

Proposed date of adoption:

July 10, 1985

For further information, please call
(512) 445-1186.

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The Railroad Commission of Texas proposes new §3.56, concerning scrubber oil and skim hydrocarbons. The new section eliminates an inequity between oil and gas operators regarding allocation of liquid hydrocarbons recovered by the saltwater disposal system to their respective allowables. This new section also increases the tolerance or amount of hydrocarbons not required to be allocated to the allowable of the oil and gas operators so that this amount can be realistically measured.

Rita Percival, systems analyst, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The anticipated effect on state government is an estimated additional cost of \$6,750 in 1986. There is no additional cost past the first year because the cost incurred establishes this additional record keeping in the computer system. There is no anticipated cost for local government. The cost of compliance for small business is negligible because the information required to be filed will be reported on a form which currently is required to be filed with the Railroad Commission of Texas. Although minor programming will be required for those companies that file magnetic production reports to include allocations to gas leases, the cost will be negligible.

Ms. Percival also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the elimination of an existing inequity between oil and gas operators. The new section provides better accuracy in record keeping for both the state and businesses which are required to comply with the new section. The economic cost to individuals required to comply with the rule as proposed is negligible because only minor record keeping will be experienced.

Comments on the proposal may be submitted to Kimberly L. Kiplin, Legal Section, Oil and Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The new section is proposed under the Texas Natural Resources Code, §§81.052, 85.042, and 85.059, which provides the Railroad Commission of Texas with the authority to make rules to require accurate record keeping and to regulate persons and their operations under the jurisdiction of the commission.

§3.56. *Scrubber Oil and Skim Hydrocarbons.*

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Scrubber oil—Oil that is accumulated in the operation of a casinghead natural gasoline plant processing casinghead gas.

(2) Skim hydrocarbons—Oil and condensate accumulations that result from saltwater disposal skimming operations.

(3) Allocation—Charging scrubber oil/skim hydrocarbons recovered by the plant/saltwater disposal system operator back to the producing properties connected to the plant/saltwater disposal system.

(4) Tolerance—The amount of scrubber oil/skim hydrocarbons that may be recovered before the plant/saltwater disposal operator must allocate to the producing property.

(5) Identifiable slug of liquid hydrocarbons—Volume of liquid hydrocarbons that is received at the disposal facility where the origin of such liquid hydrocarbons can be clearly identified.

(b) Disposition of scrubber oil, skim hydrocarbons, and identifiable liquid hydrocarbon slugs.

(1) Scrubber oil.

(A) The tolerance amount of accumulated scrubber oil shall not exceed 0.75 of a barrel of scrubber oil per well per month. Any scrubber oil accumulated in excess of this tolerance shall be allocated to each oil producing property connected to the plant in the proportion that the volume of casinghead gas received from such producing property bears to the total volume of casinghead gas received by the plant during the reporting period. The plant operator shall have the duty to notify the operators of the allocation. The plant operator shall attach a tabulation to his plant report identifying each property and shall furnish a copy of such tabulation to the operator of each producing property to which scrubber oil is allocated.

(B) The operator of each producing property shall report such excess scrubber oil as production from the producing property and shall identify the disposition of such production as scrubber oil on the appropriate production report form for the reporting period following the reporting period covered by the plant report.

(2) Skim hydrocarbons.

(A) Single operator saltwater disposal system.

(i) All liquid hydrocarbons recovered by a saltwater disposal system receiving water from one operator shall be skimmed each reporting period and reported on the appropriate form for that reporting period. Such liquid hydrocarbons shall be allocated to each producing property in the proportion that the volume of water received from the producing property bears to the total volume of water received by the system during a reporting period. The liquid hydrocarbons recovered may be disposed of at the point of accumulation, but in such event, the operator of a saltwater disposal system shall file with the commission a report for each reporting period of his operations for each separate system on the appropriate report form in accordance with the instructions on such form, and such report shall be the authority for the movement of the hydrocarbons to beneficial disposition, provided that the disposal system has been operated within the limits of applicable regulation.

(ii) Skim or slug liquid hydrocarbons recovered from single operator systems must be reported on the skim oil/condensate report as production from the property to which it is allocated. The amount allocated shall be the total volume skimmed and shall not be subject to any tolerance provisions. The operator of the producing properties shall report the volume skimmed as production from the producing property and shall identify the disposition of such production as skim oil or skim condensate,

as applicable, on the appropriate production report form.

(B) Multiple operator saltwater disposal system.

(i) Liquid hydrocarbons recovered by a saltwater disposal system receiving saltwater from more than one operator, where the origin of the liquid hydrocarbons cannot be determined and allocated to the allowable of an individual producing property, and which are in excess of a ratio of more than one barrel of liquid hydrocarbons for each 2,000 barrels of water received into the system shall be allocated to each producing property in the proportion that the volume of water received from the producing property bears to the total volume received by the system during a reporting period.

(ii) Any liquid hydrocarbons recovered at a saltwater disposal system taking saltwater from more than one operator in excess of one barrel of liquid hydrocarbons for each 2,000 barrels of water received into the system may be disposed of by the disposal system operator, but that volume of excess liquid hydrocarbons shall be allocated to each producing property served by the system in the proportion that the volume of water received from the producing property bears to the total volume received by the system during a reporting period. The saltwater disposal system operator has the duty to notify the operator of each producing property of any allocation by furnishing a copy of the allocations as shown on the report form. The operator of each producing property shall report the total production on the appropriate report form as the sum of the volume allocated and the volume actually produced. The disposition of the allocated volume charged back shall be shown as skim oil or as skim condensate, as applicable, on the appropriate form.

(iii) The operator of a saltwater disposal system serving multiple operators' properties shall file with the commission a report for each reporting period of his operations for each separate system on the appropriate report form in accordance with the instructions on such form, and such report shall be the authority for the movement of skim hydrocarbons to beneficial disposition, provided that the disposal system has been operated within the limits of applicable regulation.

(3) Identifiable liquid hydrocarbon slugs.

(A) An identifiable slug of liquid hydrocarbons may be accounted for by the plant/saltwater disposal system operator. If the plant/saltwater disposal system operator accounts for the slug, such slug may be disposed of by the plant/saltwater disposal system operator. The total volume of the slug shall be allocated to the producing property and shall be reported on the appropriate production report form as pro-

duction from such producing property. The disposition of such production shall be shown as either skim oil, skim condensate, or scrubber oil, depending upon which production report form is used.

(B) If the plant/saltwater disposal system operator does not account for an identifiable slug of liquid hydrocarbons, such slug must be returned to the producing property within the reporting period in which the slug is received at the disposal facility. The appropriate commission district office must be notified by the plant/saltwater disposal system operator prior to the return of such slug. The plant/saltwater disposal system operator shall not be required to report the slug volume; such volume shall be reported by the operator as production from the producing property.

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 May 3, 1985.

TRD-853925

Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:

July 10, 1985

For further information, please call
(512) 445-1188.

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Chapter 9. LP-Gas Division Subchapter B. Basic Rules

★16 TAC §9.52

The Railroad Commission of Texas, LP-Gas Division, proposes amendments to §9.52, concerning instructions for both employees of LP-gas licensees and members of the consuming public, concerning the use of LP-gas equipment and appliances. These amendments are proposed simultaneously with the proposed repeal of §9.53, since the second subsection of these amendments incorporates the substantive provisions of old §9.53.

Thomas D. Petru, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is increased clarity in regulation of LP-gas and greater protection of the public through instructions provided to employees of LP-gas licensees and to consumers of LP-gas products. There is no an-

anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendments are proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to any and all aspects of the LP-gas industry which protect the health, welfare, and safety of the general public.

§9.52. Employee Instructions and Consumer Instructions.

(a) Any [The] licensee who employs or utilizes an individual in LP-gas related activities shall provide that individual with complete instructions on [covering] the operation, installation, and maintenance of the LP-gas [liquefied petroleum gas] equipment and/or appliances with which the individual works [for each employee performing any or all of the functions listed in this section].

(b) Any person who sells or installs an LP-gas appliance shall give to the person purchasing such appliance any available instructions for the safe use of the appliance.

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 May 3 1985.

TRD-853935 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
June 10, 1985
For further information, please call
(512) 475-1301.

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★ 16 TAC §9.53

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Railroad Commission of Texas, LP-Gas Division, proposes the repeal of §9.53, concerning instructions required for members of the consuming public. This repeal is proposed simultaneously with the proposed amendments to §9.52, which incorporate the substantive provisions of §9.53.

Thomas D. Petru, LP-Gas Division director, has determined that for the first five-year period the repeal will be in effect

there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Petru also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is increased clarity in regulation of the LP-gas industry. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967.

The repeal is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to any and all aspects of the LP-gas industry which protect or tend to protect the health, welfare, and safety of the general public.

§9.53. Consumer Instructions.

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 May 3, 1985.

TRD-853936 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
June 10, 1985
For further information, please call
(512) 475-1301.

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Subchapter C. Division I

★ 16 TAC §9.78

The Railroad Commission of Texas, LP-Gas Division, proposes amendments to §9.78, concerning the repair and requalification of LP-gas containers covered by regulations in Division I of the safety rules. The amendments allow for repair work to U.S. Department of Transportation (DOT) containers and to portable American Society of Mechanical Engineers (ASME) containers when such repair is conducted under the guidelines established in the revised rule for Category A licensees of the division.

Thomas D. Petru, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications as a result of enforcing or administering the rule. The division does however anticipate the regulation itself will alter the activity of some offices within the division. The director does not foresee hiring new personnel or requiring a greater workload for those already

present in a way that would increase division payroll or administrative costs. There is no anticipated economic effect on local governments. The only costs to be incurred by small businesses as a result of this rule are those associated with postage and handling of report forms, as well as the production of a marking tool for the identifying symbol required by the rule. Other costs which may be incurred are those normally associated with the process of repairing containers in compliance with ASME or DOT specifications, and the divisions cannot determine how these regulations might affect costs. The anticipated cost for large and small businesses is the same.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the availability of repaired containers in the marketplace under regulations which will protect the safety of the public. The cost of compliance for an individual is the same as the cost for a small business.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967

The amendments are proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to any and all aspects of the LP-gas industry which protect the health, welfare, and safety of the general public.

§9.78. Repair and Requalification of Containers. United States Department of Transportation (DOT) containers which are [shall] not subject to the jurisdiction of the DOT or the Interstate Commerce Commission (ICC) (see §9.1(2)(B) of this title (relating to Application of Rules)) may be repaired and requalified for use in Texas under the following conditions [be refilled unless they have been requalified and maintained in accordance with ICC or DOT requirements. When so requalified by an approved testing station, they shall be restamped as prescribed by the ICC or DOT].

(1) Repair work on a container covered by this section may be performed only by a Category A licensee of the division.

(2) Repair to a container covered by this section must be documented by the licensee making such repair. The licensee making repair must file an LPG Form 8-A with the division prior to placing a repaired container in service in Texas or to selling such container to any individual for use in Texas. On this form the licensee shall certify at the conclusion of any repair that the container, as repaired, is safe for use in LP-gas service in Texas.

(3) Each licensee who repairs containers pursuant to this section shall register with the division a numerical, alphabetical,

or geometrical symbol. This symbol shall be used to identify the licensee's repair work and it must be unique to the licensee. The division shall not register a symbol as that of a licensee if that symbol, or one substantially like it, has been previously registered to another licensee.

(4) No symbol required by this section may be used for the purpose set forth in this section by any person other than the licensee to whom the symbol is registered.

(5) After repair of any container covered by this section, the licensee making repair shall stamp into the top head of the container the symbol of the licensee. The symbol shall be stamped in such a way that the marking does not diminish the integrity of the container, and in such a way as to be readily visible upon inspection of the container.

(6) No container covered by this section may be used in LP-gas service in Texas or sold for use in LP-gas service in Texas if it has been repaired and if there is no symbol on the container as required by paragraph (5) of this section.

(7) No container covered by this section may be used in LP-gas service in Texas if it has been repaired and if there is no documentation on file with the division as required by paragraph (2) of this section.

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 May 3, 1985.

TRD-853939 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
June 10, 1985

For further information, please call
(512) 475-1301.

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★ 16 TAC §9.79

The Railroad Commission of Texas proposes amendments to §9.79, concerning the examination of Division I containers by those persons servicing such containers. The amendments are proposed in conjunction with amendments to §9.78, which allows repair and recertification of certain U.S. Department of Transportation (DOT) containers and portable American Society of Mechanical Engineers (ASME) containers.

Thomas D. Petru, LP-Gas Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is greater safety in the marketplace because those persons servicing LP-gas containers under this section will be required to fully inspect each container before filling to ensure that minimum standards have been met. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967

The amendments are proposed under the Texas Natural Resources Code, §113.51, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules relating to any and all aspects of the LP-gas industry which protect or tend to protect the health, welfare, and safety of the general public.

§9.79. Examination of Containers.

(a) Before filling a [an ICC or] U.S. Department of Transportation (DOT) container [for use with LP-gas] the person servicing [service man] shall examine such container carefully. Where the [such] container is found to be dented or[,] bulged, [or] where the metal is gouged [out by rough handling], or where there is evidence of [serious] corrosion which substantially reduces the integrity of the container, such container may [cylinder shall] not be filled.

(b) Before filling a DOT container, the person servicing shall examine such container carefully to detect any repair of the container. If there is evidence of repair to the container, and if there is no symbol visible on the container as required in §9.78 of this title (relating to Repair and Recertification of Containers), then such container may not be filled.

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 May 3, 1985.

TRD-853940 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
June 10, 1985

For further information, please call
(512) 475-1301.

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 325. Solid Waste Management

(Editor's note: A notice appeared in the May 7, 1985, issue of the Texas Register indicating that the following proposals would appear in this issue. Proposed date of adoption for the documents is July 20, 1985.)

The Texas Department of Health proposes amendments to §§325.3, 325.5, 325.31, 325.32, 325.42, 325.51, 325.52, 325.55, 325.60-325.62, 325.71-325.75, 325.91-325.95, 325.111, 325.121-325.124, 325.133, 325.136, 325.137, 325.140, 325.150, 325.152-325.154, 325.171, 325.183, 325.221, and 325.222, concerning definitions, collection and transportation, types of sites, permits, permit exemptions, transfers of permits/applications/property ownership, preparation and submission of an application, the land use public hearing, application and data requirements, the application review process, standards for protection of ground and surface waters, site access control, disposal of special and Class I wastes, materials along the route to the site, cover frequencies, site completion and closure procedures, post-closure maintenance, sanitation and vector control at processing facilities, and surveillance and enforcement policy. The department also proposes new §325.114, concerning evidence of financial responsibility for sites operating as solid waste land disposal facilities.

The department proposed amendments to several of the sections previously mentioned in the February 5, 1985, issue of the Texas Register. Significant public comment was received regarding some of the proposed amendments, therefore, the department is reproposing the amendments and including revisions made as a result of public comment. Other rules which were affected by the resulting revisions are proposed for amendment at this time. The amendments now proposed differ from the previously proposed amendments in the following major areas.

Definitions—The definitions of construction-demolition waste, population equivalent, and putrescible waste have been expanded to minimize misinterpretation.

Collection requirements—The title of the subchapter has been redesignated as collection and transportation requirements, and specific responsibilities of waste transporters have been included, along with associated penalties for noncompliance.

Types of sites—Limitations have been placed on the permitting of Type II and

Construction-demolition waste—Waste which typically results [resulting] from construction or demolition projects and includes all materials which are directly or indirectly the byproducts of construction work or which result from demolition of buildings and other structures, including, but not limited to paper, cartons, gypsum board, wood, excelsior, rubber, and plastics.

Population equivalent—The hypothetical population which would generate an amount of solid waste equivalent to that actually being managed based on a generation rate of five pounds per capita per day and applied to situations involving solid waste not necessarily generated by individuals. For the purposes of these sections, the following population equivalents shall apply:

(A) 5,000 persons—12½ tons or 38½ cubic yards per day;

(B) 1,500 persons—3¾ tons or 11½ cubic yards per day;

(C) 1,000 persons—225 pounds of wastewater treatment plant sludge per day (dry—weight basis).

Putrescible waste—Organic [Solid] wastes, such as garbage, wastewater treatment plant sludge, and grease trap waste, which is [are] capable of being decomposed by anaerobic organisms [microorganisms] with sufficient rapidity as to cause nuisances from odors or gases [and] or capable of providing food for, or attracting, birds, animals, and disease vectors.

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 April 30, 1985.

TRD-853798

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271.

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Subchapter C. Municipal Solid Waste Collection and Transportation

★ 25 TAC §§25.31, §25.32

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§25.31. Applicability. This subchapter shall be applicable to all public and private collection and transportation systems. Additional requirements for the collection and transportation of hazardous wastes are contained in §§25.271-25.350 of this title (relating to Hazardous Waste Management).

§25.32. Collection and Transportation Requirements.

(a) (No change.)

(b) Transporters of municipal solid waste shall be responsible for assuring all solid waste they collect is unloaded only at facilities authorized to accept the type of waste being transported. Off-loading at an unauthorized location or at a facility not authorized to accept such waste is a violation of these sections and, upon conviction, the violator will be subject to civil penalties of no less than \$100 or more than \$2,000 for each act of violation. [Persons engaged in the collection or hauling of municipal solid waste shall only deposit solid waste in authorized solid waste facilities. All such persons shall maintain records for at least one full year to document that waste is going to an authorized solid waste facility. Upon request of the department, a transporter is responsible for providing adequate documentation regarding the destination of all such collected waste. Collectors shall maintain on each vehicle a written procedure requiring all drivers to unload only at specifically identified authorized solid waste facilities and the owner/operator shall maintain billing documents to prove that the procedure is being followed.]

(c) All transporters of solid waste shall maintain records for at least one year to document that waste was taken to an authorized solid waste facility. Upon request of the department, a transporter is responsible for providing adequate documentation regarding the destination of all collected waste. Collectors shall maintain on each vehicle a written procedure requiring all drivers to unload only at specifically identified authorized solid waste facilities, and the owner/operator shall maintain billing documents to prove that the procedure is being followed. [Improper disposal by collectors shall be grounds for the department to require removal of the deposited waste from the unauthorized disposal facility and transportation of said waste to an authorized disposal facility or other penalties as authorized by law.]

(d) Each transporter delivering waste to a solid waste management facility shall provide a certificate to the operator that he has so arranged his routes to eliminate non-allowable wastes from the loads he transports to that facility. This certificate shall also state that the transporter will remove any putrescible wastes dumped by him immediately after their discharge or that, at the option of the disposal facility operator, he will pay any applicable surcharges to have the disposal facility operator ac-

complish the required immediate removal for him. Allowable wastes at a particular solid waste management facility may be determined by reviewing the following as applicable:

(1) §§25.41 and §25.42 of this title (relating to Classification of Municipal Solid Waste Sites);

(2) §§25.111-25.114, 25.121-25.124, and 25.131-25.135 of this title (relating to Operational Standards for Solid Waste Land Disposal Sites);

(3) §§25.171-25.173, and 25.181-25.190 of this title (relating to Operational Standards for Solid Waste Processing and Experimental Sites);

(4) §§25.411-25.415, 25.431, 25.432, 25.441-25.447, 25.461-25.465, 25.481-25.484, 25.501-25.504, 25.511-25.514, and 25.531-25.534 of this title (relating to Management of Sludges and Similar Wastes).

(e) At any time that nonallowable wastes are discovered in a load of waste being discharged at a municipal solid waste facility, the transporter shall immediately take all necessary steps to determine the origin and alter his routes to assure that in the future such wastes are either not collected by him or are taken to a facility approved to accept such wastes.

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 April 30, 1985.

TRD-853799

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271.

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Subchapter D. Classification of Municipal Solid Waste Sites

★ 25 TAC §25.42

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§25.42. Types of Municipal Solid Waste Sites. The department has classified all solid waste sites and facilities according to

function and/or population equivalency served. Subject to the limitations in §§325.135 of this title (relating to Industrial Wastes) and §325.136 of this title (relating to Disposal of Special Wastes), a municipal solid waste landfill site may also receive mixed wastes, and with the written approval of the department may also receive special wastes, including Class I nonhazardous solid waste and hazardous waste from small quantity generators, if properly handled and safeguarded in the landfill site.

(1) Municipal solid waste site—Type I. A Type I site shall be considered to be the standard landfill for the disposal of municipal solid waste and is encouraged in all cases. Type I operations are required for sites serving 5,000 persons or more, or the [same] population equivalent. All solid waste deposited in a Type I site shall be compacted and covered at least daily except for areas designated to receive only brush and/or construction-demolition wastes which shall be covered at least monthly. The department may authorize the designation of special-use areas for processing, storage, and disposal or any other functions involving solid waste. The operational standards prescribed in §§325.111-325.113, 325.114, 325.121-325.124, and 325.131-325.154 of this title (relating to Operational Standards for Solid Waste Land Disposal Sites) shall be followed.

(2) Municipal solid waste site—Type II. A Type II site or operation may be authorized by the department for a site serving less than 5,000 persons or the [same] population equivalent, and receiving less than 12½ tons of solid waste per day, when relevant factors indicate a frequency of less than daily compaction and cover will not result in any significant health problems. No new Type II sites, or extensions to existing Type II sites, may be authorized to serve only a portion of a city, including its extraterritorial jurisdiction, or a combination of cities with contiguous city limits or extraterritorial jurisdictions, with a population equivalent of 5,000 persons or more. A Type II operation shall not be conducted within 300 yards of a public road unless the department, after a site evaluation, determines that the proposed operation in the proposed location will be acceptable. The operational standards prescribed in §§325.111-325.113, 325.114, 325.121-325.124, and 325.131-325.154 of this title (relating to Operational Standards for Solid Waste Land Disposal Sites) shall be followed except that the frequency of compaction and cover may be extended up to seven days. The prescribed frequency will constitute the minimum standard for the site with the obligation of the operator to cover more frequently when conditions so warrant. Areas designated to receive only brush and/or construction-demolition wastes shall be covered at least monthly. The department may authorize the designation of special-use areas for processing, storage,

and disposal or any other functions involving solid waste.

(3) Municipal solid waste site—Type III. A Type III site or operation may be authorized by the department for a site serving less than 1,500 persons or the [same] population equivalent, and receiving less than 3¾ tons of waste per day. No new Type III sites, or extensions to existing Type III sites, may be authorized to serve only a portion of a city, including its extraterritorial jurisdiction, or a combination of cities with contiguous city limits or extraterritorial jurisdictions, with a population equivalent of 1,500 persons or more. A Type III site shall not be operated within 300 yards of a public road unless the department, after a site evaluation, determines [that] the proposed operation in the proposed location will be acceptable. The operational standards prescribed in §§325.111-325.113, 325.114, 325.121-325.124, and 325.131-325.154 of this title (relating to Operational Standards for Solid Waste Land Disposal Sites) shall be followed, except that the frequency of compaction and covering will be specified by the department. Waste shall be compacted and covered monthly unless another schedule is approved or required by the department.

(4) Municipal solid waste site—Type IV. A Type IV site or operation may be authorized by the department for the disposal of brush, construction-demolition waste and/or rubbish (trash) that are free of putrescible [other solid] wastes. A Type IV operation shall not be operated within 300 yards of a public road unless the department, after a site evaluation, determines that the proposed operation in the proposed location will be acceptable. The minimum operational standards are prescribed in §§325.111-325.113, 325.114, 325.121-325.124, and 325.131-325.154 of this title (relating to Operational Standards for Solid Waste Land Disposal Sites). Waste shall be compacted and covered monthly unless another schedule is approved or required by the department.

(5)-(6) (No change.)

(7) Municipal solid waste site—Type VII. A Type VII site or operation may be authorized by the department for the land management of sludges and/or similar wastes. Operational standards, depending on the particular waste, site purpose, and method of operation (land application for beneficial use, land disposal to include land-filling and land treatment, etc.) are contained in §§325.411-325.415, 325.431, 325.432, 325.441-325.447, 325.461-325.465, 325.481-325.484, 325.501-325.504, 325.511-325.514, and 325.531-325.534 of this title (relating to Management of Sludges and Similar Wastes.) [treatment of sludge. The operational standards for Type VII sites are prescribed in §325.484 of this title (relating to Operational Requirements).]

(8)-(9) (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 April 30, 1985.

TRD-853800

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271

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Subchapter E. Permit Procedures and Design Criteria Permits

★ 25 TAC §§325.51, 325.52, 325.55, 325.60-325.62

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.51. *General.* No municipal solid waste site shall be operated without a permit from the department or a license from a county exercising licensing authority, except as authorized herein and in §325.52 of this title (relating to Permit Exemptions). Sites in operation prior to October 16, 1974, or previously licensed may remain in operation pending completion of processing of the application, providing the site is otherwise in full compliance with these sections. A separate permit or license shall be required for each site or facility, and the department, at its discretion, may include one or more different types of facilities in a single permit if the facilities are collocated on the same site. A permit or license may be issued by the department or a county, respectively, only after an opportunity for a hearing has been provided to the applicant and persons affected. See §§325.71-325.75 of this title (relating to Application and Data Requirements) and §§325.91-325.95 of this title (relating to Application Review Process) for departmental procedures and §§325.241-325.243 of this title (relating to County Governments with Licensing Authority) for minimum requirements for a county licensing program. The permitting of low-level radioactive waste processing, storage, and disposal facilities is not covered by these sections [regulations]. The chief, Bureau of Radiation Control, Texas Department of Health, should

Construction-demolition waste—Waste which typically results [resulting] from construction or demolition projects and includes all materials which are directly or indirectly the byproducts of construction work or which result from demolition of buildings and other structures, including, but not limited to paper, cartons, gypsum board, wood, excelsior, rubber, and plastics.

Population equivalent—The hypothetical population which would generate an amount of solid waste equivalent to that actually being managed based on a generation rate of five pounds per capita per day and applied to situations involving solid waste not necessarily generated by individuals. For the purposes of these sections, the following population equivalents shall apply:

(A) 5,000 persons—12½ tons or 38½ cubic yards per day;

(B) 1,500 persons—3¾ tons or 11½ cubic yards per day;

(C) 1,000 persons—225 pounds of wastewater treatment plant sludge per day (dry—weight basis).

Putrescible waste—Organic [Solid] wastes, such as garbage, wastewater treatment plant sludge, and grease trap waste, which is [are] capable of being decomposed by anaerobic organisms [microorganisms] with sufficient rapidity as to cause nuisances from odors or gases [and] or capable of providing food for, or attracting, birds, animals, and disease vectors.

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 April 30, 1985.

TRD-853798

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271.

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Subchapter C. Municipal Solid Waste Collection and Transportation

★25 TAC §325.31, §325.32

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.31. Applicability. This subchapter shall be applicable to all public and private collection and transportation systems. Additional requirements for the collection and transportation of hazardous wastes are contained in §§325.271-325.350 of this title (relating to Hazardous Waste Management).

§325.32. Collection and Transportation Requirements.

(a) (No change.)

(b) Transporters of municipal solid waste shall be responsible for assuring all solid waste they collect is unloaded only at facilities authorized to accept the type of waste being transported. Off-loading at an unauthorized location or at a facility not authorized to accept such waste is a violation of these sections and, upon conviction, the violator will be subject to civil penalties of no less than \$100 or more than \$2,000 for each act of violation. [Persons engaged in the collection or hauling of municipal solid waste shall only deposit solid waste in authorized solid waste facilities. All such persons shall maintain records for at least one full year to document that waste is going to an authorized solid waste facility. Upon request of the department, a transporter is responsible for providing adequate documentation regarding the destination of all such collected waste. Collectors shall maintain on each vehicle a written procedure requiring all drivers to unload only at specifically identified authorized solid waste facilities and the owner/operator shall maintain billing documents to prove that the procedure is being followed.]

(c) All transporters of solid waste shall maintain records for at least one year to document that waste was taken to an authorized solid waste facility. Upon request of the department, a transporter is responsible for providing adequate documentation regarding the destination of all collected waste. Collectors shall maintain on each vehicle a written procedure requiring all drivers to unload only at specifically identified authorized solid waste facilities, and the owner/operator shall maintain billing documents to prove that the procedure is being followed. [Improper disposal by collectors shall be grounds for the department to require removal of the deposited waste from the unauthorized disposal facility and transportation of said waste to an authorized disposal facility or other penalties as authorized by law.]

(d) Each transporter delivering waste to a solid waste management facility shall provide a certificate to the operator that he has so arranged his routes to eliminate non-allowable wastes from the loads he transports to that facility. This certificate shall also state that the transporter will remove any putrescible wastes dumped by him immediately after their discharge or that, at the option of the disposal facility operator, he will pay any applicable surcharges to have the disposal facility operator ac-

complish the required immediate removal for him. Allowable wastes at a particular solid waste management facility may be determined by reviewing the following as applicable:

(1) §§325.41 and §325.42 of this title (relating to Classification of Municipal Solid Waste Sites);

(2) §§325.111-325.114, 325.121-325.124, and 325.131-325.154 of this title (relating to Operational Standards for Solid Waste Land Disposal Sites);

(3) §§325.171-325.173, and 325.181-325.190 of this title (relating to Operational Standards for Solid Waste Processing and Experimental Sites);

(4) §§325.411-325.415, 325.431, 325.432, 325.441-325.447, 325.461-325.465, 325.481-325.484, 325.501-325.504, 325.511-325.514, and 325.531-325.534 of this title (relating to Management of Sludges and Similar Wastes).

(e) At any time that nonallowable wastes are discovered in a load of waste being discharged at a municipal solid waste facility, the transporter shall immediately take all necessary steps to determine the origin and alter his routes to assure that in the future such wastes are either not collected by him or are taken to a facility approved to accept such wastes.

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 April 30, 1985.

TRD-853799

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271.

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Subchapter D. Classification of Municipal Solid Waste Sites

★25 TAC §325.42

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.42. Types of Municipal Solid Waste Sites. The department has classified all solid waste sites and facilities according to

quirements and operational standards for these types of facilities. Materials extraction or gas recovery operations shall not be conducted unless a permit for such purpose has been obtained from the department. However, exploratory and test operations for feasibility purposes may be conducted if a registration is obtained from the department. Inasmuch as design and operational requirements for these types [type] of operations may be site-specific and may involve proprietary design and process data, registration/application and operational requirements shall be determined through consultation with the department.

§325.52. *Permit Exemptions.*

(a) A permit is not required for a site where the only operation is the beneficial use of [a] municipal wastewater treatment plant sludge, septage, or water supply treatment plant sludge by applying it to the land as provided for in §325.462 of this title (relating to Basic Requirements for Land Application), §325.533 of this title (relating to Septage), and §325.534 of this title (relating to Water Supply Treatment Plant Sludge), respectively [§§325.461-325.465 of this title (relating to Land Application for Beneficial Use)]. Sites exempted from a permit under this subsection shall be registered with the department in accordance with §325.462 of this title (relating to Basic Requirements for Land Application) [and registration acknowledged by letter prior to operation]. Failure to operate such registered sites in accordance with the requirements established in §§325.461-325.465 of this title (relating to Land Application for Beneficial Use) shall be grounds for the revocation of the registration.)

(b)-(d) (No change.)

§325.55. *Transfer of Permits/Applications/Property Ownership and Name Changes.*

(a) Within 30 days after a change in the corporate designation of the permittee or permit applicant, the sale of a partner's interest in a partnership, the transfer of title to the land whether or not the permittee is the land owner, or more than 50% of the corporate stock or assets are controlled by someone other than the permit holder or permit applicant, the permittee or applicant of record and the person now having the controlling interest shall file an application with the department for transfer of the permit or permit application. Failure to obtain a transfer or failure to give complete information or the submission of false information in the application shall constitute grounds for denial of the transfer. Such failure to obtain a permit transfer may result in the department initiating procedures for subsequent revocation of the permit or referral to the attorney general for appropriate legal relief. The application shall include such information as is applicable in subsection (b) of this section.

(b) The applicant should consult with the department prior to completion of the transfer application to determine specific requirements for information which must accompany the application. The transfer of the permit shall be for the remaining life of the permit. Upon submission of required information to the satisfaction of the department, the decision will be made concerning the transfer. Pending a decision on the transfer, the department will hold the current permittee or applicant of record for an operating site responsible for the proper operation of the site. [Failure to initiate a transfer will cause the department to close the site for operating without a permit. Also, failure to give complete information or the submission of false information in the application shall constitute grounds for rejection of the application.] The application shall be submitted in the form of a letter and shall normally provide the following information, as applicable, except when determined otherwise in consultation with the department:

(1) Evidence [A statement from the present permit holder or applicant that it is his desire that the permit or application be transferred and] that the new operator has the authority necessary to operate a municipal solid waste site within the boundaries of the site as described in the legal description included in the permit or application. If a change in property ownership is involved, the name and mailing address of the new property owner shall be provided.

(2) (No change.)

(3) Evidence of financial responsibility which assures the department that the applicant has sufficient assets to properly operate the site and to provide proper closure. A firm commitment to provide back-up equipment by lease, purchase, or diversion from other activities is part of this responsibility. This assurance may be in the form of performance bonds, letters of credit from recognized financial institutions, company stockholder reports, trust funds, or insurance [etc.] in the case of privately owned facilities and by commissioners' court or city council resolution in the case of publicly owned facilities. The department shall have the authority to require such financial responsibility as it deems appropriate.

(4) Evidence of competency to operate the site, including [to include] land-filling and earthmoving experience, [or such] other pertinent experience, or department letters of competency possessed by [of] key personnel and the number and size of each type of [numbers, makes, models, and condition of all] equipment to be dedicated to site operation. The applicant shall submit a list [record] of all solid waste sites operated [his activities involving solid waste management] in Texas within the last 10 years as well as in all other states, territories, or countries. The type of site operated in each state, territory, or country shall be

identified by location, operating dates, name and address of regulatory agency, and the name under which the site was operated. If the applicant does not have a prior site operating record, he must possess a department letter of competency as described in §§325.381-325.391 of this title (relating to Solid Waste Technician Training and Certification Program) for the type of facility involved, evidence of equivalent qualification, or evidence that the proposed site supervisor has such qualification. The department may require that an appropriately qualified site supervisor be employed before commencing site operation. The names of the principals and supervisors of the applicant's organization shall be provided, together with previous affiliations with other organizations engaged in solid waste activities.

(5)-(6) (No change.)

(7) A statement from the owner of the land described in the application, witnessed and notarized, in two copies, substantially equivalent to §325.905 of this title (relating to Appendix E—Form for Property Owner Affidavit), when the applicant is not a city, county, state agency, or federal agency [the owner of the land].

§325.60. *Preparation of Application.*

(a) The application for a permit shall be prepared and signed by the applicant on a form to be provided by the department or in a format specified by sections in this subchapter for specific types of sites. In general, the application shall include information necessary to make an evaluation of the proposed operation to ensure that the facility is located, designed, and operated so that the health, welfare, and physical property of the public as well as the environment and endangered species are protected. Failure to give complete information as required by these sections [requested on the application form, or the submission of false information,] may constitute grounds for the department's return [rejection] of the application without further action. Likewise, the submission of false information shall constitute grounds for disapproval of the application or subsequent revocation of the permit. See §§325.71-325.75 of this title (relating to Application and Data Requirements) [and §325.443 of this title (relating to Dedicated Land Disposal Sites)] for specific requirements for the type of facility for which a permit is desired.

(b)-(d) (No change.)

§325.61. *Submission of Application.* The application for a permit shall be submitted to the department with all the supporting data in the number of copies prescribed in the instructions on the application form unless otherwise advised. Following [Upon] receipt of the application, the department will forward to the applicant a notice of filing of application which the applicant, at his own expense, shall [will] cause to be published one time in a newspaper of

general circulation in the county in which the solid waste site is located. Such publication shall be accomplished [within 15 days after receipt of such notice] by the applicant, and a publisher's affidavit relative to such publication shall be forwarded to the department immediately thereafter. **Processing of the application by bureau staff will not commence until the publisher's affidavit has been received.** The publication of this notice of filing of application shall be in addition to the publication of the notice of opportunity for a public hearing and/or the notice of public hearing required by §325.93 of this title (relating to Scheduling and Preparation for a Public Hearing). For a facility to be located within a county which exercises licensing authority but not within the territorial or extraterritorial jurisdiction of a city or town, the prospective applicant should consult with the appropriate county for any special application requirements.

§325.62. Land Use Public Hearing. The department [, upon its own motion or upon the request of a permit applicant,] may process a permit application or partial application to the extent necessary to determine land use compatibility alone. If the site is determined to be acceptable on the basis of land use, the department will consider technical matters related to the application at a later time. When this procedure is followed, **an opportunity for a public hearing will be offered [held] for each determination in accordance with §§325.91-325.95 of this title (relating to Application Review Process).** For the purposes of the land use determination [public hearing], the applicant shall [will] be required to submit, as a minimum, Part A of the permit application and all data required by §325.74(b)(5) (A) and (b)(6)(A)-(D) of this title (relating to Technical Information Required for Landfill Sites Serving 5,000 Persons or More—Site Development Plan) or §325.75 (b)(5)(A) and (b)(6)(A)-(D) of this title (relating to Technical Information Required for Solid Waste Processing and Experimental Sites), as appropriate

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 April 30, 1985

TRD-853801 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:
July 20, 1985

For further information, please call
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Subchapter E. Permit Procedures and Design Criteria

Application and Data Requirements

★25 TAC §§325.71-325.75

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.71. General.

(a) (No change.)
(b) All of the application and data requirements indicated in §§325.51-325.62, 325.71-325.75, and 325.91-325.95 of this title (relating to Permit Procedures and Design Criteria) and §§325.271-325.276, 325.291-325.299, 325.311-325.316, 325.321-325.324, and 325.331-325.350 of this title (relating to Hazardous Waste Management), as applicable, shall be submitted by a permit applicant prior to a public hearing on the application; except that the chief of the bureau, or his designated representative, may temporarily waive any requirement which he considers not essential to the evaluation of the application or for holding a public hearing. A temporary waiver/variance shall be affirmed, modified, or set aside at the public hearing or during the final decision-making process. The applicant is responsible for presenting justification at the public hearing for the waiver/variance temporarily granted by the chief of the bureau. The department strongly recommends that the prospective applicant confer as early as possible with appropriate representatives of the bureau to discuss the information contained in Part A and to obtain guidance for conducting the soils investigation and preparation of the design for the proposed facility. Discussions at such a conference can result in determining the degree of detail required in the preparation of supporting data or in the identification of data that may not be required for the particular facility. Except as may be otherwise determined as unnecessary for a specific site by the chief of the bureau in accordance with this subsection, the information required by the rules [regulations] is the minimum required to process an application. All aspects of the application and design requirements must be addressed by the applicant, even if only to show why they are not applicable for the particular site. It is the responsibility of the applicant to provide the department technical data of sufficient completeness, accuracy, and clarity to provide assurance that the operation of the site will pose no reasonable probability of adverse effects on the health, welfare, environment, or physical property of nearby residents or property owners. The applicant

is also responsible for determining any site-specific conditions which require special design considerations that may exceed the minimum criteria contained in these rules [regulations]. The Part B or site development plan shall become a part of the permit, if issued, and the permittee shall be required to comply with the design and the construction and operating procedures.

§325.72. General Information Required for All Sites—Permit/Registration Application, Part A.

(a) (No change.)
(b) The following shall [will] be submitted, in the number of copies indicated, with Part A of the permit application unless otherwise advised:
(1) (No change.)
(2) when the applicant is not a city, county, state agency, or federal agency and is not the owner of record of the land described in the application, or does not have an option to buy the land, the applicant shall secure and submit with the application, except as provided in this paragraph, a statement from the owner substantially equivalent to §325.905 of this title (relating to Appendix E—Form for Property Owner Affidavit). The owner-signed statement shall be witnessed and notarized. If the owner does not sign this affidavit, the applicant shall provide the department with reasonable evidence that the property owner has been properly notified and advised of his responsibilities and potential liabilities [will include the owner's name and mailing address in Part A of the application. In this latter case, within approximately 10 working days of receipt by the department of Part A of the application, the Bureau of Solid Waste Management will notify the owner of record by certified mail that an application for a solid waste facility to be located on his land has been submitted to the department].
(3) for sites serving less than 5,000 persons or the population equivalent, the applicant shall submit a brief description of the general sources and generation areas contributing wastes to the site. This shall include an estimate of the initial population or population equivalent to be served by the site and the projected rate of growth in population or population equivalent.

§325.73. Technical Information Required for Landfill Sites Serving Less Than 5,000 Persons—Permit Application, Part B.

(a) (No change.)
(b) Unless otherwise excepted by the chief of the bureau or his designated representative in subsection (b) of §325.71 of this title (relating to General), Part B shall be supported by the following:
(1)-(3) (No change.)
(4) Evidence of financial responsibility which assures the department that the applicant has sufficient assets to properly

operate the site and to provide proper closure. A firm commitment to provide back-up equipment by lease, purchase, or diversion from other activities is part of this responsibility. This assurance may be in the form of performance bonds, letters of credit from recognized financial institutions, company stock-holder reports, trust funds, or insurance [etc.] in the case of privately owned facilities and by commissioners court or city council resolution in the case of publicly owned facilities. The department shall have the authority to require such financial responsibility as it deems appropriate.

(5) Evidence of competency to operate the site, including [to include] land-filling and earthmoving experience, other pertinent experience, or department letters of competency possessed by key personnel and the [size, types, and] number and size of each type of equipment to be dedicated to site operation. The applicant shall submit a list [record] of all solid waste sites operated [his activities involving solid waste management] in Texas within the past 10 years as well as in all other states, territories, or countries. The type of site operated in each state, territory, or country shall be identified by location, operating dates, name and address of the regulatory agency, and the name under which the site was operated. If the applicant does not have a prior site operating record, he must possess a department letter of competency as described in §§325.381-325.391 of this title (relating to Solid Waste Technician Training and Certification Program) for the type of facility involved, evidence of equivalent qualification, or evidence that the proposed site supervisor has such qualification. The department may require that an appropriately qualified site supervisor be employed before commencing site operation. The names of the principals and supervisors of the applicant's organization shall be provided, together with previous affiliations with other organizations engaged in solid waste activities.

§325.74. Technical Information Required for Landfill Sites Serving 5,000 Persons or More—Site Development Plan.

(a) (No change.)

(b) The site development plan shall be prepared in the format and content described as follows, except as may be otherwise determined for a specific site by the chief of the bureau in accordance with §325.71(b) of this title (relating to General):

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

(5) Design data shall [will] be reflected to the maximum extent possible on the set of attachments described in paragraph (6) of this subsection. Applicants shall [will] consider criteria that in the selection of a site and design of a facility will provide for the safeguarding of the health, welfare, and physical property of the people and the environment through consideration of geology, soil conditions, drainage,

land use, zoning, adequacy of access roads and highways, and other considerations as the specific site dictates. Applicants shall include in the support data for their permit applications information as specified in the design criteria indicated in this paragraph. It is recommended that the applicant review the operational standards for the specific type of site before completing the application. Additional information may be required of the applicant when deemed necessary by the department.

(A) (No change.)

(B) Access. [Proper access to and within the land disposal site shall be provided.] The following information [data] shall be submitted with a permit application:

(i) [Data to substantiate adequacy of public access roadways, including types of surfacing, pavement widths, complete details of upgrading required, and recent average daily traffic counts (estimated, when counts are not available). A statement must also be included stating if any significant roadway limitations (structures, surfacing, sight distances, alignment, dust hazards, weight limits, etc.) exist on these public access routes.] An estimate shall be provided of the number, sizes, and maximum weight of vehicles expected to use the site daily.

(ii) Provisions for all-weather access from publicly owned [access] routes to the disposal site and from the entrance of the site to unloading areas used during wet weather. Interior access road locations and the type of surfacing shall be indicated on a site plan. The roads within [access road into] the site shall be designed so as to minimize the tracking of mud onto the public access road. Maintenance and dust control procedures including all-weather serviceability of interior roads shall also be addressed in the overall site design and operating plan. [A design of the intersection of the public access road with the site entrance road shall be included with the overall site design. The intersection design should address turning radii, pavement width, traffic storage lanes, gates, signalization, and landscaping as appropriate.]

(iii) (No change.)

(C) Engineering considerations. The following shall be discussed as part of the design data in support of the attachments:

(i)-(vi) (No change.)

(vii) adequacy of supply, and soil characteristics, of on-site cover material, sufficient to provide a minimum of 18 inches of clayey soil (classification SC or CL as defined in the Unified Soil Classification System developed by the U.S. Army Corps of Engineers) and six inches of top soil, and any lining material that may be required. Soil balance calculations shall be provided to indicate the need for importing any materials. A soil management plan shall be provided to ensure the timely availability of

required types of soil for lining, intermediate cover, and final cover. The plan shall also ensure that the temporary storage of soils to be used and excess soils pending final disposition does not conflict with site drainage plans. Any off-site source of soil material to be used for liner or final cover construction shall be identified and tested for proof of suitability, i.e., permeability, gradation, etc., and those test results shall be submitted to the department prior to use of the material.

(viii)-(xi) (No change.)

(D) Groundwater protection.

(i) (No change.)

(ii) A facility shall be designed so as not to contaminate the groundwater beyond the boundaries of the site. As a general rule, the main concern is to protect the existing water quality from deterioration. Depth of groundwater in the area shall be indicated. For the purposes of these rules [regulations], the protection of groundwater includes the protection of perched water or shallow surface infiltration [which may now or in the future have value in low-volume, low-demand water wells]. Except as required by clause (iii)(IV) of this subparagraph [when groundwater is encountered], the minimum acceptable protection separating solid waste from groundwater or perched water shall be a naturally occurring barrier of *in situ* soil or a man-made liner which provides the [equivalent] protection of three feet of soil with a coefficient of permeability of no [not] more than 1.0×10^{-7} cm/sec, a liquid limit of no [not] less than 30, a plasticity index of no [not] less than 15, and percent passing No. 200 sieve of no [not] less than 30. These soil parameters shall be determined by ASTM test procedures or those tests which have been discussed with and approved by the department [When soils with a permeability of 1×10^{-8} cm/sec or less are used, the liner thickness may be reduced to not less than one foot, provided a protective cover of at least one additional foot of other soil is used.] Constructed liner thickness shall not be less than three feet even when soil with a coefficient of permeability of less than 1.0×10^{-7} centimeters/second is used. A protective cover of at least one foot of soil shall be provided for all constructed liners. As an alternative, the one foot of protective soil cover may be omitted if the constructed liner thickness is at least 3½ feet. *In situ* liners shall be at least four feet in thickness or three feet with a one-foot protective cover.

(iii) A soil and liner quality control plan (SLQCP) shall be included in the site development plan to provide operating personnel adequate procedural guidance for assuring continuous compliance with the groundwater protection requirements specified in clause (ii) of this subparagraph and subsection (c) of §325.122 of this title (relating to Soil and Liner Quality Control). The plan shall be portrayed

graphically in paragraph (6)(H) of this subsection (Attachment 8—Ground and Surface Water Protective Facilities) and described narratively in paragraph (6)(I) of this subsection (Attachment 12—Site Operating Plan). It shall be keyed to the sectorized fill layout, paragraph (6)(F) of this subsection (Attachment 6—Sectorized Fill Layout), for area or trench identification. The plan shall include specifications and construction methods employing good engineering practices for compaction of clay soils to form a liner under each of the four potential conditions described in subclauses (I)-(IV) of this clause and provide for soil and liner quality control testing procedures as described in clause (iv) of this subparagraph. Unless alternate construction procedures are approved by the department in writing, all constructed liners shall be keyed into an underlying formation of sufficient strength to ensure stability of the constructed lining.

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

(III) Proposed procedures shall be shown when overexcavation [only scarification] and recompaction are required for impermeable soils [with zones] containing fissures, cracks, [or] joints, bedding planes, or any other secondary natural features which increase the apparent coefficient of permeability of the *in situ* soils.

(IV) If groundwater is encountered in the disposal excavations, or in cases where excavations extend below the seasonal high-water table, the equivalent of one foot of compacted clay liner for every two feet of static water head encountered shall be used as a basis for construction of a liner between the deposited solid waste and the groundwater. The total thickness of the liner shall consist of [a base material which provides the equivalent protection of] three feet of soil with a permeability of no [not] more than 10×10^{-7} cm/sec, a liquid limit of no [not] less than 30, a plasticity index of no [not] less than 15, and percent passing No. 200 sieve of no [not] less than 30, plus an additional thickness of other material that will provide a combined total weight equal to one foot of compacted clay for every two feet of static water head. Pressure release systems may be used to reduce the amount of the liner support construction. [In no case shall the thickness of the liner or liner-barrier combination be less than three feet when groundwater is encountered at or within three feet of the bottom of the excavations or if excavations extend below the seasonal high-water table. The shearing resistance of the lining material may not be considered as justification for reducing liner thickness.]

(iv) Soil and liner quality control testing procedures, to include sampling frequency, shall be included in the SLQCP. For circumstances where constructed lining may not be required or needed, the SLQCP shall include specific details on preparation measures required for *in situ* soils prior to

their receipt of wastes. All field sampling and testing, both during construction and after completion, shall be performed by a registered professional engineer experienced in geotechnical engineering or a geologist having a college degree in geology with no less than four years of experience in engineering geology or under their direct supervision. Quality control sampling and testing procedures shall be prepared following guidelines of the department. Tests for the following parameters shall be performed in accordance with standards prescribed in subparagraph (I)(iii) of this paragraph. The minimum rate of testing of liners for quality control shall be in accordance with department guidelines.

(I)-(V) (No change.)

(v)-(vi) (No change.)

(vii) Except as may be authorized by subclause (VIII) of this clause, groundwater monitor wells shall be installed for surface impoundments, landfills, and land treatment sites. A groundwater monitoring system shall [will] consist of at least one monitor well hydraulically upgradient of the site to obtain representative background groundwater samples and at least two monitor wells hydraulically downgradient of the site to obtain representative groundwater samples that may contain contaminants from leachate. The department may require additional monitor wells when conditions warrant, particularly for large sites. The design engineer shall determine the number, location, and depth of monitor wells based on such groundwater information as depth to the water table, direction and rate of groundwater flow, recharge area in relation to the site, static water elevation with dynamic head characteristics, and depth to the first potable aquifer.

(I) Test holes drilled for soils and groundwater information shall not be converted to monitor wells [to satisfy the above requirements without prior approval by the department].

(II)-(III) (No change.)

(IV) Except as provided for in subclause (VIII) of this clause, a groundwater sampling program shall provide for obtaining four background groundwater samples of all monitor wells within 24 months from the date of the issuance of the permit. The background levels shall be established from samples collected from each well at least once during each of the four calendar quarters: January-March; April-June; July-September; and October-December. Samples from any monitor well shall not be collected for at least 45 days following collection of a previous sample, unless a replacement sample is necessary. At least one sample per well shall [must] be collected and submitted to a laboratory for analysis prior to the deposition of any solid waste on site. Background samples shall be analyzed for [in addition to] the two groups of parameters listed in items (-a-) and (-b-) of this subclause [each well sample analysis

shall include four replicate determinations for total organic carbon (TOC) content and the groundwater elevation (MSL) at the time the sample was collected].

(-a-) (No change.)

(-b-) other parameters

[nonheavy metals]:

calcium	total dissolved solids
magnesium	phenolphthalein alkalinity as CaCO ₃
sodium carbonate	alkalinity as CaCO ₃
bicarbonate	hardness as CaCO ₃
sulphate	pH
chloride	specific conductance
fluoride	groundwater elevation (MSL)
nitrate (as N)	total organic carbon (TOC) (four replicates/sample)

(V) (No change.)

(VI) Once every fourth year

following the establishment of background values, the parameters [non-heavy metals group] specified in subclause (IV)(-b)-(IV) of this clause shall be determined plus manganese and iron [in addition to the indicator parameters specified in subclause (V) of this clause].

(VII)-(VIII) (No change.)

(E) Drinking water protection.

Solid waste shall not be deposited where a hazard may result to a drinking water supply well, intake of a water treatment plant, or raw water intake which furnishes water for human consumption. If any of these are located within 500 feet of actual disposal areas, engineering data shall be provided to show that adequate protection to drinking water sources is provided. Any water or other type of well to be plugged shall be plugged in accordance with all applicable TDWR or Railroad Commission of Texas (RRC) requirements and any additional requirements imposed by the department. Therefore, to meet all requirements, such wells shall have all removable casing removed and be pressure plugged with bentonite mud from the bottom of the well to ground surface except for the top 10 feet which shall be plugged with cement. A copy of the well plugging report required to be submitted to the appropriate state agency (TDWR or RRC) shall be submitted to the department within 30 days after the well has been plugged.

(F)-(H) (No change.)

(I) Soil data.

(i) (No change.)

(ii) A report of each columnar section obtained by borings shall be submitted along with a site map showing the location and elevation of each boring. Each boring log shall [should] report the elevation and the soil layers present, describing the soil or rock constituents, color, degree of compaction, and amount of moisture present plus any additional information necessary for an adequate description. A total thickness of each soil or rock layer shall [should] be represented on the boring log and enough information shall [should] be obtained to classify each soil stratum based on the Unified Soils Classification System.

If subsurface water is encountered, the test hole shall [should] be bailed of all drilling fluids for its entire depth and the initial depth that water was encountered shall [should] be noted on the boring log. Also, the static water level shall be obtained by measuring the depth to the water level daily until it has remained stable for a period of 24 hours or longer and noted on the boring log indicating the time required for the water level to stabilize. If drilling within 200 feet [in the vicinity] of an existing disposal site and water is encountered, and a groundwater monitoring program is not being conducted for the existing site, the hole shall be bailed of all drilling fluids and a sample of the subsurface water shall be taken after the static water level has stabilized and it shall be analyzed to determine the existence of any contaminants. Consideration should be given to the conversion of bore holes into piezometers to establish groundwater gradient [and then monitor wells; however, conversion to monitor wells shall not be accomplished without prior approval by the department]. Test borings shall not be utilized as monitor wells. [All test holes drilled in conjunction with soil testing and evaluation shall be bailed and, once groundwater data is obtained, adequately plugged to preclude surface contamination from entering. The plugging shall consist of a 10-foot thick cement grout placed from a depth of three feet to 13 feet from the surface. The top three feet may be backfilled with on-site soils displaced during drilling. All test holes which penetrate any buried waste shall be plugged from three below the surface to their entire depth. This plug shall be a bentonite mud with a minimum of one sack of cement grout per 15 feet of test hole depth.] All test holes, drilled in conjunction with soil testing and evaluation, shall be bailed, and once groundwater data is obtained, adequately plugged to prevent surface contamination from entering or livestock or personnel from falling into the surface opening. All test holes shall be pressure plugged their entire depth with bentonite mud.

(iii) A laboratory report of soil characteristics shall be submitted consisting of a minimum of one sample from each soil layer that will form the bottom and sides of the proposed excavation. The design engineer should have as many additional tests performed as necessary to provide a typical profile of the soils stratification within the site. No laboratory work need be performed on highly permeable soil layers which obviously will require lining. The soil samples shall be tested by a competent soils laboratory. The soil tests shall consist of the following, performed in accordance with the given standards or guidance:

(I) Permeability tests, shall [to] be performed according to one of the following standards on undisturbed soil samples. These permeability tests shall be

performed using tap water and not distilled water as the permeant. Those undisturbed samples which represent the sidewall of any present or proposed trench, pit, or excavation shall be tested for the coefficient of permeability on the sample's *in situ* horizontal axis. All test results shall indicate the type of tests used and the orientation of each tested sample. [Where excavations already exist on the site that are to be used for waste disposal, undisturbed samples shall be taken from the sidewalls of those excavations and said permeability tests made on the horizontal axis. All test results shall indicate the type of test used and the orientation of each sample.]

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

(II)-(V) (No change.)

(VI) All soils bound [bound-
ed] within the following range of values shall be tested in a soils laboratory for the coefficient of permeability. Normally all soils below the range of values stated in this subclause are very sandy and will require lining [, unless additional test data support a deviation]. Those soils which exceed the range of values are high in clay and do not require additional testing to prove their adequacy for sanitary landfill purposes. The physical parameters stated are to be considered as guidelines for soil sample testing. Engineering judgement must be used on those samples which exhibit some but not all of the boundary limits stated.

Plasticity Index	15 to 25
Liquid Limit	30 to 50
Percent Passing 200 Mesh Sieve (-200)	30 to 0

(iv)-(v) (No change.)

(J) (No change.)

(6) Attachments.

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

(D) Attachment 4—aerial photograph. This should be an aerial photograph approximately nine inches by nine inches with a scale within a range of one inch equals 1,667 feet to one inch equals 3,334 feet and showing the area within at least a one-mile radius of the site boundaries. The site boundaries or actual fill areas shall [should] be marked. Aerial photographs are usually available at a nominal fee from Aerial Photography Field Office 2222 West, 2300 South P.O. Box 30010, Salt Lake City, Utah 84130 [Administrative Services Division, ASCS-USDA, 2505 Parley's Way, Salt Lake City, Utah 84109]. The Agricultural Stabilization and Conservation Office in the county where the site is located should be contacted prior to ordering to determine identifying data for the coverage desired and cost.

(E) (No changes.)

(F) Attachment 6—sectorized fill layout. This is the basic element of the site development plan consisting of a site layout on a constructed map showing the outline of the fill sectors with appropriate notations thereon to communicate the types of wastes to be disposed of in individual sec-

tors, the general sequence of filling operations, locations of all interior site roadways to provide access to all fill areas, locations of monitor wells, dimensions of trenches, locations of buildings, and any other graphic representations or marginal explanatory notes necessary to communicate the proposed step-by-step construction of the site. The layout shall [should] include fencing; sequence of excavations, filling, and final cover; provisions for the maintenance of natural windbreaks, such as greenbelts, where they will improve the appearance and operation of the site; and, when appropriate, plans for screening the site from public view. A generalized design of all site entrance roads from public access roads shall be included. All designs of proposed public roadway improvements such as turning lanes, storage lanes, etc., associated with site entrances should be coordinated with the agency exercising maintenance responsibility of the public roadway involved. This plan is the basis for operational planning and budgeting, and therefore shall [should] contain sufficient detail to provide an effective site management tool. [If a phased site development is proposed in accordance with this section, detailed working drawings for only the Phase I portion of the site, generally for 5-8 years of estimated life, are required; however, the phased development does not waive the need for initial and final contours and an overall concept of development for the entire site.]

(G)-(K) (No change.)

(L) Attachment 12—site operating plan. This document is to provide guidance from the design engineer to site management and operating personnel in sufficient detail to enable them to conduct day-to-day operations in a manner consistent with the engineer's design through the life of the site. As a minimum, the site operating plan shall include specific guidance or instructions on the following:

(i) the minimum number of personnel, and their functions, [and the size, types, and number of equipment] to be provided by the site operator in order to have adequate capability to conduct the operation in conformance with the design and operational standards. A supervisory position shall be designated to be in charge with a designated alternate and one or the other shall be on site at least 75% of the time;

(ii) the minimum number and size of each type of equipment to be provided by the site operator in order to have adequate capability to conduct the operation in conformance with the design and operational standards;

(iii)[(ii)] security, site access control, the hours and days during which waste-hauling vehicles will be accepted, screening, traffic control, and safety;

(iv)[(iii)] sequence of site development such as roads, ditches, berms, retaining ponds, trenches, and buildings;

(v)(iv) control of dumping within designated areas so as to minimize the width of the working face of the disposal area;

(vi)(v) fire prevention and control, stockpiling of fire-fighting materials, and special training requirements for fire-fighting personnel that may be called on for assistance;

(vii)(vi) control of special wastes, Class I wastes, hazardous wastes, management of manifested wastes, record keeping, and procedures to ensure that unauthorized wastes are not accepted for disposal. For Type IV sites, a waste stream quality control plan shall be included. This plan shall include or provide for the following as a minimum:

(I) a procedure to ensure that containers with putrescible wastes are not accepted. This might include or be a combination of a manifest system, surcharges, contractual agreements with transporters, or other acceptable means;

(II) a procedure for removal of any putrescible wastes to an approved disposal facility. This procedure must specify the means to be used for removal of putrescible wastes illegally dumped at the site. In all cases, such wastes shall be removed from the working face immediately upon discharge and placed in suitable collection bins or back on the offending transporter's vehicle and shall not be allowed to remain on the site for more than 24 hours. The equipment necessary to meet the alternatives shall be specified and shall be on site and operable during operating hours;

(III) a working-face monitor shall inspect each load that is dumped at the site. The monitor shall have the authority and responsibility to reject unauthorized loads, have unauthorized materials removed by the transporter and/or assess appropriate surcharges and have the unauthorized material removed by on-site personnel;

(IV) a procedure whereby the transporter certificates required by §325.32 of this title (relating to Collection and Transportation Requirements) shall be retained at the landfill and be available for inspection by the department's representatives;

(viii)(vii) control of wind-blown material;

(ix)(viii) vector control;

(x)(ix) dewatering of excavations prior to lining or waste disposal;

(xi)(x) dust and mud control measures for access roads;

(xii)(xi) compaction and intermediate cover application and final cover procedures. Instructions shall be included for application of intermediate and final cover with guidance on the type and thickness of material to be applied. Each landfill shall keep a cover application log on site readily available for inspection by department representatives. This log shall specify the date cover (intermediate or final) was

applied and the quantity (thickness) applied that date. Each entry shall be certified by the signature of the on-site supervisor that the work was accomplished as stated in the log;

(xiii)(xii) procedures and responsibilities for assuring continuous compliance with the soil and liner quality control plan.

(xiv)(xiii) monitoring for leachate and methane. The timing for placement of monitoring or venting wells shall be addressed and guidance provided for sampling;

(xv)(xiv) posting of signs and enforcement of site rules to include proper covering of waste-hauling vehicles;

(xvi)(xv) protection of on-site utilities and easements;

(xvii)(xvi) wet-weather operations;

(xviii)(xvii) inspection and maintenance of completed sections of the site during the active life of the site and after closure. Specific plans shall be provided for inspection by a professional engineer to evaluate and upgrade unsatisfactory conditions as necessary;

(xix)(xviii) incorporation of other instructions as necessary to ensure that site personnel comply with all of the operational standards for the type of site involved.

(M) Attachment 13—evidence of financial responsibility. The applicant shall submit evidence of financial responsibility which assures the department that he has sufficient assets to properly operate the site and to provide proper closure. A firm commitment to provide backup equipment by lease, purchase, or diversion from other activities is part of this responsibility. This assurance may be in the form of performance bonds, letters of credit from recognized financial institutions, company stockholder reports, trust funds, or insurance [etc.] in the case of privately owned facilities and by commissioners' court or city council resolution in the case of publicly owned facilities. The department shall have the authority to require such financial responsibility as it deems appropriate.

(N) Attachment 14—evidence of competency. The applicant shall submit a list [record] of all solid waste sites operated [his activities involving solid waste management] in Texas within the last 10 years as well as in all other states, territories, or countries. The type of site operated in each state, territory, or country shall be identified by location, operating dates, name and address of the regulatory agency, and the name under which the site was operated. If the applicant does not have a prior site operating record, he must possess a department letter of competency as described in §§325.381-325.391 of this title (relating to Solid Waste Technician Training and Certification Program) for the type of facility involved, evidence of equivalent qualifica-

tion, or evidence that the proposed site supervisor has such qualification. The department may require that an appropriately qualified site supervisor be employed before commencing site operation. The names of the principals and supervisors of the applicant's organization shall be provided, together with previous affiliations with other organizations engaged in solid waste activities. Evidence of competency to operate the site also shall [be provided, to] include landfilling and earthmoving experience, other pertinent experience, or department letters of competency possessed by [of] key personnel and the number and size of each type of equipment to be dedicated to site operation.

(O) (No change.)

§325.75. *Technical Information Required for Solid Waste Processing and Experimental Sites.*

(a) (No change.)

(b) The site development plan shall be prepared in the format and content described in paragraphs (1)-(6) of this subsection:

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

(5) Design data shall [will] be reflected to the maximum extent possible on the set of attachments described in paragraph (6) of this subsection. Information which is to be placed in narrative form in this section of the application should be in a sequence that parallels the sequence of the attachments described in paragraph (6) of this subsection. Applicants shall [will] consider criteria that in the selection of a site and design of a facility will provide for the safeguarding of the health, welfare, and physical property of the people and the environment through consideration of geology, soil conditions, drainage, land use, zoning, adequacy of access roads and highways, and other considerations as the specific site dictates. Applicants shall include information in the support data for their permit applications [information] as specified in the design criteria indicated in this paragraph. Additional information may be required of the applicant when deemed necessary by the department.

(A) (No change.)

(B) Access.

(i) Solid waste processing facilities shall be so planned that they result in a minimum disruption of normal traffic patterns. [Data shall be submitted to substantiate adequacy of public access roadways, including types of surfacing, pavement widths, complete details of upgrading required, and recent daily traffic counts (estimated, when counts not available). A statement shall also be included stating if any significant roadway limitations (structures, surfacing, sight distances, alignment, dust hazards, weight limits, etc.) exist on these public access routes.] An estimate shall be provided of the number, sizes, and maximum weight of vehicles expected to use the facility daily.

(ii) Provisions shall be made for all-weather access from publicly owned [access] routes to the site and within the site. Interior access road locations and the type of surfacing shall be indicated on a site plan. Maintenance and dust control procedures including all-weather serviceability of interior roads shall also be addressed in the overall site design and operating plan. [A design of the intersection of the public access road with the site entrance road shall be included with the overall site design. The intersection design should address turning radii, pavement widths, traffic storage lanes, gates, signalization, and landscaping as appropriate.]

(iii)-(iv) (No change.)

(C)-(L) (No change.)

(6) Attachments.

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

(D) Attachment 4—aerial photograph. This should be an aerial photograph approximately nine inches by nine inches with a scale within a range of one inch equals 1,667 feet to one inch equals 3,334 feet and showing the area within at least a 1/2-mile radius of the site boundaries. The site boundaries shall be marked. Aerial photographs are usually available at a nominal fee from Aerial Photography Field Office, 2222 West, 2300 South P.O. Box 30010, Salt Lake City, Utah 84130 [Administrative Services Division, ASCS-USDA, 2505 Parley's Way, Salt Lake City, Utah 84109]. The Agricultural Stabilization and Conservation Office in the county where the site is located should be contacted prior to ordering to determine identifying data for the coverage desired and cost.

(E)-(G) (No change.)

(H) Attachment 8—site operating plan. This document is to provide guidance from the design engineer to site management and operating personnel in sufficient detail to enable them to conduct day-to-day operations in a manner consistent with the engineer's design. As a minimum, the site operating plan shall include specific guidance or instructions on the following:

(i) the minimum number of personnel, and their functions, [and the size, type, and number of equipment and minimum number of each type] to be provided by the site operator in order to have adequate capability to conduct the operation in conformance with the design and operational standards. A supervisory position shall be designated to be in charge with a designated alternate and one or the other shall be on site at least 75% of the time;

(ii) the minimum number and size of each type of equipment to be provided by the site operator in order to have adequate capability to conduct the operation in conformance with the design and operational standards;

(iii)-(ii) security, site access control, screening, traffic control, and safety;

(iv)-(iii) control of dumping within designated areas;

(v)-(iv) fire prevention and control, provision of fire-fighting equipment, and special training requirements for fire-fighting personnel who may be called on for assistance;

(vi)-(v) procedures to ensure that unauthorized wastes are not accepted for disposal;

(vii)-(vi) control of wind-blown material;

(viii)-(vii) vector control.

(I) (No change.)

(J) Attachment 10—evidence of competency. The applicant shall submit a list [record] of all solid waste sites operated [his activities involving solid waste management] in Texas within the last 10 years as well as in all other states, territories, or countries. The type of site operated in each state, territory, or country shall be identified by location, operating dates, name and address of the regulatory agency, and the name under which the site was operated. If the applicant does not have a prior site operating record, he must possess a department letter of competency as described in §§325.381-325.391 of this title (relating to Solid Waste Technician Training and Certification Program) for the type of facility involved, evidence of equivalent qualification, or evidence that the proposed site supervisor has such qualification. The department may require that an appropriately qualified site supervisor be employed before commencing site operation. The names of the principals and supervisors of the applicant's organization shall be provided, together with previous affiliations with other organizations engaged in solid waste activities. Evidence of competency to operate the site shall also [be provided, to] include pertinent experience and qualifications, such as department letters of competency, of key personnel.

(K) (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 April 30, 1985.

TRD-853802

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call

(512) 458-7271.

★ ★ ★



Application Review Process

★ 25 TAC §§325.91-325.95

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.91. *General.* The chief of the bureau is responsible for accomplishing all departmental actions necessary for the processing, technical evaluation of permit applications, and referral to the Office of General Counsel for issuance of a notice of opportunity for a public hearing or scheduling of the public hearing. The chief of the bureau or his designated representative will be designated a party in accordance with the Administrative Procedure and Texas Register Act in all cases and will submit a recommendation for approval or denial of applications for permits, or for their renewal, amendment, or transfer. The chief of the bureau, or his designated representative, will designate a professional engineer as project engineer, and such other staff members as may be necessary, to assist him in performing all processing and evaluation actions for each application. The [bureau] chief of the bureau or his designated representative, shall determine when the permit application is sufficiently complete to schedule a public hearing. The [will ensure that all information and data required by the regulations have been provided, except that the] chief of the bureau, or his designated representative, may temporarily approve an applicant's request for a variance from these rules if considered justified and may temporarily waive any requirement which he considers not essential to the evaluation of the application or for holding a public hearing. A temporary waiver/variance shall be affirmed, modified, or set aside at the public hearing or during the final decision-making process. The applicant is responsible for presenting justification at the public hearing for the waiver/variance temporarily granted by the chief of the bureau or his designated representative. If the applicant requests a variance from the requirements of these rules [regulations], the chief of the bureau will ensure that the request is incorporated into the application.

§325.92. *Application Processing.*

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

(c) Normally, the entities to whom copies of the application are mailed shall have 30 days to present comments and recommendations on the permit application. The agencies having maintenance responsibility for public access routes serving the proposed facility shall be specifically re-

requested to comment on the adequacy of the routes existing or proposed to adequately [safely] accommodate the traffic expected to use the facility. If any of the review agencies or the bureau require additional data in order to conduct a proper evaluation, the additional data, if considered reasonable by the chief of the bureau or his designated representative, will be requested by the bureau. Following the time for receipt of comments and recommendations from various review agencies, the designated project engineer and other staff members assigned under the supervision of the bureau chief will perform a detailed technical evaluation and prepare a written summary of the application taking into consideration all comments received from the review agencies. [Consideration will be given to any recommendation or action taken by the governing body of a city or county within whose jurisdiction the proposed site is to be located.]

§325.93. Scheduling and Preparation for a Public Hearing.

(a) The bureau, [may request schedule a hearing] on its own motion, ~~may request that a hearing be scheduled or that an opportunity for a public hearing be provided, and will~~ [or will provide an opportunity for a public hearing and] make available copies of its technical summary upon request.

(1) (No change.)

(2) If the bureau does not [require or has not] receive [received] a written request from a person deemed to have a justiciable interest for a public hearing, the chief of the bureau will [shall] submit to the department's Office of General Counsel a brief containing the bureau's technical evaluation of the permit application, analysis, conclusions, and recommendations accompanied by the proposed permit.

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

(b) (No change.)

(c) The municipal solid waste management rules in effect at the time that the bureau conducted the technical evaluation [notice is given under subsections (a) or (b) of this section] shall be the rules under which hearing procedures are conducted, including the final decision regarding the application. The public hearing notice and the opportunity for a public hearing notice shall include a statement that identifies the set of rules under which the hearing will be conducted and the final decision rendered.

§325.94. Conduct of the Public Hearing.

(a) The public hearing will be conducted by a hearing examiner designated by the commissioner. The bureau will normally [Bureau of Solid Waste Management will] be represented at the hearing by the chief of the bureau [chief], his designated representative, and/or the designated project engineer assisted by appropriate staff members. The bureau representatives may offer pertinent information contained in of-

ficial records into the hearing record.

(b)-(d) (No change.)

§325.95. Final Determination on Application.

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

(c) Opposed cases. In opposed cases in which the commissioner neither hears the evidence nor reads the complete record, a proposal for decision will [shall] be prepared by the hearing examiner [based on initial briefs and reply briefs filed by all parties to the action]. Prior to the closing of the hearing record, the hearing examiner shall establish a schedule for all ensuing actions through the final determination by the commissioner. All parties shall have an opportunity to file briefs with the hearing examiner, providing copies thereof to all other parties who shall then have an opportunity to file reply briefs with the hearing examiner. The chief of the bureau will [shall] file a brief in all cases. The hearing examiner will then prepare a proposal for decision and provide copies to all parties. All parties filing exceptions and briefs to the proposal for decision shall provide copies of such exceptions and briefs to all other parties who shall then have an opportunity to file replies with the hearing examiner. Following the receipt of replies from all parties or the termination of the specified period of time for receipt of such replies, the Office of General Counsel will [shall] forward the proposal for decision, together with all briefs, exceptions and replies received, through the associate commissioner for environmental and consumer health protection to the commissioner. Following his review of the proposal for decision, exceptions, briefs, replies, and staff recommendations, the commissioner shall issue a final decision in the form of a permit, with special provisions attached thereto, if appropriate; a denial order, containing the grounds for such denial; or any other action as may be authorized by state law. Subsequent to this final decision by the commissioner, a motion for rehearing may be filed by any person affected by the decision. This motion must be filed within 15 days of the commissioner's decision and persons opposing or otherwise responding to the motion for rehearing shall [will] be provided an opportunity to file a reply to the motion. The commissioner shall have 45 days from the time of the final decision (i.e., the issuance of the permit or denial order) to rule on the motions for rehearing, unless such time is extended by the commissioner by written order. Anyone who has filed a motion for rehearing may appeal the commissioner's final decision to a district court in Travis County within 30 days after a motion for rehearing has been overruled either by written order of the commissioner or by operation of law. Time limitations for the filing of motions, responses, exceptions, and briefs shall be governed by the provisions of the Administrative Procedure and

Texas Register Act, Texas Civil Statutes, Article 6252-13a.

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 April 30, 1985.

TRD-853803

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271.

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Subchapter F. Operational Standards for Solid Waste Land Disposal Sites
General

★25 TAC §325.111

The amendment is proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.111. General Requirements. The approved site development plan, consisting of the design, site operating plan, and related data, becomes an operational requirement, and any significant deviation from the plan without prior approval of the department is a violation of this subchapter.

(1) A copy of the permit, the approved site development plan, and the department's current rules shall be on site and the on-site supervisor shall be knowledgeable of each with respect to the operational requirements of the specific site. The on-site supervisor shall be subject to questioning by the department's representatives during visits to the site to verify this knowledge.

(2)(1) If at any time during the life of the site the site operator becomes aware of any condition in the approved site development plan which necessitates a change to accommodate new technology or improved methods or which makes it impractical to keep the site in compliance other than those covered in §325.56 of this title (relating to Revocation or Amendment of

a Permit), the site operator shall submit to the department a revised plan. Such proposed changes to the approved site development plan do not require a permit amendment but must be approved by the department prior to their implementation.

(3)(2) In the event that a necessary deviation is the result of unforeseen circumstances and there is insufficient time to prepare and submit a revised plan, the site operator shall immediately contact the bureau by telephone or telegram and obtain interim authorization pending the submission and review of the revised plan. Interim authorization shall be in writing and shall not exceed 30 days during which time the revised plan shall be prepared and submitted to the bureau.

(4)(3) All drawings or other sheets prepared for revisions to a site development plan or other previously approved documents, which may be required by this subchapter, shall be submitted in triplicate and should be no larger than 8½ by 11 inches and shall not exceed 15 by 22 inches so that they can be reproduced by normal office copy machines. However, standard-sized drawings folded to 8½ by 11 inches may be submitted or required if their reduction would render them illegible. All revised drawings shall be signed and sealed by the registered professional engineer responsible for their preparation. Bound plans and/or reports shall be signed and sealed by the engineer, preferably on the first page.

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 April 30, 1985.

TRD-853808

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:
July 20, 1985

For further information, please call
(512) 458-7271.

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★25 TAC §325.114

The new section is proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.114. *Evidence of Financial Responsibility.* The department may for good

cause require evidence of financial responsibility as it deems appropriate to assure the department that the responsible owner/operator has sufficient assets to properly operate the site and to provide proper closure. A firm commitment to provide backup equipment by lease, purchase, or diversion from other activities is part of this responsibility. This assurance may be in the form of performance bonds, letters of credit from recognized financial institutions, company stockholder reports, trust funds, or insurance in the case of privately owned facilities and by commissioners court or city council resolution in the case of publicly owned facilities.

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 April 30, 1985.

TRD-853804

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:
July 20, 1985

For further information, please call
(512) 458-7271.

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Standards for Protection of Ground and Surface Waters

★25 TAC §§325.121-325.124

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.121. *General Liner Requirements and Alternatives.*

(a) The minimum acceptable protection is a layer of soil in each disposal trench, excavation, or area that is at least equivalent to, but in no case less than, three feet of soil having a maximum coefficient of permeability of 1.0×10^{-7} cm/sec unless some other means of protection is approved by the department. [; or] All constructed liners shall be provided a protective cover of one foot of soil in addition to the liner. This protective cover may be of on-site material and does not have to meet a coefficient of permeability requirement. As an alternative, the one foot of protective soil cover may be omitted if the constructed liner thickness is at least three and one-half feet.

(b) When soil liner thicknesses of less than three feet are proposed as equivalents, a protective cover of at least one foot of soil in addition to the liner shall be used. This protective cover may be of on-site material and does not have to meet a coefficient of permeability requirement. If the coefficient of permeability of the liner soil is 1.0×10^{-8} cm/sec or less, the liner compacted thickness under density-controlled construction prior to placement of the protective cover. If the plasticity index of the liner soil is less than 15 and the liquid limit is less than 30, the equivalency liner rule does not apply and the soil liner shall be no less than three feet in compacted thickness.]

(b)(c) Consideration will be given to proposals for alternatives which will provide equivalent or greater protection of the waters in the state.

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

§325.122. *Soil and Liner Quality Control.*

(a) All landfill sites which are required to submit soil and liner evaluation reports [The site operators of sites serving a population equivalent of 5,000 or more, or where lining is required by permit special provision.] shall have [en file with the bureau] an approved soil and liner quality control plan (SLQCP) [for each site required to submit soil and liner evaluation reports (SLER) by subsection (b) of this section].

(b) The [site] operators of sites serving a population equivalent of 5,000 or more, or where [lining is] required by permit special provision, shall submit to the bureau a soil and liner evaluation report (SLER) in triplicate (including all attachments) for each disposal trench, excavation, or area and in accordance with the construction methods and test procedures stated [as outlined] in the SLQCP at least 14 days prior to depositing any solid waste in the disposal trench, excavation, or [disposal] area unless alternate means for protecting ground waters have been approved by the bureau.

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

(3) The SLQCP shall include specifications and construction methods employing good engineering practices for both the evaluation of existing soils and the compaction of clay soils to form a liner under each of the four potential conditions described in subparagraphs (A)-(D) of this paragraph, and provide for soil and liner quality control testing frequencies and procedures as described in subparagraph (E) of this paragraph.

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

(C) Overexcavation [Scarification] and recompaction. Proposed procedures shall be shown when overexcavation [only scarification] and recompaction are required for impermeable soils which exhibit [with zones containing] fissures, cracks, [or] joints, bedding planes, or any other secondary natural features which in-

crease the apparent coefficient of permeability on the *in situ* soils.

(D) (No change.)

(E) Soil and liner quality control testing frequencies and procedures shall be in accordance with department guidelines and the following:

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

(iii) The amount of compaction shall be expressed as a percentage of standard Proctor density, which has been proven by soils laboratory testing to provide a coefficient of permeability of 1.0×10^{-7} cm/sec or less.

(iv)-(v) (No change.)

(vi) All soils bound [bounded] within the following ranges of values shall be tested in a soils laboratory for the coefficient of permeability. All soils below the ranges of values stated are very sandy and will require lining, while those soils which exceed the range of values are high in clay and do not require additional testing to prove their adequacy for sanitary landfill purposes. The physical parameters stated in this clause are to be considered as guidelines for soil sample testing. Engineering judgment must be used on those samples which exhibit some but not all of the boundary limits stated.

Plasticity Index	15 to 25
Liquid Limit	30 to 50
Percent Passing 200 Mesh Sieve (-200)	30 to 50

(vii) (No change.)

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

(c) (No change.)

(d) Markers shall be placed so that all areas for which a SLER has been submitted and approved by the department are readily determinable. Such markers are to provide site workers immediate knowledge of the extent of approved disposal areas. These markers shall be located so that they are not destroyed during operations.

§325.123. *Miscellaneous Standards for the Protection of Ground and Surface Waters.*

(a)-(c) (No change.)

(d) Suitable drainage structures shall be provided to divert the flow of rainfall runoff or other surface water away from active disposal areas and to contain any water that has come in contact with solid waste.

(e) Rainfall water within the landfill area that has come in contact with solid waste and other polluted waters shall not be discharged without prior specific approval of TDWR. Prior to discharge of any water that has been in contact with solid waste, a copy of TDWR's approval for such discharge shall be provided to the bureau.

(f) Any water or other type of wells to be plugged shall be plugged in accordance with all applicable TDWR or Railroad Commission of Texas requirements and additional requirements imposed by the department. Therefore, to meet all requirements, such wells shall have all removable casings removed and be pressure-plugged

with bentonite mud from the bottom of the well to ground surface, except for the top 10 feet which shall be a cement plug. A copy of the well plugging report required to be submitted to the appropriate state agency (TDWR or RRC) shall be submitted to this department within 30 days after the well has been plugged.

§325.124. *Groundwater Protection Systems.*

(a) Facilities required to have groundwater monitoring programs and initiating operation on or after the effective date of these rules [regulations], shall provide for obtaining and analyzing four background groundwater samples from all monitor wells. Background values shall be established from samples collected at least once during each of the four calendar quarters of a two-year period. For sites permitted after the effective date of these rules, the two-year period shall start as of the date of permit issuance; while for sites permitted prior to the effective date of these rules, the two-year period shall start as of the effective date of these rules. Sites where approved background groundwater sampling and testing has been previously accomplished, new background monitoring and testing shall not be required. Samples from any monitor well shall not be collected for at least 45 days following collection of a previous sample, unless a replacement sample is necessary. At least one sample per well shall [must] be collected and submitted to a laboratory for analysis prior to the deposition of any solid waste on site. Background samples shall be analyzed for [In addition to] the two groups of parameters listed in paragraphs (1) and (2) of this subsection. [, each well sample analysis shall include four replicate determinations for total organic carbon (TOC) content and the groundwater elevation (MSL) at the time the sample was collected.]

(1) (No change.)

(2) Other parameters: [Nonheavy metals:]

calcium	total dissolved solids
magnesium	phenolphthalein alkalinity as CaCO_3
sodium carbonate	alkalinity as CaCO_3
bicarbonate	hardness as CaCO_3
sulphate	pH
chloride	specific conductance
fluoride	anion-cation balance
nitrate (as N)	groundwater elevation (MSL)
	total organic carbon (TOC)
	(four replicates/sample)

(b) (No change.)

(c) Once every fourth year all sites required to monitor groundwater shall [will] sample and analyze for the [nonheavy metals] group of parameters specified in subsection (a)(2) [(a)] of this section plus iron and manganese. [in addition to the indicator parameters specified in subsection (b) of this section.]

(d)-(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 April 30, 1985.

TRD-853807

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271.

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Other Operational Standards for Type I, II, III, and IV Sites

★ 25 TAC §§325.133, 325.136,
325.137, 325.140, 325.150, 325.152-
325.154

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.133. *Access Control.* Uncontrolled access and dumping of unauthorized materials shall be prevented. Operators or their employees are not required to accept any solid waste which they determine will cause or may cause problems in maintaining full and continuous compliance with these rules. Failure to prevent disposal of unauthorized waste shall be deemed a significant threat to public health or the environment and shall be grounds for the department to initiate permit revocation procedures and/or referral to the attorney general for legal relief. [For Type IV sites, waste unloading shall be closely monitored to assure that only allowable wastes are accepted. See §325.42 of this title (relating to Types of Municipal Solid Waste Sites) for information concerning allowable wastes. Any unauthorized wastes shall be removed from the site and taken to an approved disposal facility. For Type I, II, or III sites, only brush and/or construction-demolition wastes free from other solid wastes shall be deposited in areas designated to receive brush and/or construction-demolition wastes.]

(1) At Type I, II, or III sites, only brush and/or construction-demolition waste free from other solid waste shall be deposited in areas designated to receive brush and/or construction-demolition wastes.

(2) At Type IV sites, only brush, construction-demolition wastes, and rubbish (trash) that are free of putrescible waste may be accepted.

(A) Type IV landfill operators shall not accept completely enclosed containers or vehicles which cannot be inspected unless prior approval of a waste stream quality control plan (WSQCP) has been obtained from the department. This plan shall include or provide for the following as a minimum:

(i) a procedure to ensure that containers with putrescible wastes are not accepted. This might include or be a combination of a manifest system, surcharges, contractual agreements with transporters, or other acceptable means;

(ii) a procedure for removal of any putrescible wastes to an approved disposal facility. This procedure must specify the means to be used for removal of putrescible wastes illegally dumped at the site. In all cases, such wastes shall be removed from the working face immediately upon discharge and placed in suitable collection bins or back on the offending transporter's vehicle and shall not be allowed to remain on the site for more than 24 hours. The equipment necessary to meet the alternatives shall be specified and shall be on site and operable during operating hours;

(iii) a working face monitor shall inspect each load that is dumped at the site. The monitor shall have the authority and responsibility to reject unauthorized loads, have unauthorized material removed by the transporter, and/or assess appropriate surcharges and have the unauthorized material removed by on-site personnel;

(iv) a procedure whereby the transporter certificates required by §325.32 of this title (relating to Collection and Transportation Requirements) shall be retained at the landfill and be available for inspection by the department's representatives;

(B) The approved WSQCP shall become a part of the approved site development plan, and §325.111 of this title (relating to General Requirements) is applicable.

(C) Large, conspicuous warning signs shall be placed at the entrance to the site stating that putrescible wastes are not accepted and stating the landfill's requirements on transporters, such as certificates, manifests, and surcharges or other penalties that may be imposed in the event that transporters do not meet the requirements.

(3) Unless otherwise approved by the department, effective October 1, 1985, the hours for waste acceptance shall be from 7 a.m. until 6 p.m., Monday through Friday, and 7 a.m. until 1 p.m., Saturday. The site shall be closed on Sunday. Exceptions to this rule would be once or twice per year clean-up campaigns.

(4) Each site shall conspicuously display at the entrance a sign measuring at least four feet by four feet with letters at least three inches in height stating the type of site, the hours of operation, and the department permit number. The posting of erroneous or misleading information may be considered a threat to public health or the environment, resulting from disposal of unauthorized wastes, and in such cases the department may institute enforcement action in accordance with §325.222 of this title (relating to Enforcement Policy).

§325.136. Disposal of Special Wastes.

(a) (No change.)

(b) Receipt of the following special wastes do not require written authorization from the department for acceptance provided the waste is handled in accordance with the noted provisions for each waste.

(1) Infectious or [and] pathological wastes from laboratories, research facilities, and health and veterinary facilities may be accepted at a Type I municipal solid waste site without further written approval if the wastes are double-bagged in plastic bags not less than 1.5 mils [mil] thick each and conspicuously marked. The waste shall not be commingled with routine solid waste, but shall be segregated for special collection and transportation. The wastes shall be covered with three feet of other solid waste or two feet of soil immediately upon receipt.

(2)-(8) (No change.)

§325.137. Disposal of Class I Wastes.

(a) (No change.)

(b) Requests for approval to accept Class I solid wastes shall be submitted to the bureau by the site operator and shall include, but are not limited to, the items required in paragraphs (1)-(4) of this subsection. Sites requesting authorization to accept Class I solid waste that do not have the items required under paragraph (1) of this subsection in their site development plans shall be denied authorization without further review.

(1) Revisions to site development plans shall ensure that the procedures in subparagraphs (A)-(E) are followed.

(A) All areas of the bottoms and sides of landfill trenches shall be underlain either by *in situ* soils with a minimum thickness of four feet or a constructed soil liner with a minimum thickness of three feet meeting the requirements listed in clauses (i)-(iv) of this subparagraph. The soils shall have been evaluated by a registered professional engineer experienced in geotechnical engineering in accordance with §325.122 of this title (relating to Soils and Liner Quality Control). However, the evaluation must verify that the site liner meets the minimum specifications in clauses (i)-(iv) as follows:

(i) coefficient of permeability equal to or less than 1.0×10^{-7} cm/sec;

(ii) plasticity index equal to or greater than 15;

(iii) liquid limit equal to or greater than 30; and

(iv) percent passing number 200 sieve equal to or greater than 30.

(B) The site shall have storm-water diversion facilities such as berms and ditches placed to protect landfill trenches from runoff from a 25-year, 24-hour rainfall event.

(C) The site shall have a ground-water monitoring system installed which is capable of detecting the migration of pollutants from the landfill and which is sampled semiannually for the parameters specified in §325.124 of this title (relating to Groundwater Protection Systems).

(D) The final cover placed over the landfill shall consist of a minimum of one foot of uncontaminated topsoil overlying four feet of compacted clay-rich soil material meeting the requirements of subparagraph (A)(i)-(iv) of this paragraph and shall be constructed to meet the requirements of subsection (c)(2) of §325.150 of this title (relating to Compaction, Intermediate Cover, and Final Cover).

(E) All Class I industrial solid waste shall be placed below the surrounding natural ground surface elevation.

(2)(1) The site operator shall provide a letter from the generator which gives [providing] a complete description of the chemical and physical characteristics of the waste, a statement as to whether or not the waste is a hazardous waste as defined in §325.5 of this title (relating to Definitions of Terms and Abbreviations), and the quantity and rate at which the waste is produced and/or the expected frequency of disposal. This shall include a copy of the generator's solid waste registration notification from TDWR listing the wastes to be accepted.

(3)(2) The site operator shall provide an operational plan containing the proposed procedures for handling the waste and listing of available protective equipment for operating personnel and on-site emergency equipment.

(4)(3) The site operator shall provide a contingency plan outlining responsibility for containment and cleanup of any accidental spills occurring during the delivery and/or disposal operation.

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

§325.140. Materials Along Route to Site. Where the site operator does not make an effort to assure that vehicles hauling waste to his site are enclosed or provided with a tarpaulin, net, or other means to properly secure the load to prevent the escape of any part of the load by blowing or spilling by taking actions such as posting signs, reporting offenders to proper law enforcement officers, adding surcharges, or similar measures, the operator shall be responsible for the increased cleanup of waste materials spilled along and within the right-of-way of all public access roads serving the site.

[(a) The site operator shall authorize only persons operating vehicles which comply with the following requirements to dispose of waste at the site.

(1) All vehicles and equipment used for the collection and transportation of municipal solid waste shall be constructed, operated, and maintained to prevent loss of liquid or solid waste material and to minimize health and safety hazards to solid waste management personnel and the public.

(2) Collection vehicles and equipment shall be maintained in a sanitary condition to preclude odors and fly breeding.

(3) Collection vehicles not constructed with an enclosed transport body shall use other devices such as nets or tarpaulins to preclude accidental spillage.

[(b) Where the site operator fails to enforce these requirements, he shall be responsible for prompt cleanup of all waste materials spilled along and within the right-of-way of all public access roads serving the site.]

§325.150. Compaction, Intermediate Cover, and Final Cover.

(a) (No change.)

(b) Intermediate cover shall be six inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste to prevent the blowing of waste materials; [and to prevent] insect and rodent problems; and obnoxious odors. Cover frequencies shall be as outlined in §325.42 of this title (relating to Types of Municipal Solid Waste Sites) unless some other cover frequency is stipulated by the department.

(1) Except as provided in paragraph (2) of this subsection, intermediate cover shall be applied as follows.

(A) Where daily cover is required, all solid waste deposited each day shall be provided with intermediate cover at [by] the end of the working day.

(B)-(D) (No change.)

(2) (No change.)

(c) The entire surface of each completed portion of the fill shall be provided with final cover within 30 days unless inclement weather would prevent the application of any cover material.

(1) (No change.)

(2) Side slopes of all aboveground disposal areas (aerial fills) shall not exceed a 25% grade (four feet horizontal to one foot vertical). The final cover for the top portion of a landfill shall have a minimum gradient of 2.0% and shall not exceed 6.0%, but shall possess a sufficient minimum grade to preclude ponding of surface water when total fill height and expected subsidence are taken into consideration. Side slopes in excess of 25% will not be authorized without controlled drainage such as flumes, diversion terraces, spillways, or other acceptable methods. Disposal of solid waste above natural ground level is pro-

hibited unless pursuant to an engineering site development plan approved by the department. Requests for changes to previously approved engineering site development plans or new engineering site development plans submitted in support of requests for aerial fills will be processed in accordance with §325.111 of this title (relating to General Requirements). [Technical guidelines for design of aerial fills are available from the department.]

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

(d) (No change.)

(e) Each landfill shall keep a cover application log on site readily available for inspection by department representatives. This log shall specify the date cover (intermediate or final) was applied, the quantity (thickness) applied that date, and each entry shall be certified by the signature of the on-site supervisor that the work was accomplished as so stated in the log.

§325.152. Site Completion and Closure Procedures.

(a) (No change.)

(b) A [An approved landfill] closure/completion plan approved by [shall be on file with] the bureau is required for each land disposal site serving a population equivalent of 5,000 or more. Sites serving a population equivalent of less than 5,000 may be required to have an approved landfill closure/completion plan. The closure/completion plan shall portray the proposed final contours, establishing side slopes and top grades, and proposed surface drainage features. Protective measures for any areas subject to flooding by a 100-year frequency flood shall be described. Requests to amend approved closure plans shall be submitted with all necessary supporting data to the bureau no less than 60 days prior to implementation of closure procedures. Written approval by the department is mandatory before the site operator may proceed with the implementation of a closure/completion plan for a site.

(c)-(e) (No change.)

§325.153. Post-Closure Maintenance.

(a) For at least the first five years after closure, the site operator shall maintain the right-of-entry and periodically inspect his closed site and correct as necessary any problems associated with erosion of cover material, vegetative growth, leachate or methane migration, and subsidence or ponding of water on the site. If any of these problems persist for longer than the first five years, the site operator shall be responsible for their correction until the department determines the problems have been adequately resolved.

(b) Any monitoring programs (groundwater monitoring, resistivity studies, methane monitoring, etc.) in effect during the life of the site shall be continued during the post-closure maintenance period, unless otherwise approved by the department.

§325.154. Post-Closure Use of Landfilled Areas.

(a) Because of the potential hazard to public health, groundwater, and the environment if closed landfilled areas are disturbed, the department retains regulatory control over [any] activities [which may affect the integrity of the landfill cover, drainage, liners, or monitoring system. Activities] such as relocating waste from a closed landfill, extracting materials for energy, or material and gas recovery. These activities shall not be undertaken unless prior approval is obtained from the department.

(b) Although departmental approval is not necessary for post-closure uses of landfills other than those specified in subsection (a) of this section, the department believes the information found in paragraphs (1)-(8) of this subsection should be considered.

(1)-(8) (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 April 30, 1985.

TRD-853800

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271.

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Subchapter G. Operational Standards for Solid Waste Processing and Experimental Sites

General

★25 TAC §325.171

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.171. General Requirements. The approved site development plan, consisting of the design, site operating plan, and related data, becomes an operational requirement, and any significant deviation from the plan without prior approval of the department is a violation of this subchapter.

(1) A copy of the permit, the approved site development plan, and the de-

partment's current rules shall be on site, and the on-site supervisor shall be knowledgeable of each with respect to the operational requirements of the specific site. The on-site supervisor shall be subject to questioning by the department's representatives during visits to the site to verify this knowledge.

(2)[(1)] If at any time during the life of the site the site operator becomes aware of any condition in the approved site development plan which necessitates a change to accommodate new technology or improved methods or which makes it impractical to keep the site in compliance other than those covered in §325.56 of this title (relating to Revocation or Amendment of a Permit), the site operator shall submit to the department a revised plan. Such proposed changes to the approved site development plan do not require a permit amendment but must be approved by the department prior to their implementation.

(3)[(2)] In the event that a necessary deviation is the result of unforeseen circumstances and there is insufficient time to prepare and submit a revised plan, the site operator shall immediately contact the bureau by telephone or telegram and obtain interim authorization pending the submission and review of the revised plan. Interim authorization shall be in writing and shall not exceed 30 days during which time the revised plan shall be prepared and submitted to the bureau.

(4)[(3)] All drawings or other sheets prepared for revisions to a site development plan or other previously approved documents, which may be required by this subchapter, shall be submitted in triplicate and should be no larger than 8½ inches by 11 inches and shall not exceed 15 inches by 22 inches so that they can be reproduced by normal office copy machines. However, standard-sized drawings folded to 8½ inches by 11 inches may be submitted or required if their reduction would render them illegible. All revised drawings shall be signed and sealed by the registered professional engineer responsible for their preparation. Bound plans and/or reports shall be signed and sealed by the engineer, preferably on the first page.

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 April 30, 1985.

TRD-853806 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271.

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Operational Standards for Types V and VI Sites

★ 25 TAC §325.183

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.183. Sanitation and Vector Control.

(a) (No change.)

(b) At processing facilities [When applicable], all working surfaces that come in contact with wastes shall be washed down weekly [on a biweekly] basis at the completion of processing. Processing facilities [For systems] that operate on a continuous basis [washdown] shall be swept daily and washed down semiweekly [accomplished biweekly] as a minimum [with daily sweeping].

(c)-(d) (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 April 30, 1985.

TRD-853810 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271.

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Subchapter H. Surveillance and Enforcement

★ 25 TAC §325.221, §325.222

The amendments are proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

§325.221. Surveillance Policy.

(a) Site inspection. All sites will be inspected periodically by personnel of the department and/or local health officials.

(1) (No change.)

(2) The department's policy is to inspect all sites serving more than 5,000 persons at least once every three [six] months

and all other sites at least once every year. However, the inspection frequency may be increased depending on site history, its size, and its potential environmental impact.

(b) (No change.)

§325.222. Enforcement Policy. The department's policy is to gain improvements in solid waste management through voluntary operational compliance by providing the site operator with technical assistance and guidance during routine inspections or upon the operator's request. The department recognizes that proper solid waste management may require contractual and financial arrangements which require a reasonable time to resolve. Reasonable time schedules for necessary improvements which consider such problems are granted to a site operator who has demonstrated a cooperative attitude toward expediting all improvements over which the operator has control. Legal action, civil penalties, and injunctive relief will be sought in cases where a site operator's cooperation is not adequate or where the department determines there is an imminent threat to public health or the environment.

(1) (No change.)

(2) Levels of enforcement. The department normally seeks compliance in a three-step process; however, certain steps shall be omitted when the department deems necessary to protect the public health or the environment or [and] where there has been an apparent willful violation of these rules [regulations]. In such cases, the department may proceed to initiate permit revocation procedures or may refer the case to the attorney general for appropriate legal relief.

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

(C) Legal action and/or permit revocation. Violation of a compliance schedule is a further violation of the department's regulations, and failure to comply with a compliance schedule will be grounds for the department to initiate permit revocation procedures or to refer the case [or to obtain an extension of time prior to the compliance deadline will normally result in the site operator's noncompliance being referred] to the attorney general for appropriate legal relief.

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 April 30, 1985.

TRD-853811 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:

July 20, 1985

For further information, please call
(512) 458-7271.

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TITLE 28. INSURANCE

Part I. State Board of Insurance

(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct title and part. The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

Policy Approval Rules and Regulations for Variable Life Insurance

★059.10.01.011

The State Board of Insurance proposes the repeal of Rule 059.10.01.011, concern-

ing variable life insurance. This rule is proposed to be replaced by Rules 059.03.76.001-011. It was inadvertently not included in the proposed repeal of Rules 059.10.01.001-010 as previously published in the Texas Register. There are expected to be no fiscal or cost implications to this proposal since the rule states that present rules for variable life insurance are supplemental to an cumulative or other rules on the same subject matter.

A. W. Pogue, deputy insurance commissioner, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Pogue also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the replacement of old rules for variable life insurance with more up-to-date rules. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to A. W. Pogue, Deputy Insurance

Commissioner, State Board of Insurance,
1110 San Jacinto Street, Austin, Texas
78786.

The repeal is proposed under the Insurance Code, Article 3.75, §8, which authorizes the board to adopt rules to regulate variable life insurance.

.011. Cumulative Effect of Rules.

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 May 2, 1985.

TRD-853926

James W. Norman
Chief Clerk
State Board of
Insurance

Earliest possible date of adoption:
June 10, 1985
For further information, please call
(512) 475-2950.

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Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule 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 rule 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 rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 325. Solid Waste Management

(Editor's note: A notice appeared in the May 7, 1985, issue of the Texas Register indicating that the following adoptions would appear in this issue. Effective date of the documents is May 21, 1985.)

The Texas Department of Health (TDH) adopts new §§325.298, 325.371, and 325.910 and amendments to §325.332, with changes to the proposed text published in the February 22, 1985, issue of the *Texas Register* (10 TexReg 649). The repeal of §325.298 and amendments to §§325.136, 325.271-325.273, 325.275, 325.276, 325.292, 325.295, 325.296, 325.311, 325.312, and 325.412, are adopted without changes and will not be republished.

The Solid Waste Disposal Act, as amended, directs the department to adopt rules that require all hazardous waste generators (including small quantity generators) to provide record keeping and to use a manifest or some other appropriate system to assure delivery of hazardous wastes to a proper receiving facility. Other changes have been adopted to keep the department's rules in conformance with federal requirements for hazardous waste management, a condition of the department's operation of a municipal hazardous waste program in lieu of the U.S. Environmental Protection Agency.

The adopted amendments and new sections provide changed or additional requirements for small quantity hazardous waste generators. In addition, changes have been made to the sampling and cleanup requirements; definitions: hazardous waste determination requirements; notification requirements; requirements for identification numbers; manifest requirements; reporting requirements; scope of the transporter rules; rules for compliance with manifest requirements; and to rules for facility operators who treat, store, or dispose of small quantity generator hazardous waste. New sections have been adopted to deal with persons who receive, consolidate, store, repack-

age, and reship small quantity generator or recyclable hazardous waste (but who do not treat or dispose of the waste on site) and to provide a form for the notification of small quantity generators. A rule is also adopted to allow portable chemical toilet waste, a nonhazardous waste, to be disposed of at municipal solid waste disposal facilities if disposal at wastewater treatment plants is not an alternative.

Approximately 24,000 small businesses will be significantly affected by these revisions to the rules through requirements for record keeping, manifesting, and reporting. By enforcing these adopted rules, the department estimates it will identify approximately 10,000 small quantity hazardous waste generators through the notification requirements. Once known, such generators can be periodically inspected and monitored. Use of manifests by small quantity generators will reduce the incidence of illegal dumping by transporters and will help ensure that dangerous amounts of hazardous waste do not reach municipal landfills unequipped or not designed to handle such wastes. The adopted rules also establish requirements for generators who discharge their hazardous wastes, either with or without pretreatment, to publicly-owned sewage systems.

By establishing official authorization and detailed operational requirements for persons or facilities who receive, consolidate, store, repackage, and reship hazardous waste produced by small quantity generators, the adopted sections will increase the number of legitimate commercial handlers of small quantity waste and give the generator additional economically feasible options for the handling of his waste.

Finally, the adopted sections precisely define the kinds and volumes of small quantity hazardous waste that do not require waste-specific, site-specific approval from the department before being disposed of in a permitted Type I or Type V municipal solid waste site. This rule will benefit persons whose hazardous waste generation rates are small—less than 100 kilograms per month—since certain disposal procedures will be simplified.

Concerning §325.298(c)(1)(A), it was suggested that this subparagraph should be reviewed to take into account small quantity generators who are accumulating

waste on site in underground storage tanks which meet leak detection requirements. It was also suggested that the federal Regulatory Flexibility Act should be applied in this situation.

The department, after considering this and various related comments, agrees to delete the word "aboveground" from subparagraph (A) and, instead of requiring all underground tanks to be permitted, substitute for the time being the less stringent requirement of formal notification concerning the use of below-ground and partially below-ground waste storage tanks. Some of the more compelling reasons for removing the permit requirement for underground tanks used by small quantity generators are: that the amount of waste allowed to be stored under §325.298 is relatively small compared to that which a fully regulated generator could accumulate in accordance with §325.293, the proposal to deny use of unpermitted underground tanks did not contain any time period in which to phase out existing tanks, and new federal standards concerning the use of underground tanks are likely to be in effect in the near future. Although underground waste storage tanks will continue to be allowed provided small quantity waste generators notify the department concerning their existence and use, the department discourages the use of underground tanks for hazardous waste storage unless such tanks are installed or provided with some type of secondary containment and leak detection system. The department anticipates the development of rules requiring the same and therefore will, until they are developed, require only notification. Notification is important since it will enable the department to select small quantity waste generators who utilize tanks for inspection purposes.

Concerning §325.298(c)(1)(A), it was recommended that this subparagraph should be reviewed to take into account small quantity generators who collect sludge containing metals in underground tanks as part of a pretreatment process prior to discharge to the sewer system.

The department is adopting a section which allows underground tanks for the time being.

Concerning all requirements for aboveground tanks, it was pointed out that fire marshals often will not allow

tanks containing certain combustible materials to be placed above ground.

The change to the adopted §325.298(c)(1) (A) should somewhat alleviate the problem pointed out by this comment. The department recognizes this is a problem that will need to be dealt with any time a tank is relocated from below ground to above ground.

Concerning requirements to maintain records for three years, it was recommended that the rules be revised to require generators to maintain records indefinitely because no such limit on liability exists under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The three-year record retention period is a federal requirement and a current state requirement. Imposing a longer requirement (i.e., 40 years) would cause a considerable burden on many thousands of generators. The department does not believe that such a burden is warranted, particularly for small quantity waste generators, since most of the wastes they generate will be shipped to an off-site permitted hazardous waste facility or to recycling facilities that perhaps would be well advised to retain records for longer periods.

Concerning the wording of the proposed amendments, it was recommended that §§325.275(a), 325.276, 325.298(a)(1), 325.298(a)(2)(A), 325.298(b)(1), 325.298(c)(2), 325.298(c)(5), 325.298(d)(6), 325.298(e)(3), 325.298(e)(3)(D), 325.298(f)(4), 325.332(b)(10), and 325.371(a)(3) be reworded to make them easier for the average person to understand.

Experience has shown that it is very difficult to improve, to the extent everyone would like, the readability of sections which are as complex as the ones being adopted. The department believes the rules, as written, can be understood by the average reader if read slowly and carefully.

Concerning the enforcement of small quantity generator rules, it was requested that the department enforce the rules on an equal basis to avoid damaging the competitiveness of businesses required to comply.

While the department does not disagree with the comment, the comment does not affect these rules since they do not contain details for surveillance and enforcement.

One commentor felt it should be the state's responsibility to determine who is a hazardous waste generator and who is not.

The department cannot exempt generators from the requirement and responsibility to make a proper hazardous waste determination without being less stringent than federal regulations issued under the federal Resource Conservation and Recovery Act (RCRA), Subtitle C.

Concerning §325.136, relating to disposal of special waste, it was questioned whether a facility disposing of small quantity hazardous waste under the authority of this section would be considered a hazardous waste facility at some point in the future. The commentor wanted some kind of state assurance that a municipal facility's status would not change as a result of accepting any quantity of hazardous waste.

The department cannot give this kind of assurance for all time but can only confirm that, for the present, if an owner continues to comply with the requirements of Subchapter F of the rules, the facility will not be subjected to full hazardous waste facility regulation.

Concerning §325.298(e), it was recommended that all generators of hazardous waste, regardless of quantity, be required to manifest their wastes when shipped off site.

The adopted sections increase the amount of waste requiring shipment under a manifest by including quantities between 1,000 kilograms and 100 kilograms. The department believes it would be impractical to require smaller amounts of waste to be manifested. The 100 kilogram limit is identical to the current federal requirement.

Concerning hazardous waste transporters, it was recommended that the department limit the issuance of registration numbers to those who operate vehicles with Railroad Commission of Texas licenses as specialized motor carriers.

The department believes that limiting transporter registration to only such individuals would be too restrictive.

Concerning hazardous waste regulated, it was suggested that the department should develop a policy on how deregulated radioactive waste will be managed under the hazardous waste rules. It was pointed out that the U.S. Department of Transportation still requires such deregulated waste to be transported as a radioactive waste.

The department, in the near future, will be proposing revisions to §325.274 of this title, relating to hazardous waste regulations, exclusions, and exemptions. The requested clarification belongs in that section and will be considered when drafting those changes.

Concerning §325.136(b), 325.298(e)(3)(B), and 325.298(f)(1)(A), it was suggested that the small quantity generator in the 0-100 kilograms per month range should request permission from the operator of a Type I or Type V municipal solid waste site prior to disposal or processing. It was felt that advance notice would allow the operator to decide in advance if the waste would be hazardous to the site personnel or the customers using the facility. Wording was suggested which would make it mandatory for permission to be

obtained prior to transport of any small quantity hazardous waste.

The state does not have the resources to regulate all aspects of the management of very small quantities of hazardous waste. The department is of the opinion that to write rules that it cannot enforce but which might contribute to some false sense of security on the part of landfill owners/operators would be unwise.

Concerning §325.332(b)(12), commentors pointed out that the wording of this paragraph is ambiguous and should be rewritten to avoid leaving the impression that permitted municipal facilities must comply with manifest requirements and obtain an ID number regardless of whether hazardous waste will be accepted.

The department agrees and has rewritten this paragraph.

Concerning the department's operation of a small quantity generator program in Texas, it was recommended that the department develop a state program that is uniformly similar to the federally mandated program and that it contract with an experienced hazardous waste management company to assist in the development and implementation of a pilot project which would better define the problem.

In many areas, such as manifesting and record keeping, state law requires that TDH regulations be more stringent than current federal requirements.

Concerning §325.136(b)(9), the commentor had serious reservations about the use of municipal solid waste facilities for hazardous waste and recommended that the department devise a small quantity generator program that fully discourages and eventually prohibits such use. However, in the meantime it was recommended that generators regulated under §325.298(f) (less than 100 kilograms) be required to inform both the transporter and disposer of the type and quantity of waste prior to transport or disposal.

As mentioned in a previous response, the department does not have the resources to enforce a requirement that generators secure permission from the site operator before offering waste for disposal.

Concerning §325.276 and §325.295(a), it was suggested that recycling and reclamation facilities should not be exempted from the requirements of these sections.

The exemptions allowed recyclers under §325.299(a) are quite limited. In the near future, as soon as the department adopts certain federal requirements that will be effective in July of this year, the exemptions will be even less. Until such time as the new federal requirements are adopted, existing state requirements will be retained.

Concerning §325.298(a)(2)(A), there was general support for the concept of re-

duced regulation for wastes that can be reused, recycled, or reclaimed as long as the waste is properly reported and tracked.

Concerning §325.298(a)(2)(B), this exclusion was opposed on the basis that hazardous waste generated by a production or treatment process is still a hazardous waste that must be properly managed.

In this subparagraph the department is not changing current rule. This section is the same as the federal rule adopted by the U.S. Environmental Protection Agency (EPA). The department believes it should be retained so as not to discourage waste treatment. Hazardous waste that is treated is still regulated if it is hazardous, but only to the extent that it would have been regulated had it not been treated. In other words, the waste is not counted twice when determining whether §325.293 or §325.298 applies for that particular waste.

Concerning §325.298(a)(2)(C), this exclusion was opposed on the basis that a business could avoid the proper management and control of hazardous waste by shipping wastes from month to month to remain below the total quantity of wastes that define a small quantity generator.

As explained in the response to the previous comment, this language simply means that stored waste is not counted twice when making these specific determinations.

Concerning §325.298(e), there was general support for the department's proposed regulation of generators of more than 100 kilograms per month, but the department was asked to limit and discourage disposal of small quantity waste at Type I, V, or VII municipal solid waste sites.

The department believes the extensive design and operational requirements at such facilities are adequate to handle such small quantities.

Concerning §325.298(f), there was general support for the department's proposed regulation of generators of less than 100 kilograms per month, but the department was urged to limit and discourage disposal of small quantity waste at Type I or V municipal sites unless there is no technical or economic alternative. If a determination is made that there is no alternative, it was recommended the generator be required to notify the department, transporter, and facility operator.

See the department's previous response to similar comments.

Concerning §325.371(a), while language in paragraph (1) refers to a subparagraph (D) there is no such subparagraph proposed.

The department agrees and a correction has been made by removing reference to subparagraph (D).

Concerning §325.371(a)(3), it was suggested that recycling and reclamation facilities not be exempted from these rules.

Requirements for recyclers would not be appropriate in this section since their activities involve much more than storage, repackaging, and reshipment.

Concerning §325.910, while the use of a notification form was supported, it was suggested that the title of the form be changed to "Small Quantity Hazardous Waste Notification Form for Generators/Transporters/Processors-Disposers" to avoid the implication that this is only a form for generators.

The department agrees the proposed title may be confusing. It has been replaced with new language and other sections have been reworded to improve clarity.

Concerning the proposed rules, the department was urged to allot resources, funds, and personnel to rigidly enforce the rules without variances for "mitigating circumstances."

The department believes inclusion of language to this effect in the rules being adopted is not appropriate.

Concerning below-ground storage, it was recommended that all current below-ground storage should be phased out as rapidly as practical and no new below-ground storage should be permitted for any reason.

The department is revising the rules to allow storage below ground for small quantity generators until the federal government issues new requirements on this subject. Below-ground storage is currently allowed for those who have gone through the permit process.

Concerning possible leaks of stored hazardous materials, the department was urged to assume there is a leak and act promptly until it can be proved there is not a leak.

The department agrees that ideally all tank owners/operators should be required to take positive measures to determine whether or not tanks they use are leaking. Study is being done concerning the best way to draft such rules. The federal government is taking the lead in this matter. The department at this time is not prepared to propose such rules, particularly for tanks that hold hazardous materials rather than hazardous wastes.

Concerning container labeling, it was recommended that labeling reflect that the contents are hazardous and include the nature of the hazard, i.e., flammability, explosive potential, miscibility with water, neutralization procedure.

The department disagrees since these rules are for short-term, on-site accumulation by the individuals who actually produce the waste material. Simply identifying the waste should be sufficient

for these individuals. Prior to any off-site transport, the generator must determine the appropriate U.S. Department of Transportation information about the material. These generators will frequently require assistance from transporters in determining this information and this is the major reason the department has decided to not require it to be affixed until time of shipment.

Concerning disposal, the department was asked to promote cost-efficient, effective destruction systems for these wastes with a goal of prohibiting land disposal within five years.

Language reflecting the department's position on this comment would be more appropriate in other sections of the rules. Large generators will be affected by the new wording in the federal Resource Conservation and Recovery Act that requires certification as to efforts at waste minimization.

Concerning the location of storage facilities, it was recommended they be above the 100-year floodplain and roofed to keep out rain with surrounding surface drainage provided.

The department believes that the provisions in §325.340, as they apply to generator on-site accumulation of waste, provide sufficient protection.

Concerning §325.298(e)(1)(B), it was recommended that this subparagraph be amended to authorize a qualified recycling-transporter company to use a special service document rather than the uniform hazardous waste manifest when such a document would provide essentially the same information as the uniform manifest but in a more readily usable format. The commentor believes that most of his company's 18,100 customers are small quantity generators and the department's rule will cause these generators to use 184,000 manifests per year. The commentor feared most of the burden of educating the company's customers would fall on his company and that customers would be discouraged from using the services of his company and would be encouraged to use less environmentally sound disposal practices. The commentor's suggested revision to the proposed language would allow hazardous waste transported by a person or facility that beneficially uses or reuses or legitimately recycles or reclaims the generator's waste (or temporarily stores the waste in connection with these activities) to be shipped with a transporter service document which includes the generator's name and address; the DOT description of the waste with the proper shipping name, hazard class, and identification number; number and type of containers; and name and address of the facility designated to receive the waste.

The department believes that federal law (the Hazardous and Solid Waste Amend-

ments of 1984) requires, beginning in August 1985, all small quantity generators who generate in excess of 100 kilograms of hazardous waste per month to utilize a uniform hazardous waste manifest when shipping any hazardous waste off site. The department also is aware that effective July 5, 1985, the EPA's definition of solid waste will be changed in such a way as to reduce the number of regulatory exemptions generators will have when shipping hazardous waste to recyclers, i.e., the exemption provided for characteristic hazardous waste is being removed. Because of these new regulatory factors and because the requirement for small quantity generators to begin using the uniform manifest will not take effect until August 1, 1985, the department has determined to adopt the requirements of §325.298(e)(1)(B) as proposed. Between now and the end of June 1985, the department will further research the possibilities of offering some type of exemption from the requirement to use a fully completed uniform hazardous waste manifest when shipping certain identified hazardous wastes to recycling facilities and will make recommendations to the Texas Board of Health concerning this comment. Relaxation from the requirement to utilize the uniform national manifest form will only be considered by the department if the EPA determines to offer recyclers some remedy under its rules.

Concerning §325.298(f)(2), it was requested that the department revise the wording in this paragraph to require small quantity generators of less than 100 kilograms per month to either ship hazardous waste off site using a person or facility that beneficially uses or reuses or legitimately recycles or reclaims the waste, or maintain records for three years from the date of shipment. If the first option were chosen, the shipment would be accompanied by a transporter service document which contains name and address of the generator; DOT waste description, including the shipping name, hazard class, and identification number; number and type of containers; and name and address of the facility designated to receive the waste. If the second option were taken, the commentor recommends the same information be retained as proposed by the department.

The department believes the proposed section, with some minor modifications that reflect the possibility of shipment to recyclers rather than to disposal facilities, is appropriate and will not impose undue burden on the small quantity waste generator who generates less than 100 kilograms of waste per calendar month.

Concerning costs of the department's permit and inspection program, it was suggested the department recover some of the costs through the use of permit fees.

Depending on the outcome of various bills being considered now by the Texas Legislature, there may be a permit fee and possibly also an inspection fee. Use of a permit fee to pay for surveillance and enforcement programs is not very likely since there is a valid concern that money collected from fees be used to pay for a service rendered or an action required. Use of fees for other activities might result in the fee being ruled a tax, which in turn could jeopardize the department's ability to collect the fee.

In general, individuals offering comments on the proposed amendments did not take a position for or against the rules, but instead suggested revisions which should be made to the amendments prior to adoption. Those offering formal comments included: Ruth Wallace, Association of Inspection Companies and Independent Laboratories; Stanley A. Rodman, ICE/Houston Radiator Association; J. Fletcher Kelly, Waste Disposal Center and Condor Management Corporation; James O. Hamm, P.E., City of Dallas; H. Anthony Breard, Jr., CECOS International; David Marrack, M.D.; and Burton E. Ericson, Safety-Kleen. Ivan George Smith offered support for the rules concerning small quantity generators of hazardous waste.

The amendments are adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste, including hazardous waste.



Subchapter F. Operational Standards for Solid Waste Land Disposal Sites

Operational Standards for Types I, II, III, and IV Sites

★25 TAC §325.136

The amendments are adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste, including hazardous waste.

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 April 30, 1985.

TRD-853812

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 21, 1985
Proposal publication date: February 22, 1985
For further information, please call
(512) 458-7271.

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Subchapter L. Hazardous Waste Management

General

★25 TAC §§325.271-325.273, 325.275, 325.276

The amendments are adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste, including hazardous waste.

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 April 30, 1985.

TRD-853817

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 21, 1985
Proposal publication date: February 22, 1985
For further information, please call
(512) 458-7271.

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Generators

★25 TAC §§325.292, 325.295, 325.296

The amendments are adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste, including hazardous waste.

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 April 30, 1985.

TRD-853826

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 21, 1985

Proposal publication date: February 22, 1985

For further information, please call

(512) 458-7271.

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★ 25 TAC §325.298

The repeal is adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste, including hazardous waste.

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 April 30, 1985.

TRD-853820

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 21, 1985

Proposal publication date: February 22, 1985

For further information, please call

(512) 458-7271.

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The new section is adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste, including hazardous waste.

§325.298. *Special Requirements for Small Quantity Generators.*

(a) Scope and applicability.

(1) A generator is a small quantity waste generator (SQWG) if in a calendar month he generates a total of less than 1,000 kilograms (2,200 pounds) of hazardous wastes, including acutely hazardous wastes as described in subsection (b) of this section. Except for those hazardous wastes that exceed an exclusion limit as set forth in subsection (b) of this section or an accumulation limit as set forth in subsection (c) of this section, SQWG hazardous wastes are subject only to the requirements of this section. Small quantity waste generator hazardous wastes which exceed any of the limits described in subsection (b) and subsection (c) of this section are subject to the provisions of §§325.291-325.299 of this title (relating to Generators).

(2) In determining the total quantity of hazardous waste generated during a calendar month in order to ascertain the applicability of this section to his generated wastes, a generator may exclude:

(A) hazardous waste generated during the current month—except hazardous waste that is a sludge or that is listed in 40 Code of Federal Regulation §261.31 or §261.32 or which contains one or more hazardous wastes listed in those sections—provided such waste is or will be beneficially used or reused or legitimately recycled or reclaimed in accordance with the provisions of §325.299 of this title (relating to Hazardous Waste Which is Used, Reused, Recycled, or Reclaimed);

(B) any waste generated by the on-site processing of his own hazardous waste; and

(C) hazardous waste which was produced during a previous month but which is removed from on-site storage during the current calendar month.

(b) Acute hazardous waste quantity limits. Acute hazardous waste generated by a SQWG during any calendar month in a quantity equal to or less than the limits set forth in paragraphs (1)-(3) of this subsection is subject only to the requirements of this section. If acute hazardous waste is generated during any calendar month in quantities greater than any of the limits set forth in paragraphs (1)-(3) of this subsection, all quantities of that acute hazardous waste are subject to the full requirements of this subchapter, including §§325.291-325.299 of this title (relating to Generators). Quantity limits for acute hazardous waste that is to be excluded from full regulation are:

(1) a total of one kilogram of commercial chemical products and manufacturing chemical intermediates having the generic names listed in 40 Code of Federal Regulations §261.33(e) and off-specification commercial chemical products and manufacturing chemical intermediates which, if they met specifications, would have the generic names listed in 40 Code of Federal Regulations §261.33(e);

(2) a total of 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into on any land or water of any commercial products or manufacturing chemical intermediates having the generic names listed in 40 Code of Federal Regulations §261.33(e); or

(3) a total of 100 kilograms of containers or inner liners from containers that have held acute hazardous waste which are abandoned or discarded, have not been decontaminated to render them empty, and do not have a measurable residue as explained in §325.274(d) of this title (relating to Hazardous Waste Regulated, Exclusions, and Exceptions).

(c) On-site accumulation requirements. Paragraphs (1)-(5) of this subsection are applicable to all SQWGs who, without first obtaining a hazardous waste storage permit or interim status as described in §325.350 of this title (relating to Permits), accumulate and store small quantity hazardous waste on site.

(1) Small quantity hazardous waste stored on site shall:

(A) be stored properly in containers or tanks either of which is compatible with the waste being stored; and

(B) be identified specifically as a hazardous waste by means of easily readable markings on each container, tank, or tank inlet area that state, "HAZARDOUS WASTE," and that show either the name or type of the waste.

(2) SQWGs who accumulate hazardous waste on site in a total quantity greater than 100 kilograms shall store such waste in a manner that complies with the provisions of §325.340 of this title (relating to Use and Management of Containers) for wastes stored in containers, and the provisions of §325.341(b)(1)-(3), (c), and (e)-(i) of this title (relating to Tanks) for waste stored in tanks.

(3) By no later than February 28, 1986, SQWGs who accumulate hazardous waste in below-ground or partially below-ground tanks shall notify the department as to the existence and use of such tanks. The notification shall be submitted using the form, or a facsimile of the form, provided in §325.910 of this title (relating to Appendix J—Notification Form for Small Quantity Hazardous Waste Generators/Transporters/Recyclers) and shall be mailed or delivered to the Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(4) A SQWG shall maintain records on site for each hazardous waste stored at the site. Such records shall identify and indicate the amount of the hazardous waste being stored and the date on which each separate tank or container first received the waste currently stored.

(5) When any of the weight limits set forth in this paragraph are exceeded with respect to the wastes being stored on site,

all of the wastes for which a limit is exceeded become fully regulated wastes and shall, from that date forward, be managed in compliance with §§325.291-325.299 of this title (relating to Generators):

(A) 1,000 kilograms of hazardous waste;

(B) one kilogram of acute hazardous waste as described in subsection (b)(1) of this section;

(C) 100 kilograms of residue or contaminated soil, water, or debris, as described in subsection (b)(2) of this section; or

(D) 100 kilograms of containers or inner liners from containers, as described in subsection (b)(3) of this section.

(5) The 90-day accumulation time period referred to in §325.293 of this title (relating to Hazardous Waste Accumulation), for wastes which become fully regulated, begins when the accumulation weight quantity limits set forth in paragraph (4) of this subsection are exceeded for that particular waste category. On that date, each container or tank in which such category of waste is stored shall be clearly marked with the start date of the 90-day allowable accumulation period.

(d) General requirements. Paragraphs (1)-(7) of this subsection are applicable to all SQWGs, and all SQWGs shall comply with the requirements set forth in these paragraphs:

(1) §325.271 of this title (relating to Purpose, Applicability, and Release of Information);

(2) §325.272 of this title (relating to Definitions of Terms and Abbreviations);

(3) §325.273 of this title (relating to Hazardous Waste Determination);

(4) §325.274 of this title (relating to Hazardous Waste Regulated, Exclusions, and Exceptions);

(5) a SQWG who, either with or without pretreatment, discharges his hazardous waste into a domestic sewer system shall comply with:

(A) all local sewer-use ordinances;

(B) the Clean Water Act, §307(b);

(C) the record-keeping requirements set forth in §325.292(g) of this title (relating to Scope and Applicability); and

(D) all requests for reports sought by the department in accordance with §325.296(d) of this title (relating to Reporting Requirements).

(6) Hazardous wastes generated by a SQWG that are subject to the reduced requirements of this section may be mixed with nonhazardous wastes and still remain subject to the reduced requirements even though the resulting mixture exceeds the quantity limitations set forth in subsection (c)(4) of this section, unless the resulting mixture creates a waste that has a characteristic of a hazardous waste as explained in §325.274(b)(3) of this title (relating to

Hazardous Waste Regulated, Exclusions, and Exceptions).

(7) A SQWG who mixes a solid waste with a hazardous waste that prior to mixing exceeded any of the quantity limitations set forth in subsection (c)(4) of this section shall manage all of the resulting mixture in accordance with the requirements of §§325.291-325.299 of this title (relating to Generators).

(e) Special requirements for quantities greater than 100 kilograms. Small quantity waste generators who generate more than 100 kilograms of hazardous waste during a calendar month or who accumulate on site more than 100 kilograms of hazardous waste shall comply with the provisions of paragraphs (1)-(4) of this subsection.

(1) Small quantity waste generator hazardous waste subject to regulation under this subsection may be shipped off site provided the generator:

(A) assures that the waste is prepared in accordance with the requirements of §325.294 of this title (relating to Pretransport Requirements);

(B) transports the waste himself or utilizes a waste transporter who has been issued a state hazardous waste transporter ID number;

(C) effective August 1, 1985, assures that all hazardous waste being shipped off site is accompanied by a fully completed uniform hazardous waste manifest as described in §325.295 of this title (relating to Manifest Requirements), except that:

(i) spaces on the manifest form designated for display of U.S. Environmental Protection Agency (EPA) ID numbers may be left blank if such numbers have not been issued;

(ii) the SQWG, when filling out the manifest, shall enter, on line 15 of the form the statement, "This waste is a small quantity hazardous waste"; and

(iii) when regulations do not require the generator, transporter, or receiver to have a state ID number and when such numbers have not been issued, the SQWG shall enter the word "none" in the appropriate blank(s) on the manifest.

(2) A SQWG who either generates or accumulates waste on site that is subject to regulation under this subsection shall notify the department concerning his status as a SQWG and request a Texas Department of Health (TDH) ID number. Such notification shall be made on a facsimile of the form provided in §325.910 of this title (relating to Appendix J--Small Quantity Generator Notification Form) and shall be mailed or delivered to the Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, by February 28, 1986. Additional copies of this form may be obtained from the department by calling (512) 458-7271. Small quantity waste generators who after February 1, 1986, become subject to the requirements of this subsection due to

the generation or accumulation of hazardous waste shall have 30 days to file the required notification, except that such notification shall be made and a TDH ID number obtained prior to shipping any such waste.

(3) Small quantity waste generator hazardous waste subject to regulation under this subsection shall be processed or disposed of in an on-site facility or shipped to an off-site storage, processing, recycling, or disposal facility either of which (on- or off-site facility) matches any of the descriptions in subparagraphs (A)-(D) of this paragraph.

(A) A hazardous waste management facility operating under interim status or a permit issued by the EPA, an authorized state, the department, or the Texas Department of Water Resources provided the facility has the approval of its regulating agency to receive the waste and the waste is transported in accordance with the regulating agency's rules.

(B) A permitted Type I, V, or VII municipal solid waste site authorized to receive small quantity hazardous waste on a generator-specific, waste-specific, site-specific basis by the bureau in accordance with §325.136 of this title (relating to Disposal of Special Wastes).

(C) A person or facility that, effective August 1, 1985, has a state ID number, that agrees to comply with the manifest requirements of §325.336(a), (b), and (c)(3) of this title (relating to Manifest System, Record Keeping, and Reporting), and that:

(i) beneficially uses or reuses or legitimately recycles or reclaims the generator's hazardous waste or who temporarily stores the waste in conjunction with these activities; or

(ii) treats the generator's waste prior to beneficial use or reuse or legitimate recycling or reclamation or temporarily stores the waste in conjunction with these activities.

(D) A person or facility that has been issued a TDH ID number and that has been authorized in accordance with §325.371 of this title (relating to Storage by Special Rule) to receive, store, consolidate, repack, and reship hazardous waste which is subject to reduced regulatory requirements under either this section or §325.299(a) of this title (relating to Hazardous Waste Which is Used, Reused, Recycled, or Reclaimed).

(4) A SQWG who ships hazardous waste to a facility described in paragraph (3) of this subsection shall, effective August 1, 1985, comply with the reporting requirements of §325.296 of this title (relating to Reporting Requirements) and with the record-keeping requirements of §325.297 of this title (relating to Record-Keeping Requirements).

(f) Special requirements for quantities less than 100 kilograms. The provisions of paragraphs (1)-(5) of this subsection are

applicable to SQWGs who generate less than 100 kilograms (220 pounds) of hazardous waste during a calendar month and who accumulate on site less than 100 kilograms (220 pounds) of hazardous waste.

(1) A SQWG who is subject to regulation under this subsection shall process or dispose of his hazardous waste in an on-site facility or ship it to an off-site storage, processing, recycling, or disposal facility either of which (on- or off-site facility) matches any of the descriptions in subparagraphs (A)-(D) of this paragraph:

(A) a Type I or Type V municipal solid waste site with a TDH permit;

(B) a hazardous waste management facility operating under interim status or a permit issued by the EPA, an authorized state, the department, or the Texas Department of Water Resources;

(C) a person or facility that:

(i) beneficially uses or reuses or legitimately recycles or reclaims the generator's hazardous waste or who temporarily stores the waste in conjunction with these activities; or

(ii) treats the generator's waste prior to beneficial use or reuse or legitimate recycling or reclamation or who temporarily stores the waste in conjunction with these activities;

(D) a person or facility that has been issued a TDH ID number and that has been authorized in accordance with §325.371 of this title (relating to Storage by Special Rule) to receive, store, consolidate, repackage, and reship hazardous waste which is subject to reduced regulatory requirements under either this section or §325.299(a) of this title (relating to Hazardous Waste Which is Used, Reused, Recycled, or Reclaimed).

(2) A SQWG who generates and accumulates hazardous waste on site which is regulated under this subsection and who subsequently ships such waste off site shall maintain, for at least three years from the date of shipment, records which contain the following information:

(A) date of actual shipment or disposal;

(B) name and address of the transporter;

(C) name, address, and location or ID number of person or facility receiving the waste;

(D) identification and quantity of waste shipped (identification may be by Texas Municipal Waste Code number or EPA Waste Code number);

(E) number and type of containers used for making shipment; and

(F) name and signature of the generator, or his representative, responsible for determining the identity and quantity of the waste and for verifying that the waste was delivered to the facility identified in the records as the receiving facility.

(3) A SQWG shall, when requested by the department, submit reports to the

department in accordance with §325.296(d) of this title (relating to Reporting Requirements).

(4) A SQWG who ships wastes in accordance with this subsection and who is not required to utilize the uniform hazardous waste manifest may, if he chooses or is requested to by the transporter or receiver, use the manifest as described in subsection (e)(2)(C) of this section. A SQWG that does not have a TDH ID or EPA ID number shall enter the word "none" in the locations on the manifest designated for display of such numbers.

(5) A SQWG who is not required to have a TDH ID number but who nevertheless chooses to utilize the uniform hazardous waste manifest is not required to submit monthly shipping summary reports to the department.

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 April 30, 1985.

TRD-853814

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 21, 1985

Proposal publication date: February 22, 1985

For further information, please call
(512) 458-7271.

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Transporters

★25 TAC §325.311, §325.312

The amendments are adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste, including hazardous waste.

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 April 30, 1985.

TRD-853824

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 21, 1985

Proposal publication date: February 22, 1985

For further information, please call
(512) 458-7271.

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Facility Owners and Operators

★25 TAC §325.332

The amendment is adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste, including hazardous waste.

§325.332. *Applicability.*

(a) (No change.)

(b) The standards in §§325.331-325.350 of this title (relating to Facility Owners and Operators) do not apply to:

(1)-(9) (No change.)

(10) the owner or operator of a facility which processes or stores hazardous waste when the treatment or storage meets the criteria of §325.299(a) of this title (relating to Hazardous Waste Which Is Used, Reused, Recycled, or Reclaimed), except to the extent that §325.299(b) provides otherwise. However, the owner or operator who does not have a state ID number shall obtain an ID number in compliance with §325.275 of this title (relating to Notification of Hazardous Waste Activity) and comply with the requirements of §325.336(a), (b), (c)(3), and (e)(5) of this title (relating to Manifest System, Record Keeping, and Reporting);

(11) (No change.)

(12) the owner or operator of a facility permitted to manage municipal solid waste, if the only hazardous waste the facility processes, stores, or disposes of is waste from small quantity waste generators who are subject to regulation under §325.298(e) of this title (relating to Special Requirements for Small Quantity Generators), except that the owner or operator of such a facility shall comply with §325.336(a), (b), (c)(3), and (e)(5) of this title (relating to Manifest System, Record Keeping, and Reporting);

(13) The owner or operator of a facility authorized to receive, consolidate,

store, repackage, and reship hazardous waste in compliance with the requirements of §325.371 of this title (relating to Storage by Special Rule).

(c) (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 April 30, 1985.

TRD-853823

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 21, 1985

Proposal publication date: February 22, 1985

For further information, please call

(512) 458-7271.

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Special Rule Facilities

★25 TAC §325.371

The new section is adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste, including hazardous waste.

§325.371. Storage by Special Rule.

(a) Scope and applicability.

(1) The requirements of this section provide operational standards for owners and operators of municipal solid waste storage facilities that have been identified by the department as facilities which are authorized to receive, consolidate, store (for no longer than 180 days in containers or aboveground tanks), repackage, and reship any of the solid wastes in subparagraphs (A)-(C) of this paragraph:

(A) hazardous wastes which are subject to reduced regulation as set forth in §325.298 of this title (relating to Special Requirements for Small Quantity Generators);

(B) hazardous wastes which are subject to reduced regulation as set forth in §325.299(a) of this title (relating to Hazardous Waste Which Is Used, Reused, Recycled or Reclaimed), except as §325.299 (b) of this title (relating to Hazardous Waste Which Is Used, Reused, Recycled, or Reclaimed) provides otherwise; or

(C) any waste (including household waste) which would be a hazardous waste if it were not excluded from regulation as a hazardous waste under §325.274(c) of this title (relating to Hazardous Waste Regulated, Exclusions, and Exceptions).

(2) Owners and operators of facilities for which notification, as described in subsection (b)(1) of this section, has been made and for which a Texas Department of Health (TDH) ID number has been issued are authorized by rule to operate such facilities provided they comply with all the requirements of this section.

(3) Facilities which operate under authorization of interim status or by permit as required by §§325.331-325.350 of this title (relating to Facility Owners and Operators) or which process, treat, reuse, or recycle (and store in connection with this activity) waste which is regulated under §325.299 (a) of this title (relating to Hazardous Waste Which Is Used, Reused, Recycled, or Reclaimed) shall not be included in regulation under this section.

(b) Notification and issuance of a TDH ID number.

(1) A site or facility shall not receive, store, or consolidate any hazardous waste, including those identified in subsection (a)(1)(A)-(C) of this section, without the owner or operator:

(A) notifying the department in writing stating his intention to operate the site or facility in compliance with the requirements of this section; and

(B) possessing a TDH ID number that will serve to adequately identify the facility.

(2) Notifications and requests for ID numbers shall be mailed to the Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(c) Facility requirements. The general requirements in paragraphs (1)-(12) of this subsection apply to all facility owners and operators with respect to the solid waste activities authorized under this section:

(1) applicable rules of §325.271(c)-(f) of this title (relating to Purpose, Applicability, and Release of Information);

(2) Section 325.272 of this title (relating to Definitions of Terms and Abbreviations);

(3) §325.273 of this title (relating to Hazardous Waste Determination);

(4) §325.274 of this title (relating to Hazardous Waste Regulated, Exclusions, and Exceptions);

(5) §325.333 of this title (relating to General);

(6) §325.334 of this title (relating to Preparedness and Prevention);

(7) §325.335 of this title (relating to Contingency Plan and Emergency Procedures);

(8) §325.336 of this title (relating to Manifest System, Record Keeping, and Reporting). The facility owner or operator shall require all wastes, except waste identified in subsection (a)(3) of this section, to be manifested to the facility;

(9) applicable portions of §325.338 (b), (c)(1)-(3), (d), (e), and (f) of this title (relating to Closure and Postclosure Require-

ments). The facility owner or operator shall consider his facility plan to be an interim status plan for the purposes of closure and postclosure requirements;

(10) §325.339 of this title (relating to Financial Requirements). The owner or operator shall consider his facility to be an interim status facility for the purposes of financial requirements;

(11) §325.340 of this title (relating to Use and Management of Containers);

(12) §325.341 of this title (relating to Tanks), except that subsection (a)(2) shall not apply. Tanks which are partially or fully below ground shall not be used for storage or consolidation of hazardous waste.

(d) Additional restrictions. Owners or operators, when conducting activities authorized under this section, shall comply with the following restrictions:

(1) the maximum amount of hazardous waste, including acute hazardous waste, that may be stored on site at any time shall be 75,000 kilograms (approximately 165,000 pounds);

(2) the maximum amount of acute hazardous waste that may be stored on site at any time shall be 1,000 kilograms (approximately 2,200 pounds);

(3) the maximum number of hazardous waste holding containers that may be on site at any time shall be 300;

(4) any tanks used for the on-site storage or consolidation of hazardous waste shall be provided with a containment system that complies with the standards set forth in §325.340(f) of this title (relating to Use and Management of Containers). For purposes of this paragraph, tanks shall be considered to be the same as containers;

(5) the owner or operator shall not provide or conduct any on-site disposal or treatment of the wastes received without having applied for and received a permit for such activity;

(6) all containers and tanks that are used for the storage of hazardous waste must be marked with the:

(A) date that the container or tank first received any of the waste which it holds; and

(B) identification of the contents of the container or tank using the Texas municipal waste code number.

(7) owners or operators shipping hazardous waste off site shall comply with all the applicable requirements of §§325.291-325.299 of this title (relating to Generators), except that wastes shall not be:

(A) shipped as a small quantity waste under §325.298 of this title (relating to Special Requirements for Small Quantity Generators); or

(B) discharged to a domestic sewage system for treatment at a wastewater treatment plant.

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 April 30, 1985.

TRD-853815

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 21, 1985

Proposal publication date: February 22, 1985

For further information, please call
(512) 458-7271.

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Subchapter N. Management of Sludges and Similar Wastes General

★ 25 TAC §325.412

The amendment is adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste.

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 April 30, 1985.

TRD-853821

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 21, 1985

Proposal publication date: February 22, 1985

For further information, please call
(512) 458-7271.

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(Editor's note: A notice appeared in the May 7, 1985, issue of the Texas Register indicating that the following adopted submissions would appear in this issue. However, these submissions have been rejected for failure to comply with Texas Register submission requirements.)

Subchapter N. Management of Sludges and Similar Wastes
Land Application for Beneficial Use
§325.462
(amendment)

Subchapter O. Guidelines for Regional and Local Solid Waste Management Plan
§§325.581-325.587
(new)

Subchapter X. Forms and Documents
§325.901, §325.906
(repeal)

§§325.901, 325.906, 325.911
(new)

Subchapter X. Forms and Documents

★ 25 TAC §325.910

The new section is adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the Texas Department of Health with the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act and establish minimum standards of operation for all aspects of the management and control of municipal solid waste, including hazardous waste.

§325.910. *Small Quantity Generator Notification Form.* This section adopts the attached Appendix J—Small Quantity Generator Notification Form.

(Editor's note: The form adopted in this section appears on the following page.)

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 April 30, 1985.

TRD-853816

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 21, 1985

Proposal publication date: February 22, 1985

For further information, please call
(512) 458-7271.

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TEXAS DEPARTMENT OF HEALTH
BUREAU OF SOLID WASTE MANAGEMENT
1100 W. 49TH STREET
AUSTIN, TEXAS 78756-3199

NOTIFICATION FORM FOR
SMALL QUANTITY HAZARDOUS WASTE
GENERATORS/TRANSPORTERS/RECYCLERS

I request the following facility and/or operation be registered by the Texas Department of Health (TDH) and the assignment of a unique TDH identification (registration) number for use on Uniform Hazardous Waste Manifests. I certify that the information provided concerning this facility and/or operation is correct. I agree to advise TDH whenever a change to the information is made necessary.

A. FACILITY NAME _____

FACILITY ADDRESS _____

B. INSTALLATION CONTACT AND FACILITY TELEPHONE NUMBER

_____ Area Code (____) _____
Installation Contact Person Telephone Number

C. LOCATION OF OPERATION OR FACILITY _____

_____ COUNTY _____

D. OWNERSHIP _____

Owner's Identity _____

Owner's Address (if different from address given in "A") _____

E. HAZARDOUS WASTE RELATED ACTIVITIES PERFORMED INCLUDE (Check as many as appropriate):
___ Waste Generation ___ Waste Transportation ___ Hazardous Materials Recycling

F. BRIEF DESCRIPTION OF ACTIVITIES: _____

G. ESTIMATED QUANTITY OF HAZARDOUS WASTE GENERATED OR HANDLED (Check appropriate space)

- ___ Less than 25 kilograms (55 pounds) per month
___ 25 - 100 kilograms (55 - 220 pounds) per month
___ 100 - 1,000 kilograms (220 - 2,200 pounds) per month
___ More than 1,000 kilograms (2,200 pounds) per month

H. ARE ANY ACUTE HAZARDOUS WASTES GENERATED OR HANDLED? _____ IF YES, WHAT WASTES? _____
(y/n)

I. ARE ANY OF THE HAZARDOUS WASTES HANDLED SHIPPED OUT-OF-STATE? _____
(y/n)

J. PARTIALLY OR FULLY BELOW-GROUND TANKS _____ USED FOR ON-SITE HAZARDOUS WASTE STORAGE.
are/are not

Name & Official Title (please print)

Signature Date

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 *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 agendas than what is published in the *Register*.

Texas Department on Aging

Thursday, May 16, 1985, 10 a.m. The State Board on Aging of the Texas Department on Aging will meet at 210 Barton Springs Road, Austin. Items on the agenda include approval of the February 7 and 8, 1985, minutes; the Citizens Advisory Council meeting report; carryover; an amendment to the budget concerning discretionary grants; task forces and standards; a legislative update; the Silver-Haired Legislature; Title III rules; state/area plan hearings; the executive director's report; an employment conference; unclaimed bank accounts; and the rural senior citizens discount directory.

Contact: O. P. (Bob) Bobbitt, 210 Barton Springs Road, Austin, Texas 78711, (512) 475-2717.

Filed: May 6, 1985, 4:52 p.m.
TRD-854028

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Texas Department of Community Affairs

Friday, May 17, 1985, 9:30 a.m. The State Review Committee of the Texas Department of Community Affairs (TDCA) will meet in the conference room, first floor, 2015 IH 35 South, Austin. Items on the agenda include a presentation of the minutes, an economic development report, recommendations on economic development projects, appeals, and other business.

Contact: Kelly Myrick, 2015 IH 35 South, Austin, Texas 78741, (512) 443-4100, ext. 375.

Filed: May 3, 1985, 11:51 a.m.
TRD-853955

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Texas Department of Corrections

Tuesday, May 7, 1985, 9 a.m. The Board of the Texas Department of Corrections met in emergency session in the attorney general's conference room, Supreme Court

Building, 14th and Colorado Streets, Austin. According to the agenda, the board met in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(e), to consider Ruiz litigation and other pending litigation matters. The emergency status was necessary because items requiring board resolution developed within the seven-day usual posting period.

Contact: R. K. Procnier, P.O. Box 99, Huntsville, Texas 77340, (512) 295-6371, ext. 160.

Filed: May 6, 1985, 2:54 p.m.
TRD-854009

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Texas School for the Deaf

Saturday, May 11, 1985. Committees and the governing board of the Texas School for the Deaf (TSD) will meet in the boardroom, Administration Building, 1102 South Congress Avenue, Austin. Times, committees, and agendas follow.

8:30 a.m. The Student Life and Curriculum Committee will review student life plans for 1985-1986.

10:30 a.m. The Policy Committee will review and discuss policy DOAD-term contracts concerning reduction in force, and discuss priorities for the upcoming year.

Noon. The Governing Board will consider approval of the March 22, 1985, minutes; business requiring board action, including consultant contracts, communication philosophy, food services for 1985-1986, a computer system, final approval concerning the Technical Advisory Committee, emergency referrals for 1985-1986, the 1985-1986 school calendar, the board organization, Policy DOAC concerning reduction in force, contract employees, board meeting locations, plans to retreat in August, and dedication of the Louisiana School for the Deaf. The board also will meet in executive session to consider personnel action, legal matters, business for informational purposes, the executive director's annual report, summer maintenance needs, cottage renova-

tions update, the student life plan for 1985-1986, final draft of cooperative agreements between TSD and LEAs, a health services report, Cablevision, a territoriality presentation concerning summer school, and end of year activities.

Contact: Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821, ext. 303.

Filed: May 3, 1985, 1:14 p.m.
TRD-853957, 853956, 853958

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Texas Education Agency

Friday, May 9, 1985, 10 a.m. The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency (TEA) made an addition to the agenda for an emergency session held in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. The addition concerned appointment of a trustee for the Randolph Field Independent School District. The emergency status was necessary because information was received too late to meet statutory requirements.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: May 2, 1985, 4:23 p.m.
TRD-853920

Thursday, May 9, 1985, 3:45 p.m. The Committee of the Whole of the State Board of Education of the Texas Education Agency (TEA) met in emergency session in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee considered a resolution honoring J. J. Pearce High School, Richardson Independent School District, as the 1985 National Academic Decathlon Team. The emergency status was necessary to enable the board to recognize the achievements of these Texas students.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: May 3, 1985, 4:23 p.m.
TRD-853970

Friday, May 10, 1985, 8 a.m. The Committee for Personnel of the State Board of Education of the Texas Education Agency (TEA) made additions to the agenda of a meeting to be held in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. The additions concern review of rules concerning the Commission on Standards for the Teaching Profession procedures for approval of teacher education programs and discussion of the 1984 standards for teacher education.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: May 2, 1985, 4:21 a.m.
TRD-853917

Friday, May 10, 1985, 1 p.m. The Committee of the Whole of the State Board of Education of the Texas Education Agency (TEA) will meet in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will discuss programs for disadvantaged and minority children.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: May 2, 1985, 4:22 p.m.
TRD-853918

Friday, May 10, 1985, 6:30 p.m. The State Board of Education of the Texas Education Agency (TEA) and an invited guest from the Michigan Department of Education will meet in the Robertson Room, La Mansion Hotel, 6505 IH 35 North, Austin. According to the agenda, the board will meet for dinner and discuss education reforms relative to programs for disadvantaged and minority children.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: May 2, 1985, 4:22 p.m.
TRD-853919

Saturday, May 11, 1985, 8:30 a.m. The State Board of Education of the Texas Education Agency (TEA) made an addition to the agenda of a meeting to be held in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. The addition concerns a resolution honoring J. J. Pearce High School, Richardson Independent School District, as the 1985 National Academic Decathlon Team.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: May 3, 1985, 4:23 p.m.
TRD-853971

Saturday, May 11, 1985, 8:30 a.m. The State Board of Education of the Texas Education Agency (TEA) made an addition to the agenda of meeting to be held in the boardroom, TEA North Building, 1200 East

Anderson Lane, Austin. The addition concerned the appointment of a trustee for the Randolph Field Independent School District.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: May 2, 1985, 4:22 p.m.
TRD-853921

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Texas Employment Commission

Tuesday, May 14, 1985, 8:30 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act upon higher level appeals in unemployment compensation cases on Commission Docket 20, and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: May 3, 1985, 4:11 p.m.
TRD-853968

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State Board of Insurance

Tuesday, May 14, 1985, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7992—whether True People of America Fraternal Benefit Society, Houston, has complied with Commissioner's Order 85-0906, dated March 15, 1985.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: May 6, 1985, 2:11 p.m.
TRD-853990

Tuesday, May 14, 1985, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider motions for dismissal in the appeals of Charles Garcia and Carolyn Garcia, Myra E. Christofell, William E. Burr and Loretta Burr, and William Seal Byers and Barbara Anne Byers from action of the Texas Catastrophe Property Insurance Association (TCPIA); a proposal for a decision in the appeal of Theodore S. Miller from action of the TCPIA; board orders on several different matters; the fire marshal's report and the

commissioner's report, both concerning personnel; and litigation.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: May 6, 1985, 3:19 p.m.
TRD-854012

Tuesday, May 14, 1985, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider proposed action on amendments to Rules 059.21.01.111, 059.01.15.212, 059.01.14.021(a)(4), 059.01.11.041-.044, 059.21.21.107, and 059.05.53.102; the repeal of Rule 059.01.15.204; and correction of a typographical error in Board Order 46832, which adopted Rules 059.03.76.001-.011.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: May 6, 1985, 3:19 p.m.
TRD-854013

Wednesday, May 15, 1985, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Boulevard, Austin. According to the agenda, the board will conduct a public hearing to consider proposed Rule 059.03.68.001, which appeared in the April 23, 1985, issue of the *Texas Register* (10 TexReg 1290). The rule provides that no policy or certificate delivered or issued for delivery in Texas on or after July 1, 1985, may exclude orthodontic coverage on the ground that overbite, overjet, openbite, or arch length discrepancies measure less than four millimeters or any other arbitrary unit of measurement or qualifications which are not reasonably supported by accepted orthodontic practice.

Contact: Pat Wagner, 1110 San Jacinto Boulevard, Austin, Texas 78786, (512) 475-2950.

Filed: May 6, 1985, 8:50 a.m.
TRD-853975

Wednesday, May 15, 1985, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board and the commissioner will meet with representatives of the central office of the National Association of Insurance Commissioners to discuss services that office can provide.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: May 6, 1985, 3:19 p.m.
TRD-854014

Thursday, May 16, 1985, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 8048—whether disciplinary action should be taken against Boyd Lane Hurt, Clarksville, who holds a Group I legal reserve life insurance agent's

license, a Group II health and accident agent's license, and a local recording agent's license.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: May 5, 1985, 2:11 p.m.
TRD-853991

Thursday, May 16, 1985, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider a reinsurance assumption agreement between Tigor Title Insurance Company and Tigor Title Insurance Company of California.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: May 6, 1985, 3:19 p.m.
TRD-854015

Thursday, May 16, 1985. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Times and dockets follow.

1:30 p.m. Docket 7998—whether disciplinary action should be taken against Allied Indemnity Agency, Inc., San Antonio, which holds a surplus lines agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: May 6, 1985, 2:11 p.m.
TRD-853992

3 p.m. Docket 7999—whether disciplinary action should be taken against Brownrigg Insurance Agency, Inc., Marshall, which holds a surplus lines agent's license.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: May 6, 1985, 2:11 p.m.
TRD-853993

Friday, May 17, 1985, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will meet with Research and Information Services to discuss and reach decisions on technical advice related to bills presently pending before the legislature which affect the board; discuss inquiries from members of the legislature and others relating to pending or proposed legislation; discuss the status of bills recommended by the board under the Insurance Code, Article 1.25; discuss and act on fiscal notes and other requests from the Legislative Budget Board; and consider any other matters relating to issues before the legislature concerning the board or the regulation of insurance.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: May 6, 1985, 3:20 p.m.
TRD-854016

Friday, May 17, 1985. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Times, rooms, and dockets follow.

9 a.m. In Room 342, Docket 8059—whether disciplinary action should be taken against Jerry Eugene Blankenship, Garland, who holds a Group I legal reserve life insurance agent's license and a Group II health and accident insurance agent's license.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: May 6, 1985, 2:12 p.m.
TRD-853994

1:30 p.m. In Room 353, Docket 8000—whether disciplinary action should be taken against Cornerstone Insurance Agency, Dallas, which holds a surplus lines agent's license.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: May 6, 1985, 2:12 p.m.
TRD-853995

1:30 p.m. In Room 342, Docket 8061—whether disciplinary action should be taken against Herbert E. Mayr, Eddy, who holds a Group I legal reserve life insurance agent's license and a Group II insurance agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: May 6, 1985, 2:12 p.m.
TRD-853996

Monday, May 20, 1985. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 353, 1110 San Jacinto Street, Austin. Times and dockets follow.

9 a.m. Docket 8070—consideration of approval of the articles of agreement of Solar States Lloyd's Insurance Company, Dallas.

1:30 p.m. Docket 8078—application for original charter of RDI Life Insurance Company, Fort Worth.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: May 6, 1985, 2:12 p.m.
TRD-853997, 853998

The State Board of Insurance will meet in Room 342, 1110 San Jacinto Boulevard, Austin. According to the agenda, a board designate will conduct public hearings to consider appeals from action of the Texas Catastrophe Property Insurance Association. Days, times, and appellants follow.

Monday, June 10, 1985, 9 a.m. Odessa B. Hillyer.

Wednesday, June 12, 1985, 9 a.m. Joe Celli.

Monday, June 17, 1985, 9 a.m. Ruby Rowden, doing business as Aloha Motel.

Monday, June 24, 1985, 9 a.m. Eula M. Daniel.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: May 3, 1985, 9:21 a.m.
TRD-853927-853930

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Lamar University

Thursday, May 9, 1985. Committees of the Board of Regents of Lamar University (LU) will meet in the Lamar Room, Gray Library, Lamar University, Beaumont. Times, committees, and agendas follow.

1:30 p.m. The Buildings and Grounds Committee will consider bids to replace skylights in the Gray Library, authorization to appoint an architectural firm to develop specifications and solicit bids to repair/replace the roof on Gentry Hall, authorization to solicit bids for materials to repair Georgia Street, Iowa Street, and parts of parking lots at the stadium and Montagne Center, authorization to solicit bids to improve seating at Cardinal Stadium, a beverage policy for Montagne Center, and bids for deans' microcomputer workstations, LU-Beaumont; and consider authorization to appoint an architectural firm to develop plans and specifications for roofing and renewing the air conditioning and heating system for Gates Memorial Library, a request to purchase four TRS-80 Model 4 microcomputers for the business data processing lab, and a request to purchase automotive parts, LU-Port Arthur.

2:15 p.m. The Finance and Audit Committee will consider approval of the March 1985 monthly financial report, guidelines for the 1985-1986 budget, a resolution to sell and to change the name on stock certificates, and a recommendation to authorize approval levels for purchases and contracts at component units, LU System.

2:45 p.m. The Personnel Committee and Academic Affairs Committee will jointly consider recommendation for a merit award, LU-Orange; a recommendation for developmental leave, LU-Port Arthur; and an organization structure for LU-Port Arthur and LU-Orange, LU System. The committees also will meet in executive session.

Saturday, May 11, 1985, 7:30 a.m. The Board of Regents of Lamar University will meet in the Red Room, Montagne Center, Lamar University, Beaumont. Items on the agenda include the chancellor's report and announcements; approval of the Finance and Audit Committee recommendations, Buildings and Grounds Committee recommendations, and the Personnel Committee and Academic Affairs Committee recom-

mendations. The board also will meet in executive session.

Contact: Dr. George McLaughlin, P.O. Box 11915, Beaumont, Texas 77710, (409) 880-2304.

Filed: May 6, 1985, 9:35 a.m.
TRD-853976-853979

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Board of Pardons and Paroles

Tuesday, May 14, 1985, 1:30 p.m. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2704.

Filed: May 3, 1985, 10:31 a.m.
TRD-853934

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State Pension Review Board

Wednesday, May 15, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet in Room G-35-B, State Capitol, Austin. According to the agenda, the committee will discuss upcoming legislation.

Contact: Benette Meadows, 18th and Brazos Streets, Austin, Texas 78701, (512) 475-8332.

Filed: May 6, 1985, 10:07 a.m.
TRD-853982

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Texas State Board of Pharmacy

Tuesday and Wednesday, May 14 and 15, 1985, 10 a.m. and 8 a.m. respectively. The Texas State Board of Pharmacy (TSBP) will meet at the Austin South Plaza Hotel, 3401 IH 35 South, Austin. According to the agenda summary, the board will hear testimony and review evidence of alleged violations of those laws which persons are subject to, administrative sanctions, and what form the sanctions are to take; discuss approval of the March 8, 1985, business meeting minutes and the February 26, 1985, disciplinary hearing minutes; discuss approval of amendments to 22 TAC §281.24 and §284.14(3) and action on proposed amend-

ments to 22 TAC §§291.32, 291.34, 309.5, 291.75, 283.12, and 283.13; and discuss reports concerning the TSBP budget for fiscal year 1986-1987, legislation, the Board Advisory Committee on Class D Pharmacy, computer transfer of prescription information, Attorney General Opinion JM-304, the professional exhibit, the board services and supportive personnel survey, board policy issues, the NABP annual meeting, the 1985 pharmacy renewal process, and board member liability insurance. The board also will meet in executive session to discuss personnel and litigation.

Contact: Fred S. Brinkley, R.Ph., 211 East Seventh Street, Austin, Texas 78701, (512) 478-9827.

Filed: May 6, 1985, 10:24 a.m.
TRD-853983

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Proprietary School Advisory Commission

Tuesday, May 14, 1985, 10 a.m. The Proprietary School Advisory Commission will meet in the conference room, fourth floor, Teacher Retirement System of Texas Building, 1001 Trinity Street, Austin. Items on the agenda include a review of a rule on a proprietary school operating an employment agency at the same location; guidelines for granting exemptions to the Texas Proprietary School Act; discussion of timelines for processing certificates, compliance surveys, letters of intent to revoke and mailing of carbon copies, student-teacher ratio, and the difference between "a location" and "additional classroom facilities"; preapproval for advertising purposes; comment on proposed amendments to 19 TAC Chapter 69, concerning proprietary schools and veterans education, and 19 TAC §157.67, concerning hearings held pursuant to the Texas Proprietary School Act; an update on a request for an attorney general opinion on computer schools; modifications and additions to the minimum standards for degree-granting schools; and the maintaining of records of advertising sales and enrollment materials for monitoring purposes.

Contact: Joe L. Price, 201 East 11th Street, Austin, Texas 78701, (512) 475-2246.

Filed: May 6, 1985, 4:26 p.m.
TRD-854020

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Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Wednesday, May 15, 1985, 1:30 p.m. A prehearing conference in Docket 6008—

complaint of South Grayson Water Supply Corporation against the City of Anna.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 6, 1985, 10:49 a.m.
TRD-853984

Wednesday, May 29, 1985, 1:30 p.m. A prehearing conference in Docket 5642—inquiry into the rates charged and service rendered by Martin Utility Company.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 2, 1985, 4:23 p.m.
TRD-853922

Friday, May 31, 1985, 1 p.m. A prehearing conference in Docket 6259—request of Community Water and Sewer Corporation to terminate service to the Green Valley addition in Johnson County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 6, 1985, 1:53 p.m.
TRD-854010

Tuesday, June 4, 1985, 10 a.m. A rescheduled hearing on the merits in Docket 6138—complaint of Rose Monroe against Houston Lighting and Power for disconnection of service. The meeting originally was scheduled for May 16, 1985, as published at 10 TexReg 1186.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 7, 1985, 9:17 a.m.
TRD-854047

Monday, June 17, 1985, 9 a.m. A hearing on the merits in Docket 6144—application of Southwestern Bell Telephone Company to introduce a specific tariff offering called customer service.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 7, 1985, 9:17 a.m.
TRD-854046

Monday, June 24, 1985, 9 a.m. A limited hearing in Docket 5954—inquiry into offering extended area service in the City of Rockwall.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 2, 1985, 4:24 p.m.
TRD-853923

Thursday, July 18, 1985, 10 a.m. A hearing on the merits in Docket 6169—inquiry into the service rendered and rates charged by Lame Duck Water Company.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 3, 1985, 9:21 a.m.
TRD-853931

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Railroad Commission of Texas

Tuesday, May 7, 1985, 10 a.m. The Railroad Commission of Texas met in emergency session in Room 309, 1124 IH 35 South, Austin. According to the agenda, the commission considered the Gas Utilities Division waiver of certain notice and filing requirements regarding a decrease in gas cost to be flowed by Entex, Inc., to downstream customers through purchased gas adjustment provisions applicable in the environs of the Cities of Houston, Orange, West Orange, and Pinchurst. The emergency status was necessary to effectuate the prompt decrease in purchased gas costs which would benefit the public welfare.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78745, (512) 475-0461.

Filed: May 7, 1985, 7:35 a.m.
TRD-854029

Monday, May 13, 1985, 9 a.m. The Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: May 3, 1985, 11:23 a.m.
TRD-853941

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: May 3, 1985, 11:24 a.m.
TRD-853942

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: May 3, 1985, 11:25 a.m.
TRD-853943

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: May 3, 1985, 11:23 a.m.
TRD-853944

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: May 3, 1985, 11:26 a.m.
TRD-853945

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711.

Filed: May 3, 1985, 11:24 a.m.
TRD-853946

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: May 3, 1985, 11:24 a.m.
TRD-853947

Additions to the previous agenda:

Consideration of category determinations under sections 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711, (512) 445-1209.

Filed: May 3, 1985, 11:25 a.m.
TRD-853948

Consideration of Oil and Gas Docket 10-77, 314—application of Phillips Petroleum Company to amend special field rules applicable to the Panhandle (Osborne); Panhandle, Carson County; Panhandle, Collingsworth County; Panhandle, Gray County; Panhandle, Hutchinson County; Panhandle, Moore County; Panhandle, Potter County; Panhandle, Wheeler County; Panhandle, East; Panhandle, West; Panhandle, East (Albany Dolomite, Lower) Fields.

Contact: Patrick F. Thompson, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286.

Filed: May 3, 1985, 2:24 p.m.
TRD-853960

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: May 3, 1985, 11:24 a.m.
TRD-853949

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711.

Filed: May 3, 1985, 11:25 a.m.
TRD-853950

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: May 3, 1985, 11:25 a.m.
TRD-853951

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters, and consideration of a motion for rehearing in Docket 20—Lower Colorado River Authority's application the Cummins Creek support facility.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: May 3, 1985, 11:23 a.m.
TRD-853952

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: May 3, 1985, 11:20 a.m.
TRD-853953

Monday, May 13, 1985, 1:30 p.m. The Transportation Division of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. According to the agenda, the commission will hear oral argument in Docket 011368A6A—application of Tommy Stanton to amend Contract Carrier Permit 11368.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: May 3, 1985, 11:22 a.m.
TRD-853954

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Texas Rehabilitation Commission

Thursday, May 16, 1985, 9 a.m. The Advocacy and Public Information Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission (TRC) will meet at the Austin South Plaza Hotel, 3401 IH 35 South, Austin. Items on the agenda include approval of the minutes, review of state legislative items, discussion of federal legislative items, ICF-MR reports, a certificate of merit, future rally day activities, and other unfinished business.

Thursday, May 23, 1985, 10 a.m. The Monitoring and Evaluation Committee of the Texas Planning Council for Developmental Disabilities of the TRC will meet in Room 302, 116 East Riverside Drive, Aus-

ersity Health Sciences Center (TTUHSC) Board of Regents will meet jointly in the board suite, Administration Building, Texas Tech University campus, Lubbock. Times, committees, and agendas are as follows.

7:15 a.m. The Athletic Affairs Committee of the TTU Board of Regents will consider reports. The committee also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:47 p.m.
TRD-853894

8 a.m. The Finance and Administration Committees will consider budget adjustments; fees to be assessed and charged regularly concerning enrolled and prospective students effective fall 1985; an award of a contract for employee group high volume accidental death and dismemberment insurance; approval of reappointment of employees for fiscal year 1986 over age 70; an interagency cooperation contract between TTU and the TTUHSC for utilities, services, and supplies; delegation of board authority to the president to contract with additional investment depository banks on a bid-as-required basis; ratification of a delegation of officers and/or employees to authorize and approve expenditures from appropriated funds; reports; and the write down of Brasher-Mathis mineral interest. The committees also will meet in executive session.

The Finance and Administration Committee of the TTU Board of Regents also will review the Devro facility.

The Finance and Administration Committee of the TTUHSC also will consider annual residency cost as provided by the master coordinating agreement with the El Paso County Hospital and School of Medicine; annual residency cost as provided by an affiliated agreement with Methodist Hospital and the School of Medicine; approval of a utility easement to Texas Electric Service Company, Odessa; and review of the TTUHSC contract status.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:46 p.m.
TRD-853895, 853896

9 a.m. The Campus and Building Committees will meet in executive session.

The Campus and Building Committee of the TTU Board of Regents will consider the naming of two facilities; reestablishment of a project budget for an addition to the Texas Tech Press; the award of construction contracts for a physical plant loop road, a loop road by the multipurpose athletic and physical education facility, the campus north utility tunnel, Phase I of the new west campus recreation facility, and roof replacement on Wells/Carpenter resi-

dence halls; and ratification of the acceptance date for construction of the agricultural field laboratories feedlot in Lubbock County.

The Campus and Building Committee of the TTUHSC Board of Regents will consider the schematic design for construction of a Ronald McDonald House, the selection of a general contractor by Bishop Estates for construction of the Amarillo Clinic and addition of a contingency fund to the construction amount, naming a Health Sciences Center facility, the addition of a construction contingency amount to the general contracts of HBF Construction for the Phase IIA Nursing/Allied Health project, the addition of a contingency amount to the general contracts of Pharr and Company for the Phase IIA core project, and reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:47 p.m.
TRD-853897, 853898

10 a.m. The Academic and Student Affairs Committees will consider the granting of emeritus status, ratification of administrative action relating to academic affairs regarding leaves of absence, and hear reports. The committees also will meet in executive session.

The Academic and Student Affairs Committee of the TTU Board of Regents also will consider approval of revisions to the *Student Affairs Handbook* and the Code of Student Conduct to be effective August 1, 1985, and a standing resolution concerning grants by the Robert A. Welch Foundation.

The Academic and Student Affairs Committee of the TTUHSC Board of Regents also will consider the granting of academic tenure with an appointment and ratification of administrative actions relating to academic and student affairs regarding conferral of degrees on June 2, 1985.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:46 p.m.
TRD-853899, 853900

10:30 a.m. The Development Committees will discuss reports. The committees also will meet in executive session.

The Development Committee of the TTUHSC Board of Regents also will consider the appointment of a new member to the Board of Directors of the Texas Tech Medical Foundation for a three-year term which expires December 31, 1985.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:47 p.m.
TRD-853901, 853902

11 a.m. The Public Affairs and University Relations Committees will consider reports.

The committees also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:48 p.m.
TRD-853903, 853904

11:30 a.m. The Ad Hoc Committee for Campus Communications of the TTU Board of Regents will discuss reports. The committee also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:48 p.m.
TRD-853905

1:30 p.m. The Boards of Regents of TTU and the TTUHSC will hear reports and act on the minutes, academic and student affairs, finance and administration, campus and building, and development. The committees also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:45 p.m.
TRD-853906, 853907

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University Interscholastic League

Wednesday, May 8, 1985, noon. The State Executive Committee of the University Interscholastic League met in Room 2.102, Thompson Conference Center, University of Texas Campus, Austin. According to the agenda summary, the committee considered cases regarding alleged violations of golf practices and an alleged violation by school district personnel and a student representative of Johnston High School.

Contact: Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: May 3, 1985, 4:20 p.m.
TRD-853969

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Texas Water Commission

Tuesday, May 14, 1985, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider water district bond issues, release from escrow, the use of surplus funds, the setting of a hearing on district creation, water quality proposed permits, amendments and renewals, weather modification matters, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 3, 1985, 2:08 p.m.
TRD-853959

ersity Health Sciences Center (TTUHSC) Board of Regents will meet jointly in the board suite, Administration Building, Texas Tech University campus, Lubbock. Times, committees, and agendas are as follows.

7:15 a.m. The Athletic Affairs Committee of the TTU Board of Regents will consider reports. The committee also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:47 p.m.
TRD-853894

8 a.m. The Finance and Administration Committees will consider budget adjustments; fees to be assessed and charged regularly concerning enrolled and prospective students effective fall 1985; an award of a contract for employee group high volume accidental death and dismemberment insurance; approval of reappointment of employees for fiscal year 1986 over age 70; an interagency cooperation contract between TTU and the TTUHSC for utilities, services, and supplies; delegation of board authority to the president to contract with additional investment depository banks on a bid-as-required basis; ratification of a delegation of officers and/or employees to authorize and approve expenditures from appropriated funds; reports; and the write down of Brasher-Mathis mineral interest. The committees also will meet in executive session.

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Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:46 p.m.
TRD-853895, 853896

9 a.m. The Campus and Building Committees will meet in executive session.

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dence halls; and ratification of the acceptance date for construction of the agricultural field laboratories feedlot in Lubbock County.

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Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:47 p.m.
TRD-853897, 853898

10 a.m. The Academic and Student Affairs Committees will consider the granting of emeritus status, ratification of administrative action relating to academic affairs regarding leaves of absence, and hear reports. The committees also will meet in executive session.

The Academic and Student Affairs Committee of the TTU Board of Regents also will consider approval of revisions to the *Student Affairs Handbook* and the Code of Student Conduct to be effective August 1, 1985, and a standing resolution concerning grants by the Robert A. Welch Foundation.

The Academic and Student Affairs Committee of the TTUHSC Board of Regents also will consider the granting of academic tenure with an appointment and ratification of administrative actions relating to academic and student affairs regarding conferral of degrees on June 2, 1985.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:46 p.m.
TRD-853899, 853900

10:30 a.m. The Development Committees will discuss reports. The committees also will meet in executive session.

The Development Committee of the TTUHSC Board of Regents also will consider the appointment of a new member to the Board of Directors of the Texas Tech Medical Foundation for a three-year term which expires December 31, 1985.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:47 p.m.
TRD-853901, 853902

11 a.m. The Public Affairs and University Relations Committees will consider reports.

The committees also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:48 p.m.
TRD-853903, 853904

11:30 a.m. The Ad Hoc Committee for Campus Communications of the TTU Board of Regents will discuss reports. The committee also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:48 p.m.
TRD-853905

1:30 p.m. The Boards of Regents of TTU and the TTUHSC will hear reports and act on the minutes, academic and student affairs, finance and administration, campus and building, and development. The committees also will meet in executive session.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 2, 1985, 1:45 p.m.
TRD-853906, 853907

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University Interscholastic League

Wednesday, May 8, 1985, noon. The State Executive Committee of the University Interscholastic League met in Room 2.102, Thompson Conference Center, University of Texas Campus, Austin. According to the agenda summary, the committee considered cases regarding alleged violations of golf practices and an alleged violation by school district personnel and a student representative of Johnston High School.

Contact: Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: May 3, 1985, 4:20 p.m.
TRD-853969

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Texas Water Commission

Tuesday, May 14, 1985, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider water district bond issues, release from escrow, the use of surplus funds, the setting of a hearing on district creation, water quality proposed permits, amendments and renewals, weather modification matters, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 3, 1985, 2:08 p.m.
TRD-853959

Tuesday, June 18, 1985, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on the petition for creation of Fort Bend County Municipal Utility District 63, containing 291.092 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: May 2, 1985, 2:01 p.m.
TRD-853910

Addition to the previous agenda:

The commission will conduct a hearing on the petition for creation of Harris County Municipal Utility District 286, containing 422.0454 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 2, 1985, 3:15 p.m.
TRD-853915

Thursday, June 20, 1985, 9 a.m. The Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the application of Quantum Investments, Inc., and Gay Carpenter Ruggiano, doing business as Hard Rock Joint Venture, 5326 Valburn Circle, Austin, Texas 78731, to the Texas Department of Water Resources for an amendment to Permit 11342-01 to authorize an increase in the volume of treated domestic wastewater effluent it disposes of by irrigation from 20,000 gallons per day average to 40,000 gallons per day average. The applicants propose to construct an additional treatment facility in parallel with the existing plant to serve a proposed expansion of the existing mobile home park. The treatment facilities will consist of two activated sludge-extended aeration package plants operated in parallel and having a combined capacity of 40,000 gallons per day. The treated effluent will be discharged to a 22.2-acre-foot holding pond. Treated wastewater is to be disposed of on 16 acres and digested sludge on 0.25 acre of agricultural land located immediately northeast of the plant site. Application rates for the irrigated land are not to exceed 2.8 acre-feet/per acre/per year, and disposal rates for the dewatered sludge are not to exceed 10 tons of dry solids/per acre/per year. No discharge of pollutants into the waters of the state is authorized by this permit.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 3, 1985, 3:19 p.m.
TRD-853966

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Texas Department of Water Resources

Wednesday, June 12, 1985, 10 a.m. The Texas Department of Water Resources (TDWR) will meet in the auditorium, Employees Retirement System Building, 18th and Brazos Streets, Austin. According to the agenda summary, the department will conduct a public hearing to receive testimony concerning the Pecan Bayou (Segments 1417, 1431, and 1432) and Cibolo Creek (Segment 1902 and Segment 1913) waste load evaluations.

Friday, June 14, 1985, 1:30 p.m. The TDWR will meet in the meeting room, second floor, town hall, 118 East Tyler, Harlingen. According to the agenda summary, the TDWR will conduct a public hearing to receive testimony concerning the Arroyo Colorado (Segment 2201 and Segment 2202) waste load evaluation.

Friday, June 21, 1985, 1:30 p.m. The TDWR will meet in the city council chambers, second floor, Missouri and Santa Fe Streets, El Paso. According to the agenda summary, the TDWR will conduct a public hearing to receive testimony concerning the Rio Grande (Segment 2308 and Segment 2314) waste load evaluation.

Tuesday, July 9, 1985, 2 p.m. The TDWR will meet in the conference room, East Texas Council of Governments, Stoneridge Office Plaza, 3800 Stone Road, Kilgore. According to the agenda summary, the TDWR will conduct a public hearing to receive testimony concerning the Sulphur River (Segment 0303), Sabine River (Segment 0505), and Angelina River (Segment 0611) waste load evaluations.

Tuesday, July 16, 1985, 2 p.m. The TDWR will meet in the meeting room, Lower Neches Valley Authority, 7850 Eastex Freeway, Beaumont. According to the agenda summary, the TDWR will conduct a public hearing to receive testimony concerning the Adams Bayou (Segment 0508) and Taylor Bayou (Segment 0701) waste load evaluations.

Wednesday, July 17, 1985, 10 a.m. The TDWR will meet in the auditorium, Julia Ideson Building, Houston Public Library, 500 McKinney Avenue, Houston. According to the agenda summary, the TDWR will conduct a public hearing to receive testimony concerning the West Fork San Jacinto (Segment 1004), Dickinson Bayou (Segment 1103 and Segment 1104), and Oyster Creek (Segment 1245) waste load evaluations.

Tuesday, July 23, 1985, 1:30 p.m. The TDWR will meet in the Social Work Complex Auditorium, first floor, Building A, University of Texas at Arlington, Abram and Cooper Streets, Arlington. According to the agenda summary, the TDWR will conduct a public hearing to receive testimony concerning the Trinity River (Segments 0804-0806) waste load evaluation.

Contact: Clyde Bohmfalk, P.O. Box 13087, Austin, Texas 78711, (512) 463-8412.

Filed: May 7, 1985, 9:08 a.m.
TRD-854039-854045

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Texas Youth Commission

Thursday, May 9, 1985, 10 a.m. The Board of the Texas Youth Commission submitted an emergency agenda for a meeting held in Suite 322, 3900 Shoal Creek Boulevard, Austin. According to the agenda summary, the commission considered the approval of medical contracts, election of a chairman, an audit presentation, payment of overtime to state employees, the purchase of a telephone system, taxes on estate property, a contract with Pyrotronics for fire alarm systems training, and a legislative update. The emergency status was necessary because board policy required the annual election of a chairman.

Contact: Ron Jackson, 8900 Shoal Creek Boulevard, Suite 322, Austin, Texas 78766, (512) 452-8111.

Filed: May 2, 1985, 2:36 p.m.
TRD-853909

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Regional Agencies Meetings Filed May 2

The Concho Valley Council of Governments, Executive Committee, met at 5002 Knickerbocker Road, San Angelo, on May 8, 1985, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Dallas Area Rapid Transit Authority, Legal Committee, met in emergency session at 601 Pacific Avenue, Dallas, on May 3, 1985, at 8 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Central Appraisal District of Erath County, Board of Directors, met at 1390 Harbin Drive, Stephenville, on May 8, 1985, at 10 a.m. Information may be obtained from James Bachus, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Gonzales County Appraisal District, Board of Directors, met at 928 Saint Paul Street, Gonzales, on May 9, 1985, at 5 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Lampasas County Appraisal District, met at 403 East Second Street, Lampasas,

on May 8, 1985, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Permian Basin Regional Planning Commission, Board of Directors, met in the commission offices, Midland, on May 8, 1985, at 1:30 p.m. Information may be obtained from Pam K. Weatherby, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, on May 7, 1985, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Tyler County Tax Appraisal District, Board of Review, will meet at 103 Pecan, Woodville, on May 14, 1985, at 1:30 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-853893

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Meetings Filed May 3

The Capital Area Rural Transportation System, Board of Directors, met in the conference room, 5021 East First Street, Austin, on May 9, 1985, at 9 a.m. Information may be obtained from Nancy Kowieski, 5021 East First Street, Austin, Texas, (512) 385-7473.

The Dallas Area Rapid Transit Authority, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on May 6, 1985, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Gray County Appraisal District, Board of Directors, met in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on May 9, 1985, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, met at 1404 Village Drive, Victoria, on May 9, 1985, at noon. Information may be ob-

tained from T. G. Kelliher, Jr., 1404 Village Drive, Victoria, Texas 77901.

The Central Tax Authority of Taylor County, Board of Directors, met at 340 Hickory Street, Abilene, on May 8, 1985, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

TRD-853932

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Meetings Filed May 6

The Bell County Appraisal District will meet in the commissioners courtroom, second floor, Bell County Courthouse, Belton, on May 22, 1985, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

The Central Texas Council of Governments, Area Agency on Aging, will meet at 302 East Central Avenue, Belton, on May 19, 1985, at 2 p.m. Information may be obtained from Margareta A. Williams, P.O. Box 729, Belton, Texas 76513, (817) 939-1886.

The Copano Bay Soil and Water Conservation District 329 will meet at the First Baptist Church, 302 East Plasuela, Refugio, on May 10, 1985, at 8 a.m. Information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, (512) 526-2334.

The Dallas Area Rapid Transit Authority, Special Needs Committee, met in emergency session at 601 Pacific Avenue, Dallas, on May 8, 1985, at 8:30 a.m. The Service Plan/Work Program Committee will meet at the same location on May 10, 1985, at 3:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Region VIII Education Service Center, Board of Directors, will meet at K-Bob's Restaurant, Highway 259, Kilgore, on May 16, 1985, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas (214), 984-3071.

The Fisher County Appraisal District, Board of Directors, will meet at the tax office, Fisher County Courthouse, Roby, on May 14, 1985, at 7:30 p.m. Information may be obtained from Clay Fowler, Route

1, Box D-38-B, Rotan, Texas 79546, (915) 776-2733.

The Hays County Central Appraisal District, Board of Review, will meet at the courthouse annex, San Marcos, on May 16, 1985, at 9 a.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777.

The Hunt County Tax Appraisal District, Board of Directors, met in the boardroom, 4815-B King Street, Greenville, on May 9, 1985, at 7 p.m. Information may be obtained from Henry J. Popp or Jeanette Jordan, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on May 16, 1985, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422.

The Liberty County Central Appraisal District, Appraisal Review Board, will meet at 1820 Sam Houston, Liberty, on May 17, 1985, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas 77575, (409) 336-6771.

The Nortex Regional Planning Commission, Executive Committee, will meet in the Clipper Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on May 16, 1985, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Upshur County Appraisal District, Board of Directors, will meet at Warren and Trinity Streets, Gilmer, on May 13, 1985, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

The Wise County Appraisal District, Board of Directors, met at 206 South State Street, Decatur, on May 9, 1985, at 9 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-853973

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In Addition

The *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 Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of April 1-5, 1985.

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

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

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Amoco Production Company, Andrews; heat medium heater; 17½ miles northwest of Andrews on Highway 176 in Andrews County; 9643; new source

Texas Instruments, Stafford; groundwater stripping facilities; 12201 Southwest Freeway, Fort Bend County; 9644; new source

Petroleum Fluids, Inc., Alvin; petroleum fluids manufacturing; 1110 Highway 6 East in Brazoria County; 9645; new source

Exxon Chemical Americas, Houston; corrosion inhibitor manufacturing; 8230 Stedman Street in Harris County; 9646; new source

Trumbull Asphalt, Houston; asphalt storage tanks; 8360 Market Street Road in Harris County; 9647; new source

Veribest Ag Supplies, Inc., San Angelo; anhydrous ammonia storage; Highway 380 in Tom Green County; 9648; new source

Georgia Gulf Corporation, Pasadena; cumene plant; 3503 Pasadena Freeway in Harris County; 4825A; new source

Itasca Cooperative Gin Company, Itasca; anhydrous ammonia tank; Highway 81 South in Hill County; 5518A; new source

Getty Synthetic Fuels, Inc., Houston; landfill methane processing facility; 11013 Old Beaumont Highway in Harris County; 9635; new source

Dow Chemical Company, Freeport; coke gasification facilities; Freeport, Brazoria County; 9636; new source

Stauffer Chemical Company, Houston; hazardous waste incinerator; 8615 Manchester in Harris County; 9637; new source

Oceanside Asphalt, Inc., Robstown; drum mix asphalt plant; Route 77 in Nueces County; 9638; new source

Nuclear Sources and Services, Houston; hazardous waste storage facility; 5711 Etheridge Street in Harris County; 9639; new source

Celanese Chemical Company, Clear Lake; vinyl acetate and ethylene oxide mod.; 9502 Bayport Road in Harris County; 9640; new source

Arco Oil and Gas Company, Turnertown; gas liquids recovery facilities; Turnertown, Rusk County; 9641; new source

TXO Production, Flint; tank battery and dehydration; Flint, Smith County; 9642; new source

Duininch Brothers and Gilchrist, Belton; drum mix asphalt; Route 3, Box 3908, in Bell County; 9284A; new source

Issued in Austin, Texas, on May 1, 1985.

TRD-853911 Paul M. Shinkawa
Director of Hearings
Texas Air Control Board

Filed: May 2, 1985

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

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The Texas Air Control Board gives notice of applications for construction permits received during the period of April 8-12, 1985.

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

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

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Texas Utilities Electric Company, Granbury; gas turbine generating unit 3; Granbury, Hood County; 9666; new source

Texas Utilities Electric Company, Granbury; gas turbine generating unit 4; Granbury, Hood County; 9667; new source

Texas Utilities Electric Company, Colorado City; gas turbine generating unit 1; Highway 163; 9668; new source

Texas Utilities Electric Company, Colorado City; gas turbine generating unit 2; Highway 163; 9669; new source

Texas Utilities Electric Company, Colorado City; gas turbine generating unit 3; Highway 163; 9670; new source

Texas Utilities Electric Company, Colorado City; gas turbine generating unit 4; Highway 163; 9671; new source

Texas Utilities Electric Company, Colorado City; gas turbine generating unit 5; Highway 163; 9672; new source

Texas Utilities Electric Company, Colorado City; gas turbine generating unit 6; Highway 163; 9673; new source

Southwest Color Printing Corporation, Lufkin; heatset web offset printing; Highway 103 East in Angelina County; 9658; new source

Texas Utilities Electric Company, Monahans; gas turbine generating unit 1; Highway 80 in Ward County; 9659

Texas Utilities Electric Company, Monahans; gas turbine generating unit 2; Highway 80 in Ward County; 9660; new source

Texas Utilities Electric Company, Monahans; gas turbine generating unit 3; Highway 80 in Ward County; 9661; new source

Texas Utilities Electric Company, Monahans; gas turbine generating unit 4; Highway 80 in Ward County; 9662; new source

Texas Utilities Electric Company, Colorado City; gas turbine generating unit 5; Highway 163; 9663; new source

Texas Utilities Electric Company, Granbury; gas turbine generating unit 1; Granbury, Wood County; 9664; new source

Issued in Austin, Texas, on May 1, 1985.

TRD-853913 Paul M Shinkawa
Director of Hearings
Texas Air Control Board

Filed, May 2, 1985
For further information, please call (512) 451-5711, ext. 354.

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The Texas Air Control Board gives notice of applications for construction permits received during the period of April 15-19, 1985.

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

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

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Venture Chemical Company, Seagraves; specialty chemicals facilities; Highway 385 and Highway 62, northeast of Seagraves in Terry County; 9687; new source

U-Cart Concrete, Inc., Houston; concrete batch plant; 6102 Telephone in Harris County; 6158A; modification

Northern Gas Products Company, Imperial; gas plant; Imperial, Crane County; 8921A; modification

Pullman Leasing Company, Channelview; railcar repair and coating facility; 407 West Brentwood Drive in Harris County; 5609A; modification

Duinick Brothers and Gilchrist, Gainesville; drum mix asphalt; three miles north of Gainesville in Cooke County; 9284B; modification

Williams and Peters Construction, Lubbock; drum mix asphalt; Lubbock, Lubbock County; 9693; new source

J. M. Huber Corporation, Baytown; reactor replacement; 9300 Needlepoint Road in Harris County; 9694; new source

J. M. Stone Company, Jacksboro; portable rock crusher; Jacksboro, Jack County; 9680; new source

CPC Group Arlington Assembly Plant GM Corporation, Arlington; paint shop; 2525 East Abram Street, Tarrant County; 9681; new source

Wood Material Supply Inc., Conroe; asphalt concrete; 100 South Second Street in Montgomery County; 8781A; modification

Pioneer Concrete, Alief; concrete batch; Alief, Harris County; 8023A; modification

Pioneer Concrete, Burnet; rock crusher; Burnet, Burnet County; 2764A; modification

Pioneer Concrete, Bayport; cement silo; Bayport, Harris County; 2273A; modification

Pioneer Concrete, Houston; cement silo; Houston, Harris County; 5085A; modification

Pioneer Concrete, Houston; cement silo; Houston, Harris County; 1760B; modification

Texas Utilities Electric Company, Granbury; gas turbine generating unit 2; Granbury, Wood County; 9665; new source

Exxon Chemical Americas, Baytown; isoamylene production facility; 5000 Bayway Drive in Harris County; 9674; new source

Tokio Operating Company, Gordonville; gas processing plant; Noel Gas Unit in Grayson County; 9675; new source

L. C. Services, Humble; trench burner SN 23047; Moonshine Hill Road in Harris County; 8499D; new source

Landel Services, Humble; trench burner; FM Road 1960 and Lee Road in Harris County; 7112C; modification

Union Texas Petroleum Corporation, Rankin; gas processing plant; Ranch Road 1555 in Upton County; 9677; new source

Issued in Austin, Texas, on May 1, 1985.

TRD-853912 Paul M. Shinkawa
Director of Hearings
Texas Air Control Board

Filed: May 2, 1985
For further information, please call (512) 451-5711,
ext. 354.

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State Banking Board Public Hearing

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on June 27, 1985, at 2601 North Lamar Boulevard, Austin, on the charter application for First American Bank, San Antonio.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on April 29, 1985.

TRD-853878 Jorge Gutierrez
General Counsel
Banking Department of Texas

Filed: May 1, 1985
For further information, please call (512) 475-4451.

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Rescheduled Public Hearing

The hearing for the change of domicile application for Security State Bank, Stockdale, previously scheduled for June 5, 1985, has been rescheduled. The hearing is rescheduled to begin at 9 a.m. on June 12, 1985, at 2601 North Lamar Boulevard, Austin.

The rescheduling of the hearing in this matter shall not alter or shorten the period for the filing of a petition in intervention by any party under State Banking Board rules. Therefore, any such petition shall be considered timely filed if received by May 24, 1985.

Issued in Austin, Texas, on May 1, 1985.

TRD-853890 Jorge Gutierrez
General Counsel
Banking Department of Texas

Filed: May 2, 1985
For further information, please call (512) 475-4451.

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Office of Consumer Credit Commissioner

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).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 05/13/85-05/19/85	18.00%	18.00%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 05/01/85-05/31/85	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/85-06/30/85	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 04/01/85-06/30/85	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 04/01/85-06/30/85	16.42%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 04/01/85-06/30/85	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 04/01/85-06/30/85	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 04/01/85-06/30/85	19.27%	N/A
Judgment Rate— Article 1.05, §2 05/01/85-05/31/85	10.00%	10.00%

- (1) For variable rate commercial transactions only.
(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).
(3) Credit for personal, family, or household use
(4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on May 6, 1985.

TRD-853974 Sam Kelley
Consumer Credit
Commissioner

Filed: May 6, 1985
For further information, please call (512) 475-2111.



Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Lubbock	Howard R. Stewart, M.D., P.A.	02-3770	Lubbock	0	04/01/85
Pasadena	AES Deepwater, Inc.	11-3746	Pasadena	0	04/09/85
Throughout Texas	TechCraft Systems	09-3777	San Antonio	0	04/04/85
Throughout Texas	Cheyenne Services, Inc.	11-3778	Houston	0	04/09/85
Throughout Texas	Sierra Testing, Inc	12-3794	Tulsa, OK	0	04/12/85

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Abilene	Hendrick Medical Center	04-2433	Abilene	16	04/04/85
Austin	Texas Air Control Board	06-1715	Austin	19	04/15/85
Brownfield	Brownfield Regional Medical Center	02-2541	Brownfield	5	04/01/85
Canyon	West Texas State University	01-583	Canyon	17	03/29/85
Corpus Christi	Coastal Refining and Marketing, Inc	08-1268	Corpus Christi	9	04/09/85
Cypress	Texas Instruments, Inc	11-3489	Houston	2	04/08/85
Fort Worth	Trinity Division	05-1698	Fort Worth	9	04/15/85
Friendswood	Assay Services, Inc	11-3459	Friendswood	1	04/03/85
Grand Prairie	Medical Ancillary Services, Inc	05-3212	Grand Prairie	7	04/01/85
Greenville	Robert Irvin Morgan, M.D	05-1395	Greenville	7	04/11/85
Henrietta	Clay County Memorial Hospital	04-3228	Henrietta	3	04/04/85
Houston	Radiographic Specialist, Inc	11-2742	Houston	8	03/28/85
Houston	Denka Chemical Corporation	11-236	Houston	12	04/02/85
Houston	IMCO Services	11-2761	Houston	2	04/09/85
Houston	Thermal Fabricating Company, Inc	11-2196	Houston	3	04/11/85
Houston	Park Plaza Hospital	11-3612	Houston	1	04/11/85
Houston	SmithKline Bio- Science Laboratories	11-2787	Houston	3	04/11/85
Houston	St Luke's Episcopal-Texas Children's Hospitals	11-581	Houston	25	04/16/85
Lubbock	Therapeutic and Diagnostic Services, Inc.	02-3678	Lubbock	3	04/11/85
McAllen & Mission	Eli Lilly and Company	00-2456	Indianapolis, IN	7	04/15/85
McNeil	Austin White Lime Company	06-2941	Austin	2	04/03/85
Mineral Wells	Palo Pinto General Hospital	05-1732	Mineral Wells	11	04/04/85
Nacogdoches	C. J. Martin Company	10-2400	Nacogdoches	6	04/15/85
Orange	E. I du Pont de Nemours & Company	10-5	Orange	47	04/02/85
Pasadena	HIMONT U.S.A., Inc	11-1854	Pasadena	13	04/02/85
Pflugerville	Castleberry In- struments, Inc.	06-3372	Austin	1	04/03/85

Port Arthur	WeldTest, Inc.*	10-3560	Port Arthur	7	04/11/85
Port Lavaca	Union Carbide Corporation	08-51	Port Lavaca	43	04/02/85
Quanah	Hardeman County Memorial Hospital	04-3638	Quanah	1	04/04/85
San Antonio	Humana Hospital— Metropolitan	09-2232	San Antonio	15	04/04/85
Sherman	Texas Instruments, Inc	05-2682	Sherman	6	04/03/85
Throughout Texas	State Department of Highways and Public Transportation	06-197	Austin	30	04/02/85
Throughout Texas	Patterson Inspec- tion Services, Inc.	11-3148	Lafayette, LA	6	03/19/85
Throughout Texas	DJ Inspection Ser- vices, Inc.	11-2067	Houston	12	04/03/85
Throughout Texas	Engineering, Inc.	11-3195	Houston	4	04/03/85
Throughout Texas	Harding-Lawson Associates	11-1970	Houston	9	04/03/85
Throughout Texas	Ex Cel Perforators, Inc.	08-3114	Robstown	2	04/03/85
Throughout Texas	Jerry L. Race	02-2952	Lubbock	2	04/03/85
Throughout Texas	Hensel Phelps Con- struction Company	01-3654	Amarillo	3	04/03/85
Throughout Texas	Olympic Wireline, Inc.	08-3674	Victoria	1	04/03/85
Throughout Texas	Reneau Interna- tional, Inc	11-2935	Houston	2	04/04/85
Throughout Texas	Texas Department of Health	06-1155	Austin	20	04/09/85
Throughout Texas	Trinity Engineering Testing Corporation	08-1351	Corpus Christi	19	04/09/85
Throughout Texas	Tubular Inspectors, Inc.	08-3083	Corpus Christi	6	04/09/85
Throughout Texas	Brown & Root U.S.A., Inc.	11-3371	Houston	1	04/11/85
Throughout Texas	ABCO Industries, Inc.	04-3153	Abilene	5	04/11/85
Throughout Texas	Houston Lighting and Power	11-2063	Houston	26	04/12/85
Throughout Texas	NL Erco	11-2975	Houston	9	04/15/85
Throughout Texas	Maxim Engineers, Inc.	05-2653	Dallas	5	04/12/85
Throughout Texas	Schlumberger Well Services	11-1833	Houston	41	04/15/85
Throughout Texas	Superior Wireline, Inc.	08-3242	Victoria	2	04/15/85
Throughout Texas	Meyer-Lytton-Allen, Inc.	06-1820	Austin	16	04/16/85
Throughout Texas	Double E Perforators	01-3402	Pampa	1	04/16/85
Throughout Texas	Magnum Wireline Inc.	06-3184	Oddivings	2	04/16/85
Vernon	Wilberger General Hospital	04-3047	Vernon	6	04/01/85
Waco	Lehigh Portland Cement Company	06-1087	Waco	12	04/03/85
White Oak	Winston Manufac- turing Corporation	07-2832	Longview	11	04/11/85

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Austin	Texas Nuclear Corporation	06-1825	Austin	17	04/01/85
Houston	Geoservices Inc.	11-2803	Houston	4	04/16/85

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Houston	Rig All Interna- tional, Inc.	11-3547	Houston	2	04/15/85
Longview	Texoma Pipeline Company	07-2409	Longview	6	04/15/85
McAllen	McAllen Radiological Clinic	08-335	McAllen	24	04/11/85
Orange	Sabine River Authority of Texas	10-2078	Orange	5	04/16/85
Throughout Texas	Maxim Engineers/Tyler, Inc.	07-3156	Tyler	2	04/12/85

Throughout Texas	Railroad Maintenance and Construction	05-2849	Irving	1	04/15/85
Throughout Texas	Jim's Surveys, Inc.	07-3341	Tyler	4	04/15/85
Throughout Texas	A-1 Testing Services	07-2729	Longview	1	04/15/85
Throughout Texas	Pro-Data Surveys	01-1189	Pampa	15	04/16/85

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on May 3, 1985

TRD-853961 Robert A MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 3, 1985

For further information, please call (512) 835-7000.

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The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The sub-heading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Center	Health Group of Center, Inc.	10-3608	Center	0	04/30/85
Corpus Christi	Ronald B. Sanders, D.P.M.	06-3769	Corpus Christi	0	04/17/85
Crowley	Aztec Manufacturing Company	05-3791	Crowley	0	04/19/85
El Paso	Melvin Fox, M.D.	05-3764	El Paso	0	04/17/85
Houston	HDL Research Lab, Inc.	11-3776	Houston	0	04/22/85
Throughout Texas	Sigma Industries, Inc.	08-3753	Corpus Christi	0	04/22/85
Throughout Texas	Arlington Engineering Company	05-3757	Arlington	0	03/31/85
Victoria	Victoria Regional Medical Center	08-3789	Victoria	0	04/24/85

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Alvin	Amoco Chemicals Corporation	11-1422	Alvin	30	04/26/85
Anson	Anson General Hospital	04-3417	Anson	2	04/17/85
Arlington	Arlington Memorial Hospital Foundation, Inc	05-2217	Arlington	17	04/16/85
Arlington	Metroplex Hematology/Oncology Associates	05-3211	Arlington	12	04/17/85
Austin	Austin Diagnostic Clinic	06-868	Austin	27	04/12/85
Beaumont	Nuclear Pharmacy, Inc.	10-2987	Beaumont	10	04/30/85
Comanche	Comanche Community Hospital	04-3234	Comanche	2	04/19/85
Dallas	Stanley E. Hodges, Jr., M.D.	05-472	Dallas	34	04/15/85
Evadale	Temple-Eastex, Inc	10-1095	Silsbee	19	04/26/85
Falls City	Conoco, Inc	09-1634	Falls City	27	04/24/85
Fort Worth	Consultants in Radiology	05-1711	Fort Worth	32	04/16/85
Galveston	The University of Texas Medical Branch	11-1299	Galveston	23	04/24/85
Garland	Shiloh Park Hospital	05-2618	Garland	8	04/26/85
Georgetown	Georgetown Hospital	06-3152	Georgetown	4	04/24/85
Hamlin	Hamlin Memorial Hospital	04-3418	Hamlin	2	04/17/85
Houston	Christy L. Saller, M.D., P.A.	11-3728	Houston	2	04/12/85
Houston	Nuclear Pharmacy, Inc	11-1911	Houston	54	04/12/85
Houston	The Methodist Hospital	11-457	Houston	45	04/11/85
Houston	Doctors Hospital	11-1776	Houston	13	04/10/85
Houston	Texas Tower Partnership	11-3747	Houston	1	04/29/85
Jacksonville	Nan Travis Memorial Hospital	07-169	Jacksonville	14	04/11/85
Lubbock	St. Mary of the Plains Hospital and Rehabilitation	02-1547	Lubbock	28	04/04/85
Lubbock	Lubbock Diagnostic Services	02-3678	Lubbock	4	04/24/85
Lubbock	Glen H. Stanbaugh, Jr., M.D.	02-3748	Lubbock	1	04/22/85
Lubbock	Medical Arts Clinic	02-1452	Lubbock	11	04/19/85
Midland	Midland Memorial Hospital	12-728	Midland	31	04/17/85
Pasadena	Tracerco Corporation	11-3096	South Houston	21	04/22/85
Port Arthur	B. B. Elster, M.D.	10-489	Port Arthur	12	03/27/85
San Antonio	Nutope	09-3709	San Antonio	2	04/10/85
Terrell	Terrell Community Hospital	05-3048	Terrell	5	04/16/85
Throughout Texas	CRC Wireline, Inc.	05-315	Grand Prairie	53	04/08/85
Throughout Texas	Pengo Wireline	05-3079	Fort Worth	19	04/19/85
Throughout Texas	Hamilton Drilling and Engineering Testing, Inc.	06-2671	Austin	6	04/19/85

Throughout Texas	Tech/Ops, Inc. Hospital	11-3567	Houston	1	04/22/85
Throughout Texas	Geo-Log, Inc.	05-1944	Granbury	28	04/22/85
Throughout Texas	Aero Pipe Inspection, Inc.	12-3581	Gardendale	1	04/22/85
Throughout Texas	Dow Chemical Company	11-451	Freeport	5	04/22/85
Throughout Texas	X-Cel NDE, Inc	12-3548	Odessa	1	04/23/85
Throughout Texas	Baytown Industrial X-Ray, Inc.	11-2143	Baytown	17	04/23/85
Throughout Texas	Non-Destructive Testing Company, Inc.	05-1008	Grand Prairie	31	04/23/85
Throughout Texas	Lin-San Inspection, Inc	09-3577	Corpus Christi	2	04/23/85
Throughout Texas	Inspection Incorporated	12-3724	Midland	2	04/23/85
Throughout Texas	Midwest Inspection Service, Inc	01-3120	Perryton	12	04/23/85
Throughout Texas	McClelland Engineers, Inc	11-58	Houston	18	04/29/85
Throughout Texas	French Well Surveys, Inc	11-514	Houston	17	04/26/85
Throughout Texas	Applied Standards Inspection, Inc	10-3072	Beaumont	3	04/26/85
Throughout Texas	Brazos Valley Inspection Services, Inc.	06-2859	Bryan	15	04/26/85
Westaco	Texas A & I University Citrus Center	08-1044	Westaco	10	04/18/85

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Fort Worth	Arthur G Enns, M.D.	05-2745	Fort Worth	3	04/24/85
Galveston	University of Texas Medical Branch	11-491	Galveston	24	04/24/85
Grand Prairie	Dallas/Fort Worth Medical Center	05-1375	Grand Prairie	10	04/24/85
Hempstead	Memorial Hospital of Waller County	11-3492	Hempstead	1	04/24/85
Houston	Pipe Recovery Systems, Inc	11-2710	Houston	3	04/26/85
Lubbock	Southwest Clinical Laboratories, Inc	02-2374	Lubbock	4	04/24/85
Throughout Texas	H and H Water Well Drilling	11-2050	Houston	4	04/26/85
Throughout Texas	The A.C. Company of South Louisiana, Inc.	11-2375	New Iberia, LA	7	04/26/85

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation.

A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on May 3, 1985

TRD-853962 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 3, 1985

For further information, please call (512) 835-7000.



Opportunity for Public Hearing

The City of Winters has filed Application 1770 with the Texas Department of Health for a permit to operate a proposed Type II municipal solid waste disposal site to be located approximately one mile southwest of Winters, 0.4 mile south of FM Road 53 on the east side of an unnamed county road, and adjacent to and on the south side of the existing landfill, in Runnels County. The site consists of approximately 15 acres of land, and is to receive daily approximately 10 tons of solid wastes under the regulatory jurisdiction of the Texas Department of Health. 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, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days prior to the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the notice in a newspaper of general circulation, the department will make a decision. Requests for a public hearing and/or requests for a copy of the technical summary of the application prepared by the Bureau of Solid Waste Management 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 complete application may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 4 headquarters

located at Commerce Plaza Office Building, 1290 South Willis, Suite 100, Abilene, Texas 79605, (915) 695-7170.

Issued in Austin, Texas, on May 3, 1985.

TRD-853963

Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 3, 1985

For further information, please call (512) 458-7271.

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Public Hearings

The Texas Department of Health will conduct a public hearing on Application 1643 of Western Contractors Services, Inc., for a permit to operate a proposed Type IV (brush, construction-demolition wastes, and rubbish only) disposal site to be located 0.8 mile west of the city limits of Houston, adjacent to the north side of Tanner Road, and between Dancy and Crawford Streets, in Harris County. The hearing will be held at 9:30 a.m. on Thursday, June 6, 1985, in the Holiday Inn, 14996 Northwest Freeway (U.S. Highway 290), Houston.

Issued in Austin, Texas, on May 3, 1985.

TRD-853964

Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 3, 1985

For further information, please call (512) 458-7271.

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The department will conduct public hearings on proposed actions on the following rules.

(1) New 25 TAC §§37.81—37.96, 37.98, and 37.107, concerning the Crippled Children's Services Program, published in the May 7, 1985, issue of the *Texas Register*. The new sections cover the areas of eligibility for patient services; services provided to patients; application process; authorization of services; denial, modification and termination of services; rights and responsibilities of parents, guardians, and conservators; providers and facilities; payment for services; development and improvement of standards and services; appeal procedures; and miscellaneous sections. The public hearing is scheduled for 9 a.m. on Monday, May 20, 1985, in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin, Texas. For further information, contact Punam Myer, M.D., M.P.H., Chief, Bureau of Crippled Children's Services Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2680.

(2) Amendments to several sections and a new section to 25 TAC Chapter 325, Solid Waste Management, published in the May 7, 1985, issue of the *Texas Register*. The changes concern definitions, collection and transportation, types of sites, permits, permit exemptions, transfers of permits/applications/property ownership, preparation and submission of an application, the land use public hearing, application and data requirements,

the application review process, standards for protection of ground and surface waters, site access control, disposal of special and Class I wastes, materials along the route to the site, cover frequencies, site completion and closure procedures, postclosure maintenance, sanitation and vector control at processing facilities, surveillance and enforcement policy, and evidence of financial responsibility. Three public hearings are scheduled, as follows:

(1) Tuesday, May 28, 1985, at 10 a.m., in the auditorium, Houston Health Department, Pollution Control Building, 7411 Park Place Boulevard, Houston;

(2) Wednesday, May 29, 1985, at 10 a.m. on the second floor, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington;

(3) Thursday, May 30, 1985, at 10 a.m., in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

For further information, contact Jack C. Carmichael, P.E., Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 458-7271.

Issued in Austin, Texas, on May 3, 1985.

TRD-853965

Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 3, 1985

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

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Texas Health and Human Services Coordinating Council Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Health and Human Services Coordinating Council is requesting proposals for consulting services.

Description of Services. The council invites individuals to offer their services on a consulting basis to assist in the implementation of the council's report on Texas children in residential care. Duties of the consultant include assisting in the formation of the public/private working group and development of the universal placement document.

Contact Person. Further information may be obtained from Lynn H. Leverty, P.O. Box 12428, Austin, Texas 78711.

Evaluation and Selection. To evaluate the offers, the council will consider the knowledge, experience, and education of the applicant, the applicant's ability to complete the project well and in a timely fashion, and the quality of the application. Final selection will be based on the results of the council's evaluation of the listed criteria.

The proposed contract is a continuation of a current program and the council intends to contract with the current consultant unless a substantially better offer is received.

Closing Date. The closing date for receipt of offers is June 11, 1985.

Issued in Austin, Texas, on May 1, 1985.

TRD-853872

Lynn H. Leverty, Ph.D.
Executive Director
Texas Health and Human Services
Coordinating Council

Filed: May 1, 1985

For further information, please call (512) 475-1308.



Texas Health Facilities Commission

Applications Accepted for Amendment, Declaratory Ruling, Notices of Intent, and Petition for Reissuance of Certificate of Need

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party or interested person to any of the previously stated applications, that person must file a proper request to become a party or interested person to the application within 10 days after the date of this publication of notice. If the 10th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p. m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party or interested person should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party or interested person.

The contents and form of a request to become a party or interested person to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party or interested person to supply the necessary information in the correct form may result in a defective request to become a party or interested person.

Daughters of Charity of Saint Vincent de Paul,
doing business as Saint Paul Hospital, Dallas
AH84-0416-235A(040285)
CN/AMD—Request for an amendment of Certificate of Need AH84-0416-235, which authorized the

certificate holder to conduct an expansion program consisting of 56,994 square feet of construction and 6,260 square feet of renovation. The certificate holder requests an increase in construction from 56,994 square feet to 75,041 square feet and an increase in renovation from 6,260 square feet to 21,679 square feet; an increase in the project cost from \$8.797 million to \$10.142 million; and an extension of the completion deadline from December 31, 1986, to June 30, 1987.

Nueces County Hospital District for Memorial
Medical Center, Corpus Christi
AH84-0614-388A(041885)

CN/AMD—Request for an amendment of Certificate of Need AH84-0614-388, which authorized the certificate holder to conduct a major construction and renovation project to include construction of 47,725 gross square feet and the renovation of 17,019 gross square feet. The certificate holder requests an increase in construction from 47,725 gross square feet to 51,940 gross square feet and an increase in the total project cost from \$7,161,330 to \$7,944,730.

Thomas E. Mayers and Lynn Mayers for Williams
Nursing Home, Houston
AN82-0108-013A(042485)

CN/AMD—Request for an extension of the completion deadline from April 18, 1985, to October 18, 1985, in Certificate of Need AN82-0108-013 as amended by AN82-0108-013A(010984) and AN82-0108-013A(112784), which authorized the certificate holder to add a net of 57 beds, a new kitchen, dining rooms, and office space to the facility through the construction of an 18,587-square-foot building addition containing 60 beds and renovation of 1,000 square feet in the existing facility which would include the closing of three beds.

Houston-Northwest Medical Investors, Ltd.,
Atlanta, Georgia
AN85-0426-262

NIEH—Request for a declaratory ruling that a certificate of need is not required for Houston-Northwest Medical Investors, Ltd., to acquire by purchase 100% interest in Villa Northwest Convalescent Center, an existing 161-bed nursing facility with 112 ICF beds and 49 skilled beds located in Houston, from Villa Northwest Convalescent Center, Inc.

Convalescent Services of Houston-Northwest, Inc.,
Atlanta, Georgia
AN85-0426-001

NIEH—Request for a declaratory ruling that a certificate of need is not required for Convalescent Services of Houston-Northwest, Inc., to acquire by lease Villa Northwest Convalescent Center, an existing 161-bed nursing facility with 112 ICF beds and 49 skilled beds located in Houston, from Houston-Northwest Medical Investors, Ltd.

Southmark Heritage of Texas, Inc., Dallas
AN84-0612-385R(042685)

PFR—Petition for reissuance of Certificate of Need AN84-0612-385, which authorized Louisiana Nursing Homes, Inc., (the former owner of Heritage Home in Plainview) to provide skilled nursing services at Heritage Home in Plainview through the reclassification of 62 ICF-III beds to skilled beds.

Harold W. Nash, Arlington
AN85-0429-274

NIEH—Request for a declaratory ruling that a certificate of need is not required for Harold W. Nash to acquire by purchase Eastwood Village Nursing and Retirement Center, an existing 100-bed ICF nursing facility located in Fort Worth, from Bobby G. Webber and wife, Dovie Webber.

Eastwood Village Associates, a limited partnership, Dallas

AN85-0429-273

NIEH—Request for a declaratory ruling that a certificate of need is not required for Eastwood Village Associates, a limited partnership, to acquire by purchase Eastwood Village and Retirement Center, an existing 100-bed ICF nursing facility located in Fort Worth, from Harold W. Nash.

L & L Equities, Inc., a Texas corporation, Arlington

AN85-0429-272

NIEH—Request for a declaratory ruling that a certificate of need is not required for L & L Equities, Inc., a Texas corporation, to acquire by lease Eastwood Village Nursing and Retirement Center, an existing 100-bed ICF nursing facility located in Fort Worth, from Eastwood Village Associates, a limited partnership.

Southwest Texas Methodist Hospital, San Antonio
AH83-0610-616A(042985)

CN/AMD—Request for an extension of the completion deadline from April 30, 1985, to July 31, 1985, and an increase in the project cost from \$1.2 million to \$1.3 million in Certificate of Need AH83-0610-616, as amended by AH83-0610-616A (072084), which authorized the certificate holder to expand the dietary department from 7,255 square feet to 12,451 square feet through the renovation of 5,196 square feet of existing storage space and to renovate an additional 5,144 square feet in the existing dietary department.

Issued in Austin, Texas, on May 6, 1985

TRD-853981 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: May 6, 1985

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

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Texas Department of Human Resources Request for Proposals

General Information. The Texas Department of Human Resources (DHR) uses a procurement process to ensure and document that the services purchased are of the highest quality, lowest price, and best meet the needs of clients served.

At this time, DHR is announcing its intent to purchase the following services for DHR clients during the state fiscal year 1986 (September 1, 1985 through August 31, 1986). The department also has the option to renew the contracts for subsequent periods as specified in the request for proposal (RFP) package.

The following description of services are to be purchased through competitive procurement.

(1) **Day care for children.** Day care is the provision of care and supervision for children birth through 13 years old who are in danger of abuse or neglect and for children birth through 10 years old (if handicapped through 13 years old) of low-income parents who work or are in training. Priority for work-and-training-related day care is given to AFDC families whose caretakers are employed or are seeking employment. Children served must be offered growth opportunities related to their physical, social, and mental functioning. Care must be provided in facilities which comply with state licensing or registration requirements. Day care to prevent or remedy abuse or neglect is provided without regard to income if the child is receiving protective services and day care is part of the treatment plan;

(2) **Family planning.** Family planning includes medical, educational, and counseling services, and is primarily provided in an out-patient setting, that enable clients, including minors, to voluntarily limit family size or space children. Contractors must provide outreach, reproductive and contraceptive information and education, counseling, referral, and medical services. Medical services include examinations, diagnosis, treatment, continuing supervision, necessary laboratory tests, drugs, supplies, birth control devices, sterilization, and related counseling. Every contractor must have a medical director licensed to practice medicine in Texas. Medical services must be furnished, prescribed, or supervised by a physician.

Minimal Requirements for Contracting with DHR. To contract with the DHR, the contractor must agree to comply with the following requirements:

- (1) applicable federal and state laws, regulations, and policies;
- (2) DHR's service standards applicable to the service being purchased;
- (3) generally accepted accounting principles and procedures recognized by the American Institute of Certified Public Accountants; and
- (4) contractual terms, such as those relating to sufficient operating capital, assumption of liability for audit exceptions, and conditions for contract termination.

Duration of Contract. Initial contacts and renewals of competitively procured contracts will usually be for a 12-month period. DHR, at its option, may renegotiate the renewal or extension of the contracts on a noncompetitive basis for additional periods. A contract may not be non-competitively renewed or extended if the competitive procurement process has not been used for at least one of the contract periods occurring during the preceding 48 months.

Specific Selection Criteria. In accordance with Texas Civil Statutes, Article 6252-13e, the selection criteria include:

- (1) effectiveness and efficiency of services provided by the various agencies;
- (2) cost efficiency of programs provided by each agency;
- (3) the extent to which each agency's services meet the needs of the poor, the underprivileged, or the disabled;
- (4) the degree to which other agencies in the area can provide the services;
- (5) the extent to which department clients are involved in the agency's decision making; and
- (6) the need to provide services in the state without discrimination as to race, religion, or geographic area.

Description of DHR Regions. The DHR's competitive procurement process is conducted on a regional basis.

Staff of each region are responsible for procuring the services provided at sites located in their region. This publication contains a state map with names and numbers of counties, and indicates the boundaries of the 12 DHR regions. Also included is an alphabetical listing of the counties, with their designated county number, and a cross reference to the DHR region number in which they are located.

Process for Requesting Specific Procurement Information. Potential offerors and other interested parties may obtain specific procurement information by contacting

the appropriate regional contact person(s). When the RFP package for a particular service in a particular geographic area is available, it is sent to all potential offerors who requested it. The RFP packages are usually transmitted to interested potential offerors three to five months before the proposed contract effective date. Interested potential offerors must specify to the regional contact person(s) the service(s) that they are interested in providing as well as the county(ies) in which they are interested. If desiring to provide services at sites located in more than one region the potential offeror must obtain an RFP packet from each respective region.

TDHR REGIONAL CONTACT PEOPLE FOR DAY CARE

COMPETITIVE PROCUREMENT

Region 1/2

Carol Lindemann
Program Director for Purchased Services
Texas Department of Human Resources (005-2)
P. O. Box 3700
Amarillo, Texas 79116-3700
(806) 376-7214

Region 3

Lisa Washburn
Contract Manager/Developer
Texas Department of Human Resources (111-7)
P. O. Box 10276
El Paso, Texas 79994

Region 4

Mary Evans
Contract Manager/Developer
Texas Department of Human Resources (378-1)
600 Scott
Wichita Falls, Texas 76301
(817) 723-0831

Region 5

Joan Graham
Program Director for Purchased Services
Family Self-Support
Texas Department of Human Resources (089-1)
4533 Ross Avenue
Dallas, Texas 75204
(214) 827-5210

Region 6

Karen Wimberley
Program Director for Family Self-Support
Texas Department of Human Resources (016-1)
P. O. Box 15995
Austin, Texas 78761
(512) 835-2350

Region 7

Jerry Lutz
Regional Director
Purchased/Community Services
Texas Department of Human Resources (255-8)
P. O. Box 839
Paris, Texas 75460
(214) 784-0841

Region 8

Jaime Ramos
Program Director for Purchased Services
Texas Department of Human Resources
P. O. Box 960
Edinburg, Texas 79539
(512) 383-5344

Region 9

Linda Reyes
Procurement Officer
Texas Department of Human Resources (278-5)
P. O. Box 37120
San Antonio, Texas 78237
(512) 533-3161

Region 10

Tom Milstead
Program Director
Purchased Family and Children's Services
Texas Department of Human Resources (244-1)
202 East Pillar
Nacogdoches, Texas 75961
(409) 569-7931 ext. 298

Region 11

Janel Blackburn
Day Care Program Manager
Texas Department of Human Resources (174-5)
P. O. Box 16017
Houston, Texas 77022
(713) 692-3236 ext. 6358

NOTE: The Department is not planning to competitively procure day care in Region 12 during state fiscal year 1986.

**TDHR REGIONAL CONTACT PEOPLE FOR FAMILY PLANNING
COMPETITIVE PROCUREMENT**

Region 1/2

Carol Lindemann
Program Director for Purchased Services
Texas Department of Human Resources (005-2)
P. O. Box 3700
Amarillo, Texas 79116-3700
(806) 376-7214

Region 3

James Preston
Contract Manager/Developer
Texas Department of Human Resources (111-7)
P. O. Box 10276
El Paso, Texas 79994
(915) 779-7790

Region 5

Joan Graham
Program Director for Purchased Services
Family Self-Support
Texas Department of Human Resources (089-1)
4533 Ross Avenue
Dallas, Texas 75204
(214) 827-5210

Region 6

Karen Wimberley
Program Director for Family Self-Support
Texas Department of Human Resources (016-1)
P. O. Box 15995
Austin, Texas 78761
(512) 835-2350

Region 7

Jerry Lutz
Regional Director
Purchased/Community Services
Texas Department of Human Resources (255-8)
P. O. Box 839
Paris, Texas 75460
(214) 784-0841

Region 8

Jaime Ramos
Program Director for Purchased Services
Texas Department of Human Resources
P. O. Box 960
Edinburg, Texas 79539
(512) 383-5344

Region 9

Linda Reyes
Procurement Officer
Texas Department of Human Resources (278-5)
P. O. Box 37120
San Antonio, Texas 78237
(512) 533-3161

Region 10

Tom Milstead
Program Director
Purchased Family and Children's Services
Texas Department of Human Resources (244-1)
202 East Pillar
Nacogdoches, Texas 75961
(409) 569-7931 ext. 298

Region 11

Deborah Moore
Family Planning Program Manager
Texas Department of Human Resources (174-5)
P. O. Box 16017
Houston, Texas 77022
(713) 692-3236 ext. 6355

NOTE: The Department is not planning to competitively procure family planning in Region 4 or Region 12 during state fiscal year 1986.

STATE DEPARTMENT OF HUMAN RESOURCES

COUNTIES, REGION NUMBERS, AND COUNTY CODE NUMBERS

Anderson.....07-001	Eastland....04-067	Kendall.....09-130	Real.....09-193
Andrews.....12-002	Ector.....12-068	Kenedy.....08-131	Red River.....07-194
Angelina.....10-003	Edwards....09-069	Kent.....04-132	Reeves.....12-195
Aransas.....08-004	Ellis.....05-070	Kerr.....09-133	Refugio.....08-196
Archer.....04-005	El Paso....03-071	Kimble.....04-134	Roberts.....01-197
Armstrong....01-006	Erath.....05-072	King.....02-135	Robertson....06-198
Atascosa.....09-007	Falls.....06-073	Kinney.....09-136	Rockwall.....05-199
Austin.....11-008	Fannin.....05-074	Kleberg....08-137	Runnels.....04-200
Bailey.....02-009	Fayette....06-075	Knox.....04-136	Rusk.....07-201
Bandera.....09-010	Fisher.....04-076	Lamar.....07-139	Sabine.....10-202
Bastrop.....06-011	Floyd.....02-077	Lamb.....02-140	San Augustine..10-203
Baylor.....04-012	Foard.....04-078	Lampasas...06-141	San Jacinto...10-204
Bee.....08-013	Fort Bend..11-079	LaSalle....09-142	San Patricio..08-205
Bell.....06-014	Franklin...07-080	Lavaca.....06-143	San Saba.....06-206
Bexar.....09-015	Freestone..06-081	Lee.....06-144	Schleicher....04-207
Blanco.....06-016	Frio.....09-082	Leon.....06-145	Scurry.....04-208
Borden.....12-017	Gaines.....12-083	Liberty....11-146	Shackelford...04-209
Bosque.....06-018	Galveston..11-084	Limestone...06-147	Shelby.....10-210
Bowie.....07-019	Garza.....02-085	Lipscomb...01-148	Sherman.....01-211
Brazoria.....11-020	Garza.....02-085	Live Oak...08-149	Smith.....07-212
Brazos.....06-021	Gillespie..09-086	Llano.....06-150	Somervell....05-213
Brewster....03-022	Glasscock..12-087	Loving.....12-151	Starr.....08-214
Briscoe.....01-023	Golaid.....08-088	Lubbock....02-152	Stephens.....04-215
Brooks.....08-024	Gonzales...08-089	Lynn.....02-153	Sterling.....04-216
Brown.....04-025	Gray.....01-090	Madison....06-154	Stonewall....04-217
Burleson....06-026	Grayson...05-091	Marion.....07-155	Sutton.....04-218
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