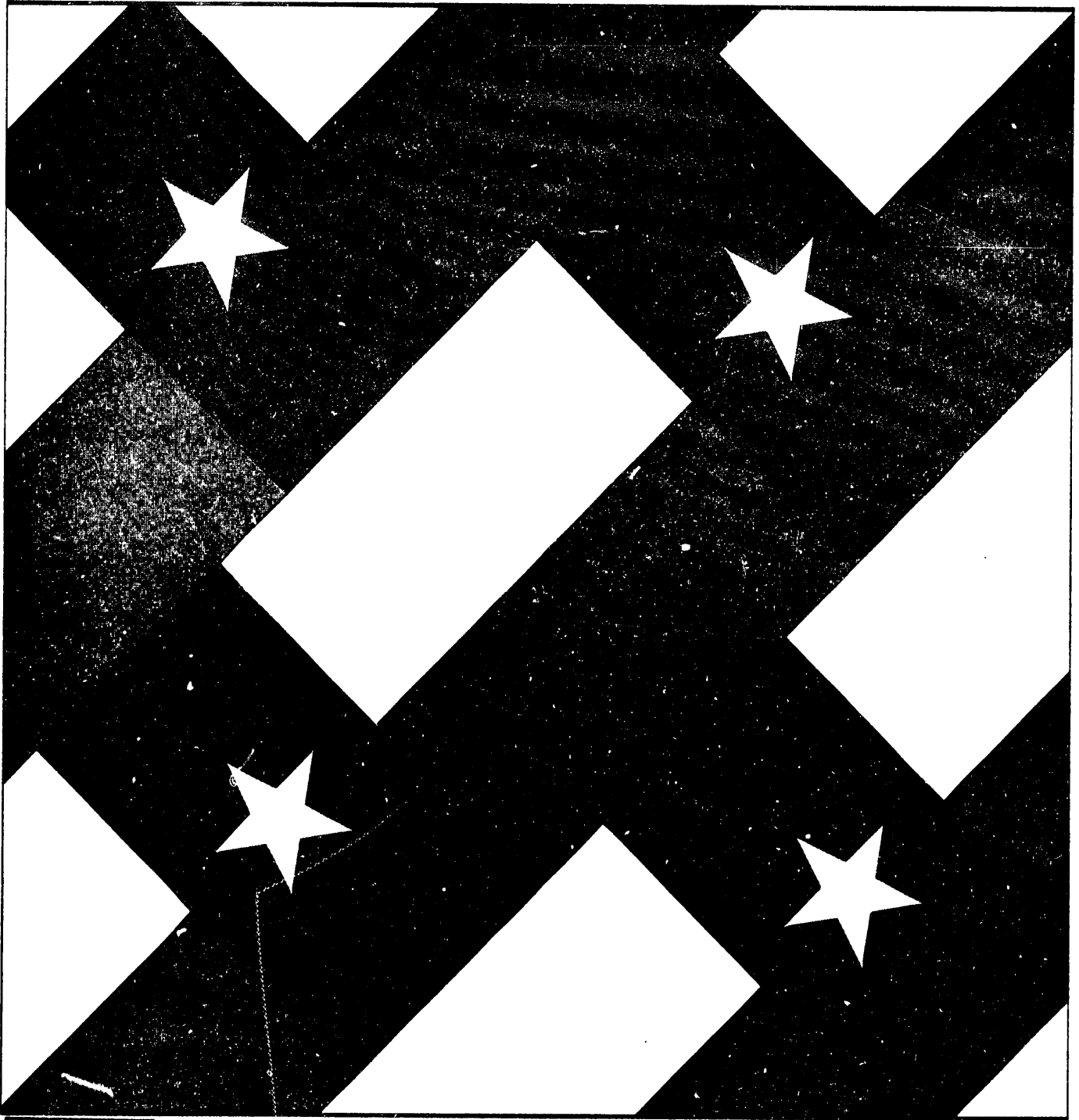


# Texas Register

Volume 12, Number 1, January 2, 1987

Pages 1-51



## Highlights

The Office of Consumer Credit Commissioner proposes a new section requiring certain contracts made under authority of Texas Civil Statutes, to contain name, address, and phone number of the Commissioner for easy public access. Earliest possible date of adoption - February 2. . . **page 5**

The Texas Department of Health proposes

new sections concerning construction standards for private sewage facilities. Proposed date of adoption - April 4 . . . . . **page 7**

The Texas Department of Agriculture adopts an amendment to clarify the procedure for application for a phytosanitation certificate and to expedite the issuance of certificates. Effective date - January 13 . . . . . **page 33**

Office of  
the Secretary  
of State

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

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**POSTMASTER** Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711-3824

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
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**27.15** is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



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a division of the  
Office of the Secretary of State  
P.O. Box 13824  
Austin, Texas 78711-3824  
512-463-5561

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Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

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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 7. BANKING AND SECURITIES Part V. Office of Consumer Credit Commissioner Chapter 1. Consumer Credit Commissioner Subchapter B. Miscellaneous

### ★7 TAC §1.302

The Consumer Credit Section of the Finance Commission proposes new §1.302, concerning requiring certain contracts made under the authority of Texas Civil Statutes, Article 5069, to contain the name, mailing address, and telephone number of the Office of Consumer Credit Commissioner so that the public is made aware that they may contact this office with any problems resulting from such contract

Al Endsley, consumer credit commissioner, has determined that for the first five-year period the proposed section 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 section.

Mr. Endsley, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to help ensure that the public is made aware that such contracts are made under the authority of state law and that the Office of Consumer Credit Commissioner is available to advise and assist the public in regard to such contracts.

Comments on the proposal may be submitted to Alan Lerner, Leopoldo Palacios, or Karen Leslie Simon in care of the Office of Consumer Credit Commissioner, 2601 North Lamar, Austin, Texas 78705, within 30 days after the date of this publication.

The new section is proposed under Texas Civil Statutes, Article 342-114a, which authorize the Consumer Credit Section to adopt rules necessary for ensuring compliance with Texas Civil Statutes, Article 5069-1.01 *et seq.*,

§1.302. *Notice in Written Contracts.* Effective September 1, 1987, when a written

contract or agreement is made under the authority of Texas Civil Statutes, Article 5069, Chapter 6, 6A or 7, the contract must contain the legend: "This contract is subject to Texas law which is enforced by the Consumer Credit Commissioner, 2601 North Lamar, Austin, Texas 78705-4207. Phone (512) 479-1285, (214) 263-2016, (713) 461-4074." Any unexecuted contracts in the hands of a retail seller as that term is defined in Chapter 6 and Chapter 7 or any such contracts in the hands of a creditor as that term is defined in Chapter 6A may be adapted to conform with this regulation until the supply of such unexecuted contracts is exhausted.

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 December 22, 1986.

TRD-8611803 Alan Lerner  
Finance Commissioner  
Consumer Credit  
Section  
Office of Consumer  
Credit Commissioner

Earliest possible date of adoption:

February 2, 1987

For further information, please call  
(512) 479-1280.

★ ★ ★

## TITLE 25. HEALTH SERVICES Part I. Texas Department of Health Chapter 229. Food and Drug Administrative or Civil Penalties

### ★25 TAC §229.271

The Texas Department of Health proposes new §229.271, concerning the assessment of administrative or civil penalties.

Under the new section, the department will assess administrative or civil penalties against any person who violates certain provisions of the Texas Food, Drug, and Cosmetic Act, Texas Civil Statutes, Article 4476-5; the Texas Food, Drug, Device, and Cosmetic Salvage Act, Texas Civil Statutes, Article 4476-5e; and the Syn-

thetic Narcotic Drugs Act, Texas Civil Statutes, Article 4476-11. The new section covers the criteria for assessment, the levels of violations, and the appeal procedures concerning proposed assessments

Stephen Seale, chief accountant III, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The economic effect on state government is that the department will incur approximate additional costs of \$10,000 per year in assessing the penalties, and that the approximate revenue to the department from the assessments will be \$10,000 per year. There will be no fiscal implications to local government. The effect on small businesses is that any small business which is assessed a penalty under the new section will have to pay the penalty amount listed in the section. The cost of compliance to large businesses will be the same as small businesses because the criteria for violations and assessment of penalties is the same for large and small businesses.

Mr. Seale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be assessment of administrative or civil penalties to deter violation of the Acts, thereby improving public health protection. There will be no anticipated economic cost to individuals who are required to comply with the proposed section, except in cases where individuals have sole proprietorship small businesses. The anticipated cost in these cases has been discussed previously.

Comments on the proposal may be submitted to Robert L. Henna, R.Ph., Director, Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7248. Comments will be accepted until May 1, 1987.

The new section is proposed under the following Texas Civil Statutes: the Texas Food, Drug, and Cosmetic Act, Article 4476-5, §§5A, 20, and 24, the Texas Food, Drug, Device, and Cosmetic Salvage Act, Article 4476-5e, §5 and §18; and the Synthetic Narcotic Drugs Act, Article 4476-11, §2 and §13. These statutes authorize the

Texas Board of Health to adopt rules to implement the statutes and to assess administrative or civil penalties for violations of the statutes.

**§229.271. Assessment of Administrative or Civil Penalties**

(a) Proposals for assessment of administrative or civil penalties. The department shall propose to assess administrative or civil penalties in accordance with the requirements of the Texas Food, Drug, and Cosmetic Act, Texas Civil Statutes, Article 4476-5; the Texas Food, Drug, Device, and Cosmetic Salvage Act, Texas Civil Statutes, Article 4476-5e, and the Synthetic Narcotic Drug Act, Texas Civil Statutes, Article 4476-11.

(b) Assessment of administrative or civil penalties and conduct of hearings. The department shall assess administrative or civil penalties and conduct hearings pursuant to those administrative penalties in accordance with the appropriate statute in subsection (a) of this section and rules adopted under it, the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a; and the department's formal hearing procedures in §§1.21-1.32 of this title (relating to Formal Hearing Procedures).

(c) Criteria for the assessment of administrative or civil penalties. The department shall assess administrative or civil penalties in accordance with the following criteria.

- (1) history of previous violations;
  - (2) seriousness of the violation;
  - (3) hazard to the health and safety of the public; and
  - (4) demonstrated good faith
- (d) Severity levels.

(1) Violations. The violations shall be categorized by one of the following severity levels.

(A) Severity Level I covers violations that are most significant and have a direct negative impact on the public health and safety including, but not limited to, adulteration, misbranding, or false advertising that results in fraud.

(B) Severity Level II cover violations that are very significant and have an impact on the public health and safety including, but not limited to, adulteration, misbranding, or false advertising that results in fraud.

(C) Severity Level III covers violations that are significant and which, if not corrected, could threaten the public and have an adverse impact on the public health and safety including, but not limited to, adulteration, misbranding, or false advertising that results in fraud.

(D) Severity Level IV covers violations that are of more than minor significance, and if left uncorrected, would lead to more serious circumstances.

(E) Severity Level V covers violations that are of minor safety or fraudulent significance.

(2) Severity of a violation. The severity of a violation may be increased if the violation involves deception, fraud, or other indication of willfulness. In determining the severity of a violation, there shall be taken into account the economic benefit gained through noncompliance.

(3) Examples of severity levels. Several examples are set out in subsection (g) of this section.

(e) Levels of penalties. The Department will impose different levels of penalties for different severity level violations as follows:

- (1) Level I—\$25,000;
- (2) Level II—\$20,000;
- (3) Level III—\$12,500;
- (4) Level IV—\$3,750;
- (5) Level V—\$1,250.

(f) Adjustments to penalties. The department may make adjustments to the penalties listed in subsection (e) of this section for any one the following factors.

(1) Previous violations. The department may consider previous violations. The base penalty may be reduced or increased by as much as 50% for past performance. Past performance involves the consideration of the following factors: how similar the previous violation was; how recent the previous violation was; the number of previous violations; and the violator's response to previous violation(s) in regard to correction of the problem.

(2) Demonstrated good faith. The department may consider demonstrated good faith. The base penalty may be reduced by as much as 50% if good faith efforts to correct a violation have been, or are being made. Good faith effort will have to be determined on a case-by-case basis and be fully documented.

(3) Hazard to the health and safety of the public. The department may consider the hazard to the health and safety of the public. The base penalty may be increased by as much as 50% when a direct hazard to the health and safety of the public is involved. It shall take into account but need not be limited to, the following factors: whether any disease or injuries have occurred from the violation; whether any existing conditions contribute to a situation that could expose humans to a health hazard; whether a hazard to various segments of the population such as children, surgical patients, and the elderly exists; whether the consequences would be of an immediate or long-range hazard.

(4) Adjustments. Adjustments to the values in paragraphs (1)-(3) of this subsection may not exceed the limitations in the appropriate statutes described in subsection (a) of this subsection.

(g) Examples of severity levels. The following examples of severity levels are neither exhaustive nor controlling. They reflect only the seriousness of the violation and

not the history of previous violations, the hazard to the health and safety of the public, or the demonstrated good faith.

(1) Severity I—most significant violations.

(A) A bakery manufactured a food product that resulted in a foodborne illness requiring hospitalization for a large number of people. Laboratory results confirmed that the product manufactured by the bakery caused the illness. An inspection of the bakery revealed poor sanitary practices.

(B) A firm marketed a frozen orange juice concentrate. Laboratory results revealed that the product contained only a small amount of orange juice. Several million dollars worth of the product had been produced and sold.

(C) An unlicensed salvage operator removed a truck load of flood water contaminated food and drug products, which had been placed under detention, to his place of business.

(D) A manufacturer of drugs introduces into commerce a drug product which falsely claims that it is a cure for cancer.

(2) Severity II—very significant violations.

(A) An inspection of a large volume chocolate candy manufacturer revealed very poor sanitary practices. Laboratory results revealed the presence of pathogenic microorganisms in the candy that could cause a foodborne illness. No cases of illness that could be traced to the candy have been reported.

(B) A wholesale distributor of drugs holds for sale or sells a counterfeit drug.

(3) Severity III—significant violations.

(A) A restaurant owner continues to operate after being warned of potential contamination to the water system through back siphonage problems and sewage accumulation on floor near the dishwasher.

(B) Rodents have invaded a bakery to the degree of burrowing into the bags of flour and building nests. Other lots of raw materials have been rodent defiled in terms of urine stains. Droppings too numerous to count are detected throughout the building and on pieces of equipment.

(C) A bottling plant has continually produced soft drinks in returnable containers that contain foreign objects such as cigarette packages, tooth brushes, cockroaches, and massive mold growth.

(D) An applicant for registration as a wholesale distributor of drugs falsified information required on the registration statement.

(4) Severity IV—violations.

(A) A frozen shrimp processor has failed to declare sodium bisulphite on the labeling of his 5 pound and 10 pound boxes of shrimp tails.

(B) A cannery has discovered a defective part on a closing machine which has resulted in the improper sealing of 360,000 cases of cut green beans. The entire lot has been shipped to five midwestern states. To date, no complaints have been received regarding any part of the lot.

(C) A food manufacturer, after receiving notification, has refused to register.

(D) A manufacturer of drugs introduces into commerce a drug which has not been shown to be safe and effective and which has not received new drug approval.

(5) Severity V—minor violations.

(A) A retail food store has installed red-tinted fluorescent lighting in all meat cases to bring out the natural color in the red meat cuts.

(B) A food manufacturer has used unapproved food additive in his food product.

(C) Laboratory analyses of numerous samples of a particular lot of a vitamin product reveal subpotency in several ingredients.

(D) A methadone program fails to collect and test urine samples for the presence of illicit drugs.

(E) The medical director of a methadone program fails to sign required patient records.

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 December 16, 1986.

TRD-8611664 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of  
Health

Proposed date of adoption

May 1, 1987

For further information, please call  
(512) 468-7236.

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## Chapter 301. Wastewater Surveillance and Technology Construction Standards for Private Sewage Facilities

### ★ 25 TAC §§301.11-301.13

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The repeals are proposed under Texas Civil Statutes, Article 4477-1, §§12, 19, 20, 23, 24, and 25, which authorizes the Texas Board of Health to adopt rules covering on-site sewerage facilities.

§301.11. *General Procedural Rules.*

§301.12. *Design Standards for Septic Tank Systems.*

§301.13. *Common Unsatisfactory On-Site Disposal Systems.*

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 December 18, 1986.

TRD-8611741 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of  
Health

Proposed date of adoption

April 4, 1987

For further information, please call  
(512) 463-7236.

★ ★ ★

### ★ 25 TAC §§301.11-301.17

The Texas Department of Health proposes the repeal of existing §§301.11-301.13, concerning construction standards for private sewage facilities, and new §§301.11-301.17, concerning construction standards for on-site sewerage facilities. The purpose of this proposal is to update, clarify, and modify sections adopted by the Texas Board of Health on November 30, 1977. The new sections contain detailed descriptions of recent technological advancements in on-site sewerage treatment and disposal. Current material has been rewritten for clarity and rearranged with the new information for easier referencing. Minimum sewage disposal site areas have been modified. Precatory verbiage has been changed to mandatory for more consistent implementation by all local regulatory agencies.

Stephen Seale, chief accountant III, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implication for small businesses as a result of enforcing or administering the sections. The cost of compliance with the sections for small businesses will be a one-time retooling cost of \$100,000 for double compartment septic tank manufacturing for at least one company, according to their verbal report. Meeting the department's requirement to submit to the National Sanitation Foundation's testing requirements may cost \$25,000 for each business not currently tested. Lot size increase requirements may cost real estate developers \$3,000 to \$15,000 more per lot. The employee cost of compliance for small businesses, compared to the employee cost for the largest businesses, will be approximately the same. There will be no fiscal implications for state or local government.

Mr. Seale also has determined that for each year of the first five years the sec-

tions are in effect the public benefit anticipated as a result of enforcing the sections will be reduced exposure to disease-causing agents, increased aesthetics of habitation, less lost wages and time due to illness, and less medical bills. The average increase in anticipated economic cost to individuals as a result of these new sections will be the cost of required increases in sewerage system construction of \$300 in 1987, \$350 in 1988, \$400 in 1989, \$450 in 1990, and \$500 in 1991, and the cost of required increased lot sizes when applicable of \$4,000 each year in 1987 and 1988, \$4,500 each year in 1989 and 1990, and \$5,000 in 1991.

Comments on the proposal may be submitted to Thomas D. Tiner, PE, Director, Division of Water Hygiene, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7533. Comments will be received for 45 days from the date of publication of the proposed sections in the *Texas Register*. In addition the department will conduct public hearings as follows: Texas Department of Health Auditorium, 1100 West 49th Street, Austin, Texas, 1:30 p.m., February 2, 1987; Bear Creek Park Community Center, #3 Abercrombie Drive, Houston, Texas, 1:30 p.m., February 3, 1987; Lubbock Public Library, 1306 North Street, Lubbock, Texas, 1:30 p.m., February 6, 1987; City Council Chambers, 217 Number Bonner, Tyler, Texas, 1:30 p.m., February 9, 1987; City Council Chambers, 317 West College, Grand Prairie, Texas, 1:30 p.m., February 11, 1987, and Texas Department of Health Public Health Region 8 Office, 1401 South Rangerville Road, Herington, Texas, 1:30 p.m., February 13, 1987.

The new sections are proposed under Texas Civil Statutes, Article 4477-1, §§12, 19, 20, 23, 24, and 25, which authorize the Texas Board of Health to adopt rules covering on-site sewerage facilities.

§301.11. *General Procedures and Information*

(a) Purpose. It is the policy of the Texas Department of Health that individual on-site sewerage facilities shall be designed, constructed, and operated to provide adequate sewerage treatment and disposal that will not contaminate potable water supplies or threaten the health and welfare of the public. Therefore, the primary purpose of these standards is to establish minimally-acceptable standards for constructing on-site sewerage facilities. These construction standards will cover the aspects of on-site sewerage systems for use by individual homes, small business establishments, recreation that conform to the section and do not have access to a central collection system. The various types of treatment processes covered by these standards do not have any open discharges to the surface of the ground. Any process which proposes open discharge should be designed in accordance with §§301.31-301.63 of this title (relating to Design Criteria for Sewerage Systems) and

31 TAC §§317.1-317.13 (relating to Design Criteria for Sewerage Systems) and must be operated under a waste control permit issued by the Texas Water Commission. For daily flows over 5,000 gallons per day that are proposed for subsurface disposal, the determination of the necessity for a waste discharge permit must be obtained from the Texas Water Commission.

(b) Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Aerobic digestion—The bacterial decomposition and stabilization of sewage in the presence of free oxygen.

(2) Anaerobic digestion—The bacterial decomposition and stabilization of sewage in the absence of free oxygen.

(3) Bedrock—A continuous horizontal layer of hardened mineral deposits that does not support growth of common plant life.

(4) Blackwater—All sewage other than greywater that contains sufficient human or animal wastes to require the water to be treated prior to disposal to the earth's subsurface.

(5) Bore hole—A drilled hole four feet or greater in depth and one to three feet in diameter.

(6) Caliche—A white or pale yellow deposit of carbonate and/or sulfates of varying hardness that exists in the soil profile.

(7) Cesspool—A nonwatertight covered receptacle intended for the receipt and partial treatment of domestic sewage. This device is constructed such that its sidewalls and bottom are open jointed to allow the gradual discharge of liquids while retaining the solids for anaerobic decomposition (See §301.16(a) of this title (relating to Common Unsatisfactory On-Site Disposal Systems)).

(8) Chemical toilet—A portable toilet using chemicals to mask odors, discourage insect breeding, and provide partial disinfection.

(9) Commission—Texas Water Commission.

(10) Composting toilet—A disposal facility designed to decompose nonwaterborne human wastes through bacterial action facilitated by aeration.

(11) Department—Texas Department of Health.

(12) Evapotranspiration system—A subsurface sewage disposal system which relies on soil capillarity and plant uptake to dispose of treated effluent through surface evaporation and plant transpiration.

(13) Figure—Any reference in these sections to a figure # is a reference to a figure shown in §301.17 of this title (relating to Tables and Figures.)

(14) Gravel less drainfield pipe—A generically labeled large diameter (usually eight or 10 inches) geotextile fabric-wrapped piping product which is intended for use without gravel in a subsurface sewage disposal system.

(15) Greywater—Wastewater from clothes washing machines, showers, bathtubs, handwashing lavatories, and sinks that are not used for food preparation or disposal of chemical and biological ingredients.

(16) Holding tank—A watertight container used to receive and store sewage in an anaerobic environment pending its delivery to, and treatment at, an approved treatment facility. This type of facility is generally intended for interim use, if and when approved by the local permitting authority.

(17) Injection well—A hole drilled into permeable soil which is intended to receive either raw sewage or the effluent from some form of treatment process (See §301.16(b) of this title (relating to Common Unsatisfactory On-Site Disposal Systems)).

(18) Innovative design—Detailed drawings and specifications describing the construction of on-site sewerage facilities that utilize materials and concepts not included in these standards.

(19) Mound system—A soil absorption system which is installed in or below an artificially created mound of earth.

(20) On-site aerobic treatment unit—A watertight covered receptacle designed to receive, store, and provide treatment to domestic sewage received through a building sewer. Its function is to separate solids from the liquid, promote the aerobic digestion of organic matter through the use of a forced air supply, store and aerobically digest settleable solids, and allow the clarified liquid to be disposed of in a subsurface disposal system.

(21) On-site sewerage facilities—Septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks, and all other facilities, systems, and methods used for the disposal of sewage other than the disposal systems operated under a permit issued by the Texas Water Commission.

(22) Pit privy—A vented waterproof vault intended to store human wastes and allow its decomposition through natural processes. In this type of treatment, no external water source is provided and there is no direct discharge to the surface. It is recommended for use only in primitive and remote areas.

(23) Portable toilet—A small portable enclosure with a built-in toilet seat and a raw sewage holding tank. It is primarily intended for use at construction sites and other areas where temporary restroom facilities are required. Domestic sewage collected in these facilities is generally retained in an anaerobic state pending delivery to, and treatment at, an approved treatment facility.

(24) Pressure dosing—The use of some form of pumping device and a network of small diameter piping to distribute treated effluent within a subsurface sewage disposal area.

(25) Sanitary control easement—A document securing all land, within 150 feet

of a public potable water well location, from pollution hazards that include, but are not limited to, solid and liquid waste disposal sites, animal pens, improperly sealed or abandoned wells, major sewage pumping and treatment plants and drainage ditches which contain industrial waste discharges.

(26) Scum—A mass of organic and/or inorganic matter which floats on the surface of sewage.

(27) Seepage pit—An unlined covered excavation in the ground which is designed to operate in essentially the same manner as a cesspool (See §301.16(c) of this title (relating to Common Unsatisfactory On-Site Disposal Systems)).

(28) Septic tank—A watertight covered receptacle designed to receive, store, and provide treatment to domestic sewage received from a building sewer. Its function is to separate solids from the liquid, digest organic matter under anaerobic conditions, store the digested solids through a period of detention, and allow the clarified liquid to be disposed of in a subsurface disposal system.

(29) Sewage—Water which contains, or which has been in contact with, organic and inorganic contaminants such as human or animal wastes, vegetable matter, cooking fats and greases, laundry and dishwashing detergents, and other chemical compounds and waste products.

(30) Sludge—A semi-liquid mass of partially decomposed organic and inorganic matter which settles at or near the bottom of a receptacle containing sewage.

(31) Soil—The unconsolidated mineral material on the surface of the earth that serves as a natural medium for the growth of plants.

(32) Soil absorption system—A subsurface sewage disposal system which relies on the soil's ability to absorb moisture and allow its dispersal by lateral and vertical movement through and between individual soil particles.

(33) Split system—A wastewater disposal system that treats and disposes of blackwater and greywater separately.

(34) Subsurface sewage disposal system—A network of perforated piping installed below ground level which is used to distribute pretreated sewage effluent over a given disposal area.

(35) Table—Any reference in these sections to a Table # is a reference to a table shown in §301.17 of this title (relating to Figures and Tables).

(36) Ultra low-flow toilets—Toilets that use 1-1/2 gallons or less per flush.

(c) General environmental requirements.

(1) Background. These construction standards are being adopted under authority of the Texas Sanitation and Health Protection Law, Texas Civil Statutes, Article 4477-1, §§12, 19, 20, 23, 24, and 25. The on-site sewage disposal system was originally developed to serve rural residences. For this



**purpose, the properly installed septic tank performed well and permitted the remote rural resident to utilize the convenience of indoor plumbing. During the past 30 years, the population distribution in the United States has shifted from rural to urban, thus creating rapid development in and on the fringes of urban areas. Many residential subdivisions have been located beyond the limits of organized water and sewerage facilities causing the residents to rely on individual resources available within the boundaries of small lots or tracts of land. On-site sewerage systems have been used frequently as the means of liquid waste disposal. Unfortunately, in many cases, subdivisions were located in areas with soil conditions unsuitable for conventional systems. Quite often, lot sizes are no larger than those found in subdivisions serviced by central water and sewerage systems. Residential areas with small lots served by individual systems, on many occasions, are subject to undesirable conditions such as widespread saturation of the soil, malfunction of the treatment unit, sewage on the surface of the ground and in roadside ditches, and strained relationships between neighbors. The standards presented herein are based on the cumulative observations and experiences of the past and are intended to provide the citizens of this state with adequate public health protection and a minimum of environmental pollution.**

(2) **Facility owner's responsibilities.** A properly designed on-site sewerage facility, properly constructed in a suitable soil, can malfunction if the account of water it is required to dispose of is not controlled. It will be the responsibility of the owner to maintain and operate the facility in a satisfactory manner. The proper performance of an on-site sewerage facility cannot be guaranteed even though all provisions of these standards have been met. Inspection and licensing of an on-site sewerage facility by the licensing authority shall indicate only that the facility meets minimum requirements and does not relieve the owner of the property from complying with county, state, and federal regulations. On-site sewerage facilities, although approved as meeting minimum standards, must be upgraded by the owner, at the owner's expense, if the owner's operation of the facility results in objectional odors, if unsanitary conditions are created, if pollution or nuisance conditions are threatened or occur, or if the facility when used does not comply with governmental regulations.

(3) **Locational and environmental standards.** The developers of subdivisions that are remote from organized sewage collection systems shall consider the method of sewage disposal in the determination of lot size and arrangement. The provision of a collection system and central treatment plant is generally the preferred method of sewage disposal. However if soil conditions permit, and other factors are favorable to the use of

**on-site sewerage systems, the standards in Table I shall be used with regard to the location of the systems' components.**

(d) **Authority of the department to regulate on-site sewerage facilities.** The Texas Sanitation and Health Protection Law, Texas Civil Statutes, Article 4477-1, §§12, 19, 20, 23, 24, and 25 cover the Department's authority to promulgate construction rules and standards. The Texas Water Code, Texas Civil Statutes, §21.083, directs the commission to consult with the commissioner of health for recommendations concerning the impact of the use of on-site sewerage systems on public health before entering an order regulating the installation or use of such facilities in a given area.

(e) **Relations with other governmental entities.**

(1) **Texas Water Commission.** The State level responsibility for the management and control of on-site sewerage system practices is shared by the commission and the department. The Texas Water Code, §21.083 (b), defines the commission's authority as primarily of an area or regional nature insofar as the control of pollution caused by on-site sewerage systems. When the problems of a particular area are likely to produce hazards to public health through area-wide water pollution caused by on-site sewerage systems, the Texas Water Code gives the authority to limit the number and type of these systems, prohibit the installation and use of additional ones, and provide for their gradual and systematic reduction in that area.

(2) **Texas Water Well Drillers Board.** This state agency shares responsibility with the department and the commission for the regulation of water well siting and construction. If a private water well encroaches on an already established on-site sewerage system, the sewerage system owner should consult with the Texas Water Well Drillers Board in order to establish the fact of prior right to use the sewerage system.

(3) **Local health departments.** The Texas Sanitation and Health Protection Law, Texas Civil Statutes, Article 4477-1, and Texas Civil Statutes, Article 4414b, require local health officials to abate nuisances, and to aid the State Board of Health in the enforcement of its rules, regulations, requirements and ordinances and in the enforcement of all sanitary laws within the jurisdiction of the local health officials. Local health agencies may be required by city ordinance or waste control order to enforce regulations which exceed the requirements of these standards, but local authorities must not permit their standards to fall below those recommended by the department. Local regulations shall be reasonable and, if technical in nature, must be based on sound engineering principles.

(4) **River authorities and water districts.** River authorities or water districts may assist in water pollution control enforcement

**procedures through orders issued by the commission to control or prohibit the use of on-site sewerage systems in an area. The commission may delegate them as the licensing authority to develop procedures concerning administration, inspection, issuance of licenses and enforcement of a commission order. Through these procedures, river authorities and water districts may establish standards higher than those of the department, provided they are reasonable and, if technical in nature, are based on sound engineering principles.**

(5) **County commissioners courts.** The Texas Water Code, §21.084, empowers the commissioners court of any county to adopt a waste control order controlling or prohibiting the installation or use of on-site sewerage systems in any area of a county under its jurisdiction. The commission must grant its approval of the adopted county order prior to its becoming effective. The order includes construction standards promulgated by counties which may be adjusted to local conditions so long as they do not fall below the standards of the department and also provided that the adjustments are reasonable and, if technical in nature, are based on sound engineering principles.

(6) **Municipal corporations.** Cities, towns, and villages may control or prohibit the use of on-site sewerage systems by local ordinance. The standards set forth in any such ordinance must not fall below those stated in this publication, but these entities may establish standards which will produce a higher quality of operation, provided the standards are reasonable and, if technical in nature, are based on sound engineering principles.

(7) **Regional councils of government.** These agencies are principally created to establish and execute the planning process in a region designated by the governor. (Texas Civil Statutes, Article 1011m). The regional councils may contribute to the effective and proper disposal of sewage by guiding developers to the more favorable alternative of sewage collection systems and centralized sewage treatment facilities, preparing soil maps showing favorable, intermediate, and unacceptable locations for sewage treatment systems dependent upon subsurface effluent disposal, and assisting local governments in recognizing the need for regulatory devices for sewage disposal.

(f) **Design approvals of on-site sewage disposal systems.**

(1) **Approval of conventional designs.** The construction standards contained herein are promulgated under authority of the Texas Sanitation and Health Protection Law, Texas Civil Statutes, Article 4477-1, §§12, 19, 20, 23, 24, and 25. In addition, Article 4477-1, §5(a), states that disposal of human excreta in populous areas must be by methods approved by the department. Section 5(b) states the effluent from septic tanks (or aerobic treatment units) shall

be disposed of through subsurface drain-fields designed in accordance with good public health engineering practice. The design standards in this subsection constitute the minimum criteria established and approved by the department for methods of on-site sewage disposal.

(2) Approval of innovative designs. Agencies vested with the responsibility of enforcing on-site sewage disposal regulations may consider feasible innovative designs which are not specifically covered in these construction standards. Texas is a large state with many different types of topographical, geological, and climatic conditions. New systems may be conceived in the future to meet requirements demanded by these conditions. The systems may differ from the specific construction methods outlined in this publication. To both assist local regulatory agencies in determining the reliability of a new system and protect the public from improperly designed systems, the department upon request, will review and evaluate new systems on an individual basis. A system found to be designed in accordance with good engineering practice will be approved by the Department for the one installation for which the design was intended. Subsequent similar designs for other installations will be reviewed by the local regulatory authority. All new and innovative designs must be submitted to the department for review and approval, unless the local regulatory authority has sufficient registered professional engineering expertise.

(A) Submissions of innovative systems for review must include:

(i) detailed plans sealed by a registered professional engineer;

(ii) necessary research data to establish the validity of the process, including setup of the proposed innovative system;

(iii) development of operational data and maintenance instructions; and

(iv) all research and development data that has been verified by published results of a recognized college university or research organization.

(B) All expenses in connection with research, pilot projects and/or demonstration projects must be borne by the activity submitting the innovative design for review.

(3) Approval of proprietary systems. All new systems which deviate significantly from these construction standards shall be reviewed by the department for their installation and use suitability. Notice of disapproval by either the department or the local regulatory authority shall prevent such facilities from being installed. Categorical approval of proprietary systems will not be granted by the Department.

(4) Residential lot sizing.

(A) General considerations. The failure of an on-site sewerage system may be caused by a large number of circumstances,

including inadequate soil percolation, improper construction, design, installation and misuse. The single most important factor concerning public health problems resulting from these failures is the residential dwelling density which is strictly a function of lot size. The failure of a system in a highly populated area is the fundamental cause of public health hazards resulting from on-site sewage disposal. Surfacing sewage provides a medium for the transmission of disease and the fact that many people are in the vicinity cause concern over the spreading of disease. Sewerage systems using soil absorption for effluent disposal are more prone to malfunction in high population density situations because the soil available to absorb or evaporate the effluent is limited. The failure of an absorption system on a small lot can be financially disastrous to the owner because the lot may not contain sufficient room to construct a new absorption field in a new location.

(B) Platted subdivisions served by a public water supply. Subdivisions of single family residences platted after the effective date of this publication, and served by a public water supply but utilizing individual subsurface absorptive methods for sewage disposal, shall provide for individual lots having surface areas of at least one-half acre, or large enough to have a duplicate system, whichever is greater.

(C) Platted subdivisions served by individual water systems. In subdivisions platted after the effective date of this publication for single family residences where each lot maintains an individual water supply well and sewage treatment system with a soil absorption system, the plat shall show the approved well location and a sanitary control easement around the well within a 150-foot radius in which no absorptive type sewerage system may be constructed. A watertight sewage treatment unit or lined evapotranspiration bed with leak detection capability may be placed closer to the water well than 150 feet, provided the minimum separation stated in Table I is not violated. To minimize the possibility of the transmission of waterborne diseases due to the pollution of the water supplied for domestic use, each lot in a platted subdivision shall not contain less area than one acre, or be large enough to have a duplicate system, whichever is greater.

(5) Mobile home parks. Mobile home parks which are owned by an individual and which rent or lease space may utilize smaller lots than stated in paragraph (4)(B) of this subsection, provided an overall sewerage plan is submitted to the appropriate authority for approval and water is supplied by a central water system. Parks of this type may connect no more than 25 mobile homes or trailers to a single sewage treatment and disposal system, provided the system is designed to treat the total anticipated sewage discharge from the connected homes and the

sewage facility conforms to the definition of private sewage facilities in subsection (b)(24) of this section. Individual home sites must meet the requirements in paragraph (4) of this subsection.

(6) Exemptions and variances. Requests for exemptions or variances of any part or parts of these standards for the design, installation, or operation of any on-site disposal system shall be considered on an individual basis. The burden of proof is the responsibility of the engineer, sanitarian, or other qualified individual responsible for the design or installation of the system under consideration, to demonstrate to the satisfaction of the department or licensing authority, that the exemption or variance has been requested because conditions are such that equivalent protection of the public health and environment can be provided by alternate means or construction features. Any such request must be accompanied by sufficient engineering or applicable data to meet the department's or licensing authority's satisfaction. The department shall, at the request of local authorities, provide evaluation and comment services for any such local authority.

#### §301.12. Design Standards for Sewage Processing Systems.

(a) Septic tank design—residential.

(1) House sewer. The sewer from the house plumbing system to the septic tank shall be constructed of structurally sound pipe such as cast iron, ductile iron, or plastic pipe bedded in sand. Cast iron or high strength pipe should always be used under driveways. The pipe from the house to the septic tank shall have a minimum inside diameter of not less than four inches and be compatible with the house stub out pipe. The slope of the house sewer shall be no less than ¼-inch fall per foot of pipe. The stub out location shall be at the highest possible elevation with respect to the house foundation to avoid deep treatment systems. The line must be of watertight construction. A cleanout plug must be provided within three feet of the building and at 90° turns in alignment, both horizontal and vertical, and at every 50 feet of straight horizontal piping. A minimum 1/8-inch fall per foot must be maintained between the tank and the disposal area. Prospective installers and users of low flush commodes should consult with the manufacturers of these devices regarding their grade requirements. Too steep or too shallow slopes on pipes connecting the toilet and the treatment tank may require excessive maintenance.

(2) Septic tank capacity based on sewage loading. A properly designed septic tank shall be watertight. The settleable and suspended solids will undergo partial decomposition under anaerobic conditions. As a result of use, the septic tank will accumulate partially decomposed solids which must be removed periodically. As additional sewage is introduced into the tank, partially clarified

effluent is discharged into the subsurface disposal field. The best method of estimating the tank's sewage loading is based upon the number of bedrooms in the house. Table II shall be used to determine the required minimum septic tank liquid capacity.

(3) Inlet and outlet devices. To assure rapid drainage of house plumbing, the flow line of the inlet pipe shall be three inches higher than the operating tank liquid level which is determined by the flow line of the outlet pipe. Liquid penetration of the inlet device shall be at least six inches, but never greater than that of the outlet device. Liquid penetration of the outlet device shall be approximately 25% to 40% of the tank's liquid depth. T branches are required for inlet and outlet devices because they provide a means for venting the gases produced by the decomposition process from the tank and absorption system through the house plumbing. Otherwise, gases may escape from around the aid of the tank and cause an odor nuisance in the vicinity of the septic tank. T branches also offer ready access for required maintenance. To prevent the escape of floating solids from the tank to the subsurface disposal field and the possibility of inlet stoppages, the open spaces between the tops of the inlet and outlet devices and the underside of the tank cover shall not be greater than two inches, nor less than one inch (See Figure 1). In order to provide a good watertight septic tank, the inlet and outlet T branches shall be installed in a permanent manner at the time the septic tank is constructed. Factory built tanks shall have the T branches grouted in place before delivery so that the only connections to the tank at the point of installation will be the influent and effluent lines. Manufacturers of prefabricated tanks shall be allowed to install watertight flanges into the tank walls, into which inlet and outlet stubs shall be fitted by field installers, causing watertight connections.

(4) Details of septic tank design.

(A) Two single compartment tanks in series, or a two-compartment tank, with approximately  $\frac{1}{2}$  to  $\frac{2}{3}$  of the total volume in the first compartment, will be required for acceptable solids removal. The second tank or compartment shall have inlet and outlet devices designed the same as for a single-compartment tank, except that the elevation, or flow line, of both inlet and outlet devices in the second unit shall be the same as the outlet device in the first unit (See Figure 2). A port shall be provided to each compartment for inspection, cleaning, and maintenance. Both the inlet and outlet devices shall be accessible for inspection and maintenance without having to enter the septic tank. For tanks not buried too deeply, the use of sectional slab covers will conveniently and safely provide the needed access. For tanks buried deeply, manholes with risers are recommended. The septic tank shall be of sturdy, watertight construction.

Materials used may be steel reinforced poured-in-place concrete, steel reinforced pre-cast concrete, reinforced fiberglass, polyethylene, or other materials approved by the regulatory authority. Metal septic tanks are prohibited because they are subject to corrosion. The septic tank shall be structurally designed to resist buckling from external hydraulic loading and exterior loading caused by earth fill, garden tractors, riding lawn mowers, or any expected maximum wheel weights. The tanks shall be tested by filling with water following installation and checked 24 hours later for leaks and structural integrity. Tanks exhibiting obvious deflections or leaks must not be used. Where concrete tanks are installed, sweating or condensation at construction joints is acceptable.

(B) In the case of poured-in-place concrete tanks, septic tank bottoms shall be at least six inches thick with 6x6x10 gauge welded steel mesh or Number 3 reinforcing bars on six-inch centers, with such reinforcing materials being extended up into the wall area of the tank so that it will mesh with the reinforcing materials in the walls of the tank. The floor and walls must be constructed monolithically. Walls are to be a minimum of six inches thick.

(C) Septic tank tops reinforced with 6x6x10 gauge welded steel mesh or Number 3 reinforcing bars on six-inch centers must be poured off-site rather than on the tank (not on top of a wooden frame over the tank) and must be moved onto the tank after hardening and then sealed to the tank with a permanent bonding material or rubber gasket so as to form a seal between tank and top. To facilitate handling, tops may be poured in sections but must be sealed when in place. Tops must be a minimum of three inches thick.

(D) Pre-cast concrete, polyethylene, and prefabricated fiberglass tanks are subject to prior approval of the licensing authority, who should consult with the department regarding the uniquely differing materials, manufacturing methods and designs used. All pre-cast or prefabricated tanks shall have clearly marked or stamped thereon the manufacturer's name and the age capacity of such tanks near the level of the outlet in at least two positions so as to be clearly visible to the inspecting permitting authority even after they have been placed in the ground.

(E) Septic tanks must be installed so as to provide at least 12 inches drop in elevation from the bottom of the outlet pipe to the bottom of the absorption field. A sand pad, loam, or select material with a minimum thickness of four inches must be placed under all prefabricated tanks. All septic tank excavations must be backfilled with sand, loam, or select backfill not containing rocks greater than one inch in size. It is acceptable to mound soil over a septic tank which is set high to maintain fall to the drainfield.

(F) When treated sewage must be

pumped to the disposal area, an effluent pump shall be placed in a watertight tank and shall be provided with a check valve. The tank shall be provided with an electronic highwater alarm having a power circuit separate from the pump. Effluent pump tanks shall have a minimum capacity of 500 gallons.

(b) Septic tank design—institutional.

(1) General consideration of use of septic tank systems. Septic tanks may be used as a means of sewage treatment for non-residential activities. However, experience indicates that the usefulness of the septic tank systems decreases as the size of the establishment served increases. When a septic tank is being considered for service to an activity that will produce more sewage than a single family residence, design guidance must be obtained from a local health department, regulatory agency or a consultant who is professionally registered as an engineer in Texas and is well versed in on-site sewerage system design.

(2) Sewage loading. The total quantity of sewage applied per day to the septic tank provides the basis for the determination of its size. Table III entitled, Individual Usage Rate, will be of assistance in estimating the daily sewage flow per capita for a variety of living and activity situations. Organic loading of sewage from restaurants, hospitals, nursing homes, and other commercial establishments will require an increase in tank size.

(3) Compartments to be provided.

Two compartments shall be provided, the first created by a wall with a tee to permit liquid flow from the first compartment to the second one. The flow line of this intermediate fitting shall be at the same elevation as the flow line of the outlet fitting, which shall be three inches below the elevation of the flow line of the inlet fitting. The capacity of the first compartment shall be at least one to two times the capacity of the second compartment. All tanks must be vented internally.

(4) Selection of septic tank capacity. The net volume or effective capacity below the flow line of a septic tank for flows up to 250 gallons per day shall be at least 750 gallons. For flows between 250 and 5,000 gallons per day, the capacity of the tank shall be equal to at least three days' sewage flow. For daily flows over 5,000 gallons per day, the determination of the necessity for a waste discharge permit must be obtained from the commission.

(5) Pump tank usage. When treated sewage must be pumped to the disposal area, effluent pumps shall be placed in a watertight tank and shall be provided with a check valve. The tank shall be provided with an electronic highwater alarm having a power circuit separate from the pump. Effluent pump tanks shall have a minimum capacity of 500 gallons. For daily flows over 500 gallons, duplex pumps must be provided.

(c) **On-site aerobic sewage treatment plants.**

(1) **Introduction.** A number of small (up to 1,500 gallons per day) aerobic wastewater disposal systems have been designed and marketed for the on-site treatment of sewage. The information in this subsection relates to the department's requirements concerning the installation and use of on-site sewage treatment plants for individual dwellings and small businesses.

(2) **Appropriate usage.** The installation and use of individual wastewater disposal units, other than septic systems, are acceptable to the department provided they meet department requirements.

(3) **Permit policy.** Subject to the requirements of the local government or local health department, and with their permission, an owner of a home or small business may elect to use an aerobic individual wastewater disposal system.

(4) **Effluent disposal practice.** The effluent from an individual small aerobic wastewater disposal unit must be discharged into a properly designed and constructed soil absorption or evapotranspiration system. No discharges to the ground surface or into the waters of the state are authorized.

(5) **Operation and maintenance responsibility.** Companies distributing aerobic individual small waste disposal systems shall provide an inspection and repair service since the system's owners, in most instances, will not be in a position to judge whether the device is working as designed. Local governments, in determining whether to approve any type of individual small wastewater disposal system, shall give consideration to the ability of the distributor or other firms qualified to service the installation. The prospective owner shall be given a copy of the prospective seller's service contract prior to making a decision regarding purchase. The contract shall be for a two-year period.

(6) **Emergency operation.** The principal structure or containing vessel of an individual small wastewater unit shall be designed to provide treatment to incoming sewage in the event of failure of mechanical or electrical devices. Since anaerobic conditions will prevail when aeration equipment is inoperable, the unit shall have the same liquid capacity as an appropriately sized septic tank and be designed to function in a septic tank-like manner during periods longer than 24 hours when the aerating device is not functioning.

(7) **National Sanitation Foundation criteria.** There are numerous manufacturers of individual small wastewater treatment systems. To the extent of available information, inquiries on individual systems from local governments or individuals will be answered by the department. Local governments interested in authorizing individual small aerobic wastewater disposal systems are advised of the testing and approval

criteria of the National Sanitation Foundation (NSF). The NSF seal on a particular unit indicates its ability to meet the requirements of the foundation's Standard 40, relating to individual aerobic wastewater treatment plants. Units not having a NSF-approved rating will be required to undergo extensive testing equal to or greater than the foundation's program prior to use in Texas. The department will maintain list of approved aerobic systems.

(8) **Treatment limitations.** In addition to the previously mentioned statement, the prospective user should be aware that small aerobic treatment plants treat sewage differently than septic tanks. Aerobic treatment plants operate by mixing raw sewage together with air and masses of bacteria. Several kinds of bacteria consume the sewage and air, changing it to nitrogen, carbon dioxide, and water, all of which are used by plant life. Treated clear effluent still contains microscopic bacteria and viruses that were in the raw sewage so it must be kept out of contact with the general public as much as possible. It is possible to disinfect treated sewage with chlorine, bromine, ultraviolet light, ozone, or other commercially available products. However, nothing will make aerobically treated sewage safe enough to use as freshwater. Disposal systems for aerobic plant effluent shall be the same as for septic tank effluents.

(9) **Costs.** Because aerobic treatment plants use a completely different process than septic tanks, there should be little or no odor if the plant is operated and maintained properly. Operation and maintenance costs are considerably greater than for septic tanks, however. Most aerobic treatment plant suppliers will caution the homeowners about excessively loading the unit with garbage disposal wastes or toxic materials.

(10) **Siting considerations.** Most aerobic treatment plants sized for single home or small commercial shop use are usually only slightly larger than a septic tank but may not be installed as deeply. The organic loading of commercial or institutional applications may require individual design considerations. Its inspection access is exposed to the surface, unlike a septic tank which is usually covered over with a layer of gravel or grass sod. The unit is generally one piece construction using concrete or fiberglass.

(11) **Solids accumulations.** Most aerobic treatment plants operate by applying air from an air compressor into the bottom of the tank that first accepts raw sewage. As the air bubbles rise to the surface the sewage mixes with a mass of brownish gray bacteria called activated sludge. Several baffles and/or compartments are required within the single unit so that several different activities can be done at the same time. These include mixing the air, sewage, and bacteria together, then allowing the bacteria to settle while the treated effluent is drained off the top. Solid materials that the bacteria can-

not consume will accumulate in a sludge holding compartment along with grease, oil, and other undigested floating wastes. The sludge and floating wastes will have to be removed occasionally by a sludge hauling company. How often sludge has to be removed depends upon the type and amount of waste the owner applies to the system.

(d) **Grease traps.**

(1) **Installation.** Grease traps shall be used on kitchen wastelines from institutions, hotels, restaurants, schools with lunchrooms, and other places they may discharge large amounts of greases and oils to the sewer. However, wastes from garbage grinders must not be allowed to enter a grease trap. The trap shall be installed near the plumbing fixture that discharges greasy wastewater and should be easily accessible for cleaning. When maximum efficiency grease removal is necessary, a dual chambered trap that separates, then stores grease shall be utilized. If the dual chamber trap is installed as close as possible to the source of hot greasy wastes, the separated grease can be conveyed to the secondary chamber, where it accumulates, cools, and solidifies.

(2) **Sizing.** Grease trap sizing will depend on the particulars of the application. Building code authorities and trap manufacturers should be consulted prior to sizing the unit. No trap with a liquid holding capacity of less than 100 gallons shall be approved for any food preparatory establishment required to have a unit. Grease interceptors shall be sized using the Uniform Plumbing Code to determine maximum flow rate and required to have at least two compartments. The primary compartment shall hold seven times the maximum gallons-per-minute flow rate and the secondary shall hold five times the maximum gallons-per-minute flow rate and the secondary shall hold five times this flow rate. If garbage disposals are required by the permitting authority, they shall be plumbed into the unit and the unit sized to hold 10 times the maximum gallons-per-minute flow rate in the primary compartment and seven times this flow rate in the secondary compartment.

**§301.13. Design Standards for Effluent Disposal Systems.**

(a) **Soil technology and factors in the selection of method of disposal.** Prior to project building construction, a site evaluation, soil characterization study, and project component positioning must be done. Site evaluation is a combination of field inspection, laboratory testing, and desk top analysis. It includes a thorough understanding of the codes and regulations governing the use of the site. Key elements of the evaluation are discussed in the following sections.

(1) **Topography.** A site's topography relates to the changes in surface height over the site's total area. Topography can influence the choice of system used. For instance, pressure dosing may be the only type

of system possible where the only acceptable location for the disposal area is at a higher elevation than the treatment unit. Grading plans to alter the topography may be used in order to evaluate if the site can be used. Care must be taken to protect or replace the site's topsoil.

(2) Soil characteristics. The most important characteristics of soil are their ability to absorb fluid, provide adequate treatment, and convey the treated water underground. Permeability is the characteristic relating to ease of water movement through soil. The main properties indicative of absorption capacity are soil texture, structure, color, thickness of permeable strata, and swelling characteristics.

(A) Soil properties are discussed in detail by the U.S. Department of Agriculture, Soil Conservation Service (USDA-SCS), in the soil survey reports of most Texas counties. These surveys include general soil maps which outline the areas of different soils onto aerial photos. General information is given regarding the soil's suitability for sewage effluent disposal on a broad scale and can be used for preliminary evaluation.

(B) A careful field investigation must be made by persons trained or having qualified experience in soil science to determine the capability of a site to absorb and treat wastewater. The soil evaluation should address the eight factors listed in Table V.

(3) Groundwater. Seasonal high groundwater (perched water) tables can exist in any area of the state. Under such conditions, it is possible to locate perched water near the ground surface during wet periods each year. This situation is the result of seasonal rain storm runoff permeating into a shallow soil mantle that lies upon an impermeable material like a solid rock or very dense clay. The mechanism for the removal of this water is by very slow draining to open channels or areas not influenced by clay or rock. Some moisture is taken up by evaporation and transpiration of plants that are rooted into the permeable top soils.

(4) Flooding. Usual site development requires that the structure be built on the highest portion of the site. The sewerage system is developed in the remaining area of the site that is lower than the structure. Unfortunately, the lower area of a site may be subject to flooding as it naturally receives storm runoff from all areas upstream of it. Careful evaluation of flooding potential is necessary to determine if flood preventative measures must be incorporated into the on-site sewerage treatment and disposal system. All of a soil absorption system must be constructed out of the 10-year flood plain, and not within areas subject to inundation or erosion by flood waters or rainfall runoff.

(5) Solid and fractured rock. Solid or fractured rock underlying a thin absorptive soil mantle which is less than four feet

thick poses two different problems to the on-site sewerage system user. Solid material will reduce the absorptive capacity of a site while fractured rock may act as the mechanism for direct pollution of an aquifer that lies under the site. Percolation tests in these materials are unreliable and must not be used to size the sewage disposal system.

(6) Caliche. Deposits of a white-to-pale yellow mineral form of calcium carbonate and related compounds of variable thickness and hardness that should be carefully inspected by a soil scientist to determine site suitability for treated sewage absorption. Caliche has several forms that may or may not allow the site to be developed as a sewage absorption area. However, if a soil scientist is unavailable, an evapotranspiration system can be installed if climatic conditions are appropriate.

(7) Offsets from property lines. Minimum spacings from adjacent property owners must be adhered to. A common property line may be built upon with fencing or masonry walls. The area may serve as natural or artificial drainage for storm runoff. For these reasons, private on-site sewerage systems must not be built on these spacings.

(8) Clearances from structures and surface improvements. Table I indicates clearance requirements relating to structures and surface improvements. Structure foundations or surface improvements, such as concrete curbs, landscaping, lawn sprinklers, concrete, asphalt, wood decks or other types of materials must not be placed or planned for installation in any manner that will jeopardize the suitability of subsurface sewage disposal sites.

(9) Spacing with other utilities. Utility companies may have special restrictions that can be enforced onto on-site sewerage system installations. Safety of operations has been cited as a reason to maintain distance from buried electric and gas conduits. Safety to public health requires the separation of potable water piping from sanitary sewerage systems. Table I lists commonly used criteria, but each utility company serving the parcel should be consulted prior to installing the sewerage system.

(10) Disposal system selection. In designing a private sewage facility, several options concerning subsurface disposal are available. Table IV has been prepared to aid in the selection of the proper system based on-site evaluation, percolation rate, and lot size considerations. The table includes the systems generally recommended for subsurface disposal which are drainfields, absorption beds, and evapotranspiration beds. The purpose of Table IV is to give the reader a general idea as to the most feasible type of system to construct taking into consideration lot size, soil absorptive capacity, water conservation practices and, local climate.

(A) After sizing an appropriate treatment tankage, the permitting agency shall calculate the bottom area required for

a trench system, an absorption bed system, and an evapotranspiration system. Generally, the system having the least number of square feet of bottom area will be the most economical. In most cases where adequate room is available, a trench system will be the least costly.

(B) In areas where soils have low permeability, it is possible to design a system which combines both soil absorption and evapotranspiration. Such systems are somewhat complicated and should be designed by a person trained in sewerage system design. The United States Environmental Protection Agency has issued a publication entitled *Design Manual - On-site Wastewater Treatment and Disposal Systems*, that provides guidance to those interested in selecting the most appropriate treated sewage effluent disposal method, taking site constraints into consideration. The entire manual, EPA Publication Number 625/1-80/012, may be ordered from U.S. Environmental Protection Agency, Office of Research and Development, Municipal Environmental Research Laboratory, Cincinnati, Ohio 45268. This government publication is a 391-page document that was published in October 1980 for public use.

(b) Percolation test procedures. It has been previously mentioned that the percolation test is but one of many indicators of a site's future suitability to accept sewage for safe permanent disposal. Consequently, it should not be considered as the sole basis of designing an on-site sewerage system. Experiences of local regulatory agents will have priority over the test results.

(1) Location and number of tests. A minimum of two test holes will be required with the holes uniformly spaced over the proposed absorption field site. The actual number of holes required for an individual soil evaluation should be determined experimentally in accordance with the following procedures.

(A) If the percolation rate results of both test holes fall in the same group as shown in column one in Table VI, no additional holes will be necessary and the absorption field may be designed on the average of the results.

(B) If the percolation rate results fall in adjacent groups, the absorption field may be designed using the test results from the hole with the lowest percolation rate or one additional hole may be dug, tested, and all three results averaged. To properly average the results, each test result must be converted to minutes/inch, then added together. The sum is then divided by the number of tests. If tests in an area vary by more than 20 minutes/inch, variations in soil type are indicated and percolation rates should not be averaged.

(C) If the percolation rate results fall in nonadjacent groups, the absorption field may be designed using the test results from the hole with the lowest percolation

rate or two additional holes may be dug, tested and the results averaged.

(D) In lieu of the previously mentioned procedure, four holes may be dug and tested and the results averaged at the same time to reduce the amount of time required to conduct the test.

(2) Type of test hole. Dig or bore a hole with a diameter from 12 to 15 inches with vertical sides to the depth of the proposed absorption trench. The bottom of the hole must be at the same elevation as the proposed drainfield bottom.

(3) Preparation of test holes. Carefully scratch the bottom and sides of the hole with a knife blade or sharp-pointed instrument in order to remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Remove all loose material from the hole and carefully place approximately one inch of coarse sand or fine gravel into the bottom of the hole to protect the bottom from scouring.

(4) Saturation and swelling of the soil. It is important to distinguish between saturation and swelling. Saturation means that the void spaces between soil particles are full of water. This can be accomplished in a short period of time. Swelling is caused by intrusion of water into the individual soil particle. This is a slow process, especially in a clay-type soil, and is the reason for requiring a prolonged soaking period.

(5) Filling of test holes. In the conduct of the test, carefully fill the hole with clear water to a minimum depth of 12 inches. In most soils, it is necessary to refill the hole by supplying a surplus reservoir of water manually or by means of an automatic siphon, to keep water in the hole until saturation occurs (approximately 24 hours). Determine the percolation rate 24 hours after water is first added to the hole. This procedure is to insure that the soil is given ample opportunity to swell and to approach the condition it will be in during the wettest season of the year. Thus, the test will give comparable results in the same soil, whether made in a dry or in a wet season. In sandy soils containing little or no clay, the swelling procedure is not essential and the test may be made as described in paragraph (7) of this subsection after the water from one filling of the hole has completely seeped away.

(6) Percolation rate measurement. With the exception of sandy soils, Percolation rate measurements shall be made on the day following the procedure described in paragraph (5) of this subsection. If water remains in the test hole after the overnight swelling period, adjust the depth to approximately 12 inches from the bottom. From a fixed reference point, measure the drop in water level over a 30-minute period. This drop is used to calculate the percolation rate. If no water remains in the hole after the overnight swelling period, add clear water to

bring the depth of water in the hole to approximately 12 inches from the bottom, wait 30 minutes, refill the hole to a 12-inch depth and measure the drop in water level over an additional hour interval to determine the percolation rate, or until a trend is established.

(7) Percolation rate measurement (sandy soils). In sandy soils (or other soils in which the first six inches of water seeps away in less than 30 minutes, after the overnight swelling period), the hole should be filled to a depth of six inches and that depth maintained by adding water for 30 minutes. After 30 minutes, the drop in water level should be measured over an additional 10-minute period and the percolation rate calculated from this measurement.

(c) Effluent disposal systems. The effluent discharge from a septic tank or anaerobic plant requires further handling to render it safe from a public health standpoint. A well-designed subsurface soil absorption system will allow these liquids to seep into the ground without creating a health hazard or nuisance. After the prospective builder has selected a suitable area and is assured that safe distances from wells, lakes, etc., can be maintained, the builder must determine, with the assistance of an experienced soils evaluator, whether soil formations in the selected area will allow a soil absorption system to work. When conventional soil absorption systems are used, there shall be no interference from groundwater. The groundwater table must be situated at least four feet below the bottom of the soil absorption systems are used, there shall be no interference from groundwater. The groundwater table must be situated at least four feet below the bottom of the soil absorption system. In the coastal areas of Texas, fresh or salt water may occur at depths less than four feet. The design standards for conventional soil absorption system. In the coastal areas of Texas, fresh or salt water may occur at depths less than four feet. The design standards for conventional soil absorption systems set forth in this publication are based on the premise that impervious strata are at depths greater than four feet below the bottom of the absorption trench. Conventional soil absorption systems shall not be used if either impervious strata or groundwater exist at depths less than four feet from the trench or bed bottom.

(1) Soil absorption trench. A soil absorption trench may be used if the proposed site provides sufficient room and is of suitable soil. An experienced site evaluator should be consulted to determine if the site qualifies for trenches.

(A) Absorption trench field for level terrain. Where the topography or ground slope is not too steep, a flat or level system of gravel-filled trenches or percolation beds is recommended. The use of a looped trench system will avoid dead ends and assure maximum effective utilization of all portions of the system.

(i) The field bottom must be at least 12 inches lower than the flowline of the treatment tank. The capacity of any particular absorption system is fixed by the total area of trench or bed bottom built into the system. The amount of this required minimum area will depend upon the expected sewage load and the average soil percolation rate. The soil percolation rate may be determined by performing a percolation test as described in subsection (b) of this section. The trench dimensions for single family residential units may then be calculated from Table VI. For sewage flows of less than 500 gallons per day from commercial or institutional establishments, the absorption trench bottom required is determined by dividing the daily flow by the allowable application rate, (Ra) in Table VI.

(ii) All parts of the trench or bed bottom shall be at the same elevation. Trenches shall be constructed as shallow as possible with a minimum depth of 15 inches and a maximum depth of 30 inches. For trench depths greater than 24 inches, sand shall be used to fill the trench up to the topsoil cover as shown in Figure 3. The trench width shall not exceed 36 inches, as narrow trenches (12 to 18 inches) are recommended. Although trench length is based on bottom area only, sidewall area is important since much of the wastewater is absorbed through the sidewalls and is eventually evapotranspired. Minimum recommended spacing between adjacent edges of parallel trenches is approximately five feet.

(iii) Liquid from the sewage treatment unit is conducted to the absorption system via a watertight line similar to the house sewer. The liquid is distributed uniformly through the gravel-filled trenches by the use of four-inch to 10-inch perforated plastic pipe or equivalent pipe materials. It is important that the distribution piping be laid level in the trenches, with a minimum of six inches gravel depth under the pipe. Thus a total gravel depth of approximately 16 inches could be required. The trench media must be clean graded gravel, broken vitrified brick, washed rock, crushed stone or similar aggregate that is any one uniform size, from 0.75 inches to 2.0 inches, but allowing 10% of the batch to be of different sizes within the allowable range of sizes. Oyster shell, other types of shell, and soft limestone are not allowed for trench media because the cementitious properties of this type of material often result in early trench failure. The distribution pipe shall consist of plastic perforated pipe or equivalent materials with an SDR ratio (ratio of pipe diameter to wall thickness) not numerically greater than 41. Jointed tile is not recommended for use because of the difficulty in maintaining joint spacing and keeping the line level. Covering of straw, several layers of newspapers, a layer of butcher paper, or geotextile filter fabric material over the top of the gravel until the backfill becomes

stabilized. Tar paper or other impervious material shall not be used under any circumstance. The pipe selected for drainfield construction shall have sufficient strength to resist crushing from external loadings such as earth fill, garden tractors, riding mowers, and similar yard equipment. Bituminous fiberboard or paper pipe shall not be used anywhere in the sewage disposal system. Poor construction practices will cause serious damage to the soil absorption system.

(iv) It is extremely important that care be taken to avoid sealing the surface of the bottom and sides of the absorption trenches through smearing. Trenches or beds shall not be excavated when the soil is sufficiently wet so as to smear or compact easily. All smeared or compacted surfaces occurring during construction shall be raked to a depth of one inch and loose material removed just before the gravel or other media is placed. The absorptive areas should not be walked on unnecessarily. The completed surface of the disposal area must not be paved, used for parking of vehicles, or covered with impermeable materials.

(B) Absorption trench field for irregular terrain. Where the topography or ground slope is too steep for feasible construction of a closed-looped trench system, the following alternate layout may be used.

(i) A single level trench, constructed like the closed-looped trench, is built along a contour and the overflow from this trench is conducted via a watertight pipe to the next lower level, where a second trench can be built along a contour similar to the upper trench. The pattern can be repeated until the required minimum trench bottom area has been provided. It is recommended

that no individual trench exceed 100 feet in length. This technique is graphically illustrated in Figure 4. Other details of trench construction described in subparagraph (A) of this paragraph, and shown in Figure 3, should be followed.

(ii) Table I should be reviewed if the irregular terrain has sharp slopes and breaks. Consideration of hydrogeological and engineering data may be required by the regulatory authority.

(2) Soil absorption beds. In addition to the trench-type absorption field, two equally-sized absorption beds, separated by at least 20 feet and using a watertight flow diversion valve, as detailed in Figure 5, may be used in areas where the combination of soil percolation and lot size precludes the use of a trench-type system with minimum spacing between trenches. While absorption beds require more bottom area than trenches, they tend to be more compact.

(A) The bed shall be constructed with its depth ranging from 18 inches to 36 inches. It shall be kept as shallow as possible to promote aerobic bacterial action in the soil. The bottom of the bed must be level to within one inch for uniform wastewater distribution. Six inches of media (gravel, crushed stone, etc.), that is any one uniform size from 0.75 to 2.0 inches, but allowing 10% of the batch to be of different sizes within the allowable range of sizes, shall be placed on the bed bottom followed by two or more distribution pipes spaced six to 12 feet apart and three feet from the edge of the bed. The distribution pipe is then surrounded with additional gravel to the top of the pipe. Since the pipe is approximately four to 10 inches in diameter, the total depth of the gravel in the bed could be as much as

16 inches. The gravel shall then be covered with filtering material, such as several layers of newspaper, a layer of butcher paper or geotextile filter fabric, to prevent the final soil layer from invading the gravel and reducing porosity. The next soil layer shall consist of sand, sandy loam, or a mixture of the two.

(B) In order to provide continuous capillary action in the sand, wicks shall be incorporated in the rock media. Wicks are simply sand structures which penetrate through the rock media to the bottom of the bed (See Figure 5). The total wick area shall be 10% to 15% of the bed surface area and shall be uniformly spaced throughout the bed. Wicks may also be constructed by simply grading furrows in the rock media in between the distribution pipe. In areas of the state where rock media is expensive or difficult to obtain, the total amount of rock media may be reduced by filling the initial 12 inches of the bed with coarse sand (2.0 mm) and placing rock media only around the top and bottom of the distribution pipe to form a 12- inch to 18-inch enclosure.

(C) If clay, rock, or other semi-impervious material is excavated from the bed site, it must be removed and under no circumstances be used as backfill in the bed. Sand or sandy loam will provide a capillary medium to help eliminate some of the waste water through evapotranspiration, as explained in paragraph (3) of this subsection. The bed shall be filled to within three inches from the top with sand or sandy loam and mounded with sandy loam so that the center of the bed is approximately four inches above normal ground elevation. This will provide drainage away from the absorption bed. When this system is used, the total absorption bed area must be calculated using the following formulas:

For Dwellings

$$A = \frac{210 \cdot (1 + B)}{R_a}$$

Where:

- A - The total absorption bed area required for two beds.
- B - The total number of bedrooms in the dwelling.
- R<sub>a</sub> - Sewage application rate for absorption trenches expressed as gallons per square foot of bed bottom, per day based on percolation rate. (See Table VI)

For non-single family residential situations:

$$A = \frac{3Q}{R_a}$$

Where

- Q - The total daily wastewater discharge in gallons from that situation

(3) Evapotranspiration beds. Evapotranspiration bed systems may be used in locations where soil conditions are not suitable for any type of soil absorption system. For very porous soils, solutioned limestone, fractured bedrock, and situations that would allow excessively rapid migration of sewage toward groundwater, lined evapo-

transpiration beds must be designed and certified by a registered professional engineer and be located outside the 10-year flood plain, and not within areas subject to inundation or erosion by flood waters or rainfall runoff.

(A) Evapotranspiration bed construction features. The following factors

must be considered in the design of evapotranspiration beds: annual mean rainfall and wettest month of the year, annual mean evaporation rate and monthly minimal rate, growing season variations, native grasses and shrubs available for cover, absorptive capacity of the soil surrounding an unlined bed, and site conditions, including varying

## sunlight and air movement.

(i) There is great variation in the types of plants grown in different parts of Texas, as well as differing transpiration rates in different plants. It would be hazardous to generalize in making specific suggestions on design criteria for systems dependent on evapotranspiration for successful operation. Specific recommendations on appropriate types of vegetation to use must be obtained from knowledgeable organizations such as the United States Department of Agriculture-Soil Conservation Service, Texas Agricultural Extension Service, or reputable plant nurseries.

(ii) Evapotranspiration beds are constructed in impervious soil or soil with very high absorptive capacity. When the soils have a very high percolation rate, less than five minutes per inch, liners must be constructed to guard against the possibility of wastewater discharging through the soil (fissured rock or gravel) and contaminating streams, lakes, or shallow groundwater. Impervious liners may consist of reinforced concrete, 20 mil minimum single layer thickness plastic, or rubber liners that can be repaired in the field. Liners are not required in slowly permeable soils and should not be used since some of the wastewater may be absorbed into the soil and will help to reduce the overall evapotranspiration load. An evapotranspiration system shall be designed using the following parameters.

(I) Beds may be designed in any configuration subject to the approval of the permitting agency (square or round, for example), but the total number of square feet of bed area must be determined by the formulas in subparagraph (B) of this paragraph.

(II) At least two beds must be constructed with valving arranged to allow the effluent from a sewage treatment unit to alternate between each bed. When one bed becomes saturated (top of bed remains moist) the valving must be operated to allow effluent to flow into the alternate under-loaded bedding. In order to determine the water level in the beds during use, an inspection port shall be installed in each bed.

(III) The beds shall be constructed as shallow as possible with a depth ranging from 18 inches to a maximum of 42 inches. This is necessary to keep the beds aerobic and prevent clogging. Treatment tankage should be installed as high as practical to permit shallow bed construction.

(IV) It is possible for a liner to be damaged after it has been covered, causing the bed to leak sewage without showing at the surface. At the discretion of the permitting agency, each bed shall be required to have a separate monitor system installed in a manner that will facilitate collection and sampling of effluent leakage from a ruptured liner. The monitor system is designed to offer a means of detecting liner failure through periodic sampling, which will help ensure the protection of the environment. The entire

monitor system must be assembled and ready for approval during a single inspection. No sand shall be put in place as a cushion until the monitor system has been inspected and approved by the licensing authority. Its design features, as illustrated in Figure 6 are as follows:

(-a-) Piping material. All piping must be three to four inches in diameter. All perforated collection lines of an evapotranspiration bed monitor system must have a minimum crush strength of 1,500 pounds per square inch. The standpipe and sample sump must be of Schedule 40 polyvinylchloride or stronger. All connections shall be glued, with the exception of the snug-fitting standpipe cap located at finished topsoil grade. Perforations in the collection lines must face downward, with the two rows of perforations equally offset perpendicular to the ground.

(-b-) Collection line length. The end(s) of the perforated collection line(s) shall extend to within two feet of both opposite ends of the bed, measured at the bed bottom.

(-c-) Number of collection lines. An evapotranspiration bed which is 20 feet wide or less shall have a minimum of one collection line which must be located centrally, down the length of the bed. An evapotranspiration bed which is greater than 20 feet but equal to or less than 40 feet in width, shall have a minimum of two collection lines. These lines must be equally spaced (within approximately one foot) from the edge of the bed to pipe, and from pipe to pipe, installed parallel down the length of the bed. The two collection lines must be jointed by a perforated header line. As indicated in item (-b-) of this subclause, the header line shall be within two feet, and parallel, to the edge of the bed measured at the bed bottom. Monitor systems for lined evapotranspiration beds wider than 40 feet shall be designed as required by the permitting agency.

(-d-) Collection line grade. The collection line system must maintain a minimum fall of 1/16 inch per foot toward the standpipe/sump assembly.

(-e-) Standpipe and sampling sump. The collection line(s) shall tee into a solid wall standpipe which must have a sampling sump below the bottom of the tee. This sump shall be eight to 12 inches in depth, measured from the bottom of the tee. A cap or plug must be glued to the bottom of the sump to provide a watertight connection. The top of the standpipe shall be flushed with the finished grade of topsoil, and shall be covered with a snug fitting, removable access cap. A minimum three-inch wide by three-inch deep dry moat shall surround the standpipe cap to facilitate ease of cap removal and replacement.

(-f-) Pit bottom grade. The pit bottom on which the collection line(s) shall be placed must be an impermeable surface, graded to provide a minimum fall of 1/8 inch per foot toward the collection line from

either side. This will result in an impermeable shallow vee trench for the collection line to rest in.

(-g-) Sand cushion. The collection line(s) shall be located within the sand cushion required under lined beds. The minimum four-inch sand cushion depth will increase as it follows the grade fall of the pit bottom toward the collection line. The backfill material around the standpipe should consist of sand or sandy loam.

(V) Rock media that is any one uniform size from 0.75 to 2.0 inches, but allowing 10% of the batch to be of different sizes within the allowable range of sizes, shall be placed on the bed bottom to a depth of 12 inches or less depending on the overall bed depth, after the liner and sand cushion are placed over the monitor system.

(VI) The top of the distribution pipe must be flush with the rock media and adequate to provide for uniform distribution of effluent. A 12-foot maximum separation between pipes and no less than three feet separation between bed walls and the pipe is permissible. The bed bottom and the pipe must be level.

(VII) A water permeable sand barrier (butcher paper or geotextile filter fabric) is then placed over the rock. Sand is then added to fill the bed to within two inches from the top.

(VIII) In order to provide continuous capillary action in the sand, wicks shall be incorporated in the rock media. Wicks are simply sand structures which penetrate through the rock media to the bottom of the bed (See Figure 7). The total wick area shall be 10% to 15% of the bed surface area and shall be uniformly spaced throughout the bed. Wicks may also be constructed by simply grading furrows in the rock media in between the distribution pipe. In areas of the state where rock media is expensive or difficult to obtain, the total amount of rock may be reduced by filling the initial 12 inches of the bed with coarse sand (2.0 millimeters) and placing rock media only around the top and bottom of the distribution pipe to form a 12 inch to 18-inch enclosure.

(IX) After the sand is in place, the final two inches of bed volume are filled with topsoil and mounded with a downward slope of 2% to 4%.

(X) Final bed construction consists of covering the surface of the bed with vegetation having good transpiration properties and providing for the most stormwater diversion as is practical.

(B) Bed sizing. Evaporation and rainfall data for various areas of the state are listed in Table VII. Additional data may be found in Report 192 and Report LP192, published by the commission. After the reader considers subparagraph (A) of this paragraph, the bed area may be approximated by using the following formulas:



$$A = \frac{31,000(1+B)}{E_A - 1/2 RFR_A}$$

Where A - Total area of both beds (To find one bed area divide A by 2)

B - Total number of bedrooms (B=2 for minimum residence)

$E_A$  - Mean evaporation rate in inches per year (See Table VII)

$RFR_A$  - Mean rainfall rate in inches per year (See Table VII)

For Non-Residential Institutions.

$$A = \frac{310 Q}{E_A - 1/2 RFR_A}$$

Where Q - Average daily flow into the system, expressed as Gallons per day (See Table III).

Evaporation and rainfall data for various areas of the State are listed in Table VII. Additional data may be found in "Report 192" and "Report LP192", published by the Texas Water Commission.

(C) Plants and grasses for transpiration. The bed surface shall be covered with vegetative types designed to take maximum advantage of transpiration, depending on the season and site's location. Evergreen bushes having shallow root systems can be planted in the bed to assist in water uptake. If grasses are used which have dormant periods, steps shall be taken to provide appropriate vegetation on the beds during these periods. Overseeding with winter grasses is commonly used to provide year-round transpiration.

(D) Geographical location of installation considering rainfall data. Some areas of the state with high annual rainfall are not well suited for the installation of evapotranspiration systems. Counties in the eastern part of the state in which the annual rainfall exceeds the annual evapotranspiration rate should only utilize this type of system as a last resort and with considerable design conservatism.

(4) Pressure dosing systems.

(A) Description. A basic pressure dosing system must consist of an approved sewage treatment system, two day effluent holding tank, an easily serviced screened intake electric pump which is activated by a float or programmed start/stop switch, a solid wall force main, and perforated distribution piping which is installed within the absorption area. The effluent pump must be capable of an operating range that will assure that effluent is delivered to the most distant point of the perforated piping network, yet not be excessive to the point that blow-outs occur in shallow systems. The programmed start/stop switch should allow the pump to operate at least three times during the 24-hour day. A high water alarm, on an electric circuit separate from the pump, must be provided. The number of perforations per length of pipe and the number of pipe lengths used per absorption area must be

adequate to assure uniform liquid distribution over the entire bed area.

(B) Application. Pressure dosing is an appropriate method of conveying effluent from a treatment site that is at a lower elevation than the disposal site. It is also appropriate where seasonal high water tables exist or where the soil mantle thickness is less than four feet to solid rock. In these situations the system must be oversized substantially to promote the effect of evapotranspiration. Commercial establishments may need to use continuously staged pressure dosing if their flow rates vary greatly during their business hours. The United States Department of Commerce (USDC) has produced University of North Carolina Sea Grant College Publication UNC-S82-03 which discusses the design of a low pressure dosing system for subsurface disposal of treated sewage. It is a 31-page document that was published for public use in May 1982. Inquiry on how to obtain a copy should be sent to U.S. Department of Commerce, Washington, D.C. 20460. At the discretion of the local regulatory agent, pressure dosing systems must be designed by a registered professional engineer. The EPA Design Manual, discussed in §301.13 (a) of this title (relating to Design Standards for Effluent Disposal Systems), also has information.

(5) Mound systems.

(A) Physical description. A mound system is comprised of a layering of sand fill, gravel, perforated pipe, and top soil. The layering begins in a two-to-three-inch excavated area of natural ground and develops above the ground line approximately three feet. For ease of construction, its shape is rectangular. The small diameter perforated piping must be pressure-fed, as pressure systems have greater control over application rates.

(B) Application. The purpose of this type of construction is to overcome ad-

verse conditions at the disposal site such as a high groundwater table, shallow soil, impermeable soils, high potential for flooding, as examples. In general, the mound is constructed of a high quality soil which is brought in from another area. Since there is a potential for leakage from this type of system which could result in the surfacing of sewage around its perimeter, it is not recommended for use except as a last resort. If approved by the local permitting authority, it may be used in an effort to improve the operation of a malfunctioning disposal system. Applications of effluent to a mound system depend upon the selection of fill materials used, the absorption rate of the natural ground, and depth to the shallow groundwater table.

(6) Gravel less drainfield piping.

(A) Appropriateness. Gravel less pipe may be used in place of conventional gravel filled trench systems.

(B) Physical description. Gravel less pipe generally consists of eight-inch or 10-inch diameter corrugated polyethylene pipe having two rows of perforations located approximately 120° apart along the pipe's bottom half. The pipe is enclosed in a layer of spun-bonded nylon filter wrap. Pipe shall meet American Society of Testing Materials, ASTM F-667 Standard Specifications, for large diameter corrugated high density polyethylene (ASTM D 1248) tubing. Perforations shall be 1/2 inch diameter in 10-inch diameter pipe and 3/8 inch diameter in eight-inch diameter pipe. Perforations shall be arranged and spaced so that only one hole exists in each inner corrugation. The filter cloth must meet ASTM D 1910-64 and ASTM D 1777 specifications for weight and thickness. Its burst strength and air permeability must meet ASTM D 231 and ASTM D 737-69 specifications. Installations must be in accordance with the pipe manufacturers' instructions.

(C) **Design parameters.** The design of an absorption bed, absorption trench, or evapotranspiration disposal field utilizing this product shall be based upon the same parameters that are used in the design of more conventional systems.

**§301.14. Disposal Alternatives/Special Applications.**

(a) **Greywater systems.** Subsurface greywater systems may be utilized with disposal of blackwater through a split system only under the following conditions.

(1) A greywater disposal system utilizing anything other than a conventional sewage treatment system and absorption beds or trenches shall be designed and certified by persons who can provide to the permitting authority evidence that the system complies with all appropriate state regulations and local governmental regulations.

(2) For residential systems, a 20% reduction in the size of the blackwater absorption beds or trenches will be allowed, or a 10% reduction in blackwater evapotranspiration beds will be allowed, if approvable watersaving blackwater fixtures are made a part of the sewage disposal system design. If flow restricting showerheads and faucet aerators are utilized throughout, 10% reduction in greywater disposal trench or evapotranspiration bed size will be allowed when a residential greywater system is incorporated into the disposal system design. The maximum allowable reductions in field size are determined by the type of system and the extent of watersaving fixture usage. Generally, blackwater and greywater are approximately 40% and 60% of the total domestic sewage flow, respectively.

(b) **Composting toilets.** The composting toilet unit must be listed with the NSF. The NSF seal on a particular unit indicates its ability to meet the requirements of the Foundation's Standard Number 41, relating to wastewater recycle/reuse and water conservation devices. The liquid waste from the composting toilet unit must be disposed of through an approved subsurface disposal system.

(c) **Sewage recycling systems.** For small on-site applications, sewage recycling systems are very limited in types and capability.

(1) On-site sewage recycling as flush water for urinals and commodes in commercial and institutional projects may be possible when advanced tertiary treatment processes are engineered into designs that meet or exceed NSF Standard testing and certification requirements. An approvable design will be permitted only after the supplier and user of the recycle system enter into a post-installation inspection, maintenance, and repair agreement that satisfies the permitting authority.

(2) Proposals to recycle highly refined sewage for use outside project buildings such as for surface landscape irrigation

will be subject to requirements indicated in §301.11(f) of this title (relating to General Procedures and Information) and by the Texas Water Commission in 31 TAC §§317.1-317.13), (relating to Design Criteria For Sewerage Systems).

**§301.15. On-site Sewerage System Maintenance and Water Conservation.**

(a) An on-site sewerage system should not be treated as if it were a city sewer. Economy in the use of water helps prevent overloading of a sewage treatment system that could lessen its usefulness. Leaky faucets and faulty commode fill-up mechanisms should be carefully guarded against. Garbage grinders can cause a rapid buildup of sludge or scum resulting in a requirement for more frequent cleaning and possible system failure. The excessive use of garbage grinders and grease discarding should be avoided.

(b) Water conservation measures that will reduce the load on the on-site sewerage system include the following.

(1) Showers usually use less water than tub baths. If showers are used, install a shower head that restricts the flow from about five gallons per minute to approximately two and one-half gallons per minute. Try taking shorter showers, to save water.

(2) If you take a tub bath, reduce the level of water in the tub from the level to which you customarily fill it.

(3) Do not leave the water running while brushing your teeth or washing your hands.

(4) Check commodes for leaks that may not be apparent. Add a few drops of food coloring to the tank. Do not flush. If the color appears in the bowl within a few minutes, the toilet flush mechanism needs adjustment or repair.

(5) Do not use the toilet to dispose of cleaning tissues, cigarette butts, or other trash. This disposal practice will waste water and also impose an undesired solids load on the treatment system.

(6) Reduce the amount of water used for flushing the commode by filling and capping two one-quart plastic bottles with water and lowering them into the tank of the commode. Do not use bricks since they may crumble and cause damage to the fixture. If a new toilet is installed, install a 2-1/2 gallon (or less) commode rather than the conventional three-to-five gallon fixture.

(7) Try to run the dishwasher with a full load, whenever possible.

(8) Avoid running the water continuously for rinsing kitchen utensils or for cleaning vegetables.

(9) Use faucet aerators to reduce water consumption.

(10) Keep a container of drinking water in the refrigerator instead of running the faucet until the water turns cool.

(11) Insulate all hot water pipes to avoid long delays of wasted water while waiting for the heated water.

(12) Repair leaky faucets.

(13) Ask your city, county, or local government about their programs to conserve water and how they can help you save water.

(c) Septic tanks shall be cleaned before sludge accumulates to a point where it approaches the bottom of the outlet device. If sludge or scum accumulates to this point, solids will leave the tank with the liquid and possibly cause clogging of the perforations in the drainfield line resulting in sewage surfacing or backing up into the house through the plumbing fixtures.

(d) Since it is not practical for the average homeowner to inspect his tank and determine the need for cleaning, a regular schedule of cleaning the tank at two-to-three year intervals should be established. Commercial cleaners are equipped to readily perform the cleaning operation. Owners of septic tank systems shall engage only persons registered with the Texas Department of Health to transport the septic tank cleanings.

(e) Do not build driveways, storage buildings, or other structures over the sewage treatment system or its disposal field.

(f) Chemical additives or the so-called enzymes are not necessary for the operation of a septic tank. Some of these additives may even be harmful to the tank's operation.

(g) Soaps, detergents, bleaches, drain cleaners, and other household cleaning materials will very seldom affect the operation of the system. However, moderation should be exercised in the use of such materials.

(h) It is not advisable to allow water softener back flush to enter into any portion of the on-site sewerage system.

(i) The liquid from the sewage treatment system is still heavily laden with bacteria. The surfacing of this material constitutes a hazard to the health of those that might come into contact with it.

**§301.16. Common Unsatisfactory On-Site Disposal Systems.** The construction and use of those systems not in accordance with the Texas Sanitation and Health Protection Law, Article 4477-1, §§12, 19, 20, 23, 24 and 25 and these sections, constitutes a violation. The department considers the following on-site sewage disposal system unsatisfactory because they tend to create nuisances and other conditions prejudicial to the public health.

(1) **Cesspools.** Cesspools were once commonly used in rural areas for disposal of domestic wastes. Cesspool designs consisted of constructing a pit into permeable soil and curbing the sides of the pit with open jointed material to the bottom of the pit. Raw sewage was discharged directly into the cesspool and the organic material anaerobically decomposed while the partially treated wastewater was absorbed by the adjacent permeable soil. Since the threat of injury to public health is greater when raw or partially treated wastewater is in direct con-

tact with the absorptive soil, this method can no longer be considered as an approved means of sewage disposal.

(2) Bore holes and injection wells.

(A) Bore holes and injection wells used for disposal of domestic wastes generally consist of a drilled hole greater than four feet in depth and varying in diameter from eight inches to 36 inches or larger. Usually, the holes are filled with crushed stone and are dug to a depth which intercepts a permeable soil layer. Raw sewage is discharged into these holes directly or after detention in a septic tank.

(B) The use of bore holes or injection wells for domestic sewage disposal is not an approved disposal method because it is possible to contaminate underground water. Injection wells approved and permitted by the commission are acceptable to the department. Injection wells used for private sewage disposal, as defined in §301.11(b)(14) of this title (relating to General Procedures and Information) are not subject to regulation by the commission, however. Their use will not generally be approved by the department. Variations of bore hole design such as soil substitution methods may be approved as stated in §301.11(f)(2) of this title (relating to General Procedures and Information).

(3) Seepage pits.

(A) Seepage pits are rock-filled or lined pits dug to a depth in excess of four feet and located at the end of a septic tank absorption field system. The pits are generally used to dispose of wastewater which would normally not be absorbed in the absorption field and would otherwise surface.

(B) Seepage pits are not an approved method of wastewater disposal for the same reasons that apply to bore holes and injection wells. Subsurface water contamination may occur with these systems and the anaerobic bacteria present in the wastewater may eventually cause plugging problems in the seepage pit.

Sec. 301.17. Tables and Figures

(a) Table I. The following table covers the minimum required distances in feet for conventional systems:

TABLE I  
MINIMUM REQUIRED DISTANCES IN FEET  
FOR CONVENTIONAL SYSTEMS

From	To	Sewage Treatment Tanks	Lined Evapo. Beds	Soil Absorption Systems or Unlined Evapo. Beds	Sewer Pipe With Watertight Joints
Private Water Wells, Underground Cisterns and Pump Suction Pipes		50+	150*+	150+	20+
Public Water Well		50	150*	150	20
Water Supply Lines		10	10	10	9
Streams, Ponds and Lakes		50	75*	75	20
Sharp Slopes, Breaks		5	var	50**	5
Foundation Walls of Structures		5	5	15	-
Property Lines		10	10	10	-
Easement Lines		5	5	10***	-
Soil Absorption System		5	5	20	-

\*When a leak detection system, as described in Sec. 301.13(c)(3)(A)(ii)(IV)(-a-) is used, the minimum required distance is 50 feet.

Var. These minimum required distances may be varied if an innovative lined system is required by the permitting authority and is designed by a Registered Professional Engineer.

\*\*The bottom of the absorption system must be a minimum of 50 feet from any break or outcropping ledges, unless it is designed by a Registered Professional Engineer having hydrogeological information of the strata below the system's site.

\*\*\*Drainage Easement having sharp sloped sides or grade breaks will require adherence to the 50 foot criteria indicated by \*\*.

+This distance may be reduced to a minimum of 50 feet, for private water wells only, if the space between the private water well casing and the surrounding ground is filled with cement slurry that is pumped through a tube that extends to the required depth of sealing. This depth shall be at least two times the horizontal encroachment measurement but not more than the depth to the water producing strata.

(b) Table II. The following table covers septic tank minimum liquid capacities:

TABLE II

SEPTIC TANK MINIMUM LIQUID CAPACITIES

NUMBER OF BEDROOMS	SEPTIC TANK CAPACITY (Gallons)
Two or less	750
Three	1,000
Four	1,250
For Each Additional	250

NOTE: The Inside Liquid Depth Of The Tank Shall Not Be Less Than 30 Inches.

See Table VI For Calculating The Number Of Bedrooms Based On Dwelling Living Area.

Consideration shall be given to increasing total tank capacity if extensive use of kitchen sink waste grinder/disposals is anticipated.

(c) Table III. The following table covers individual usage rates in businesses and institutions.

TABLE III

INDIVIDUAL USAGE RATES  
IN  
BUSINESSES/INSTITUTIONS

This table may be used for estimating gallons of daily sewage flow per person to determine minimum tank capacity requirements, unless actual water usage data is available and has been carefully checked by the designer of the proposed system.

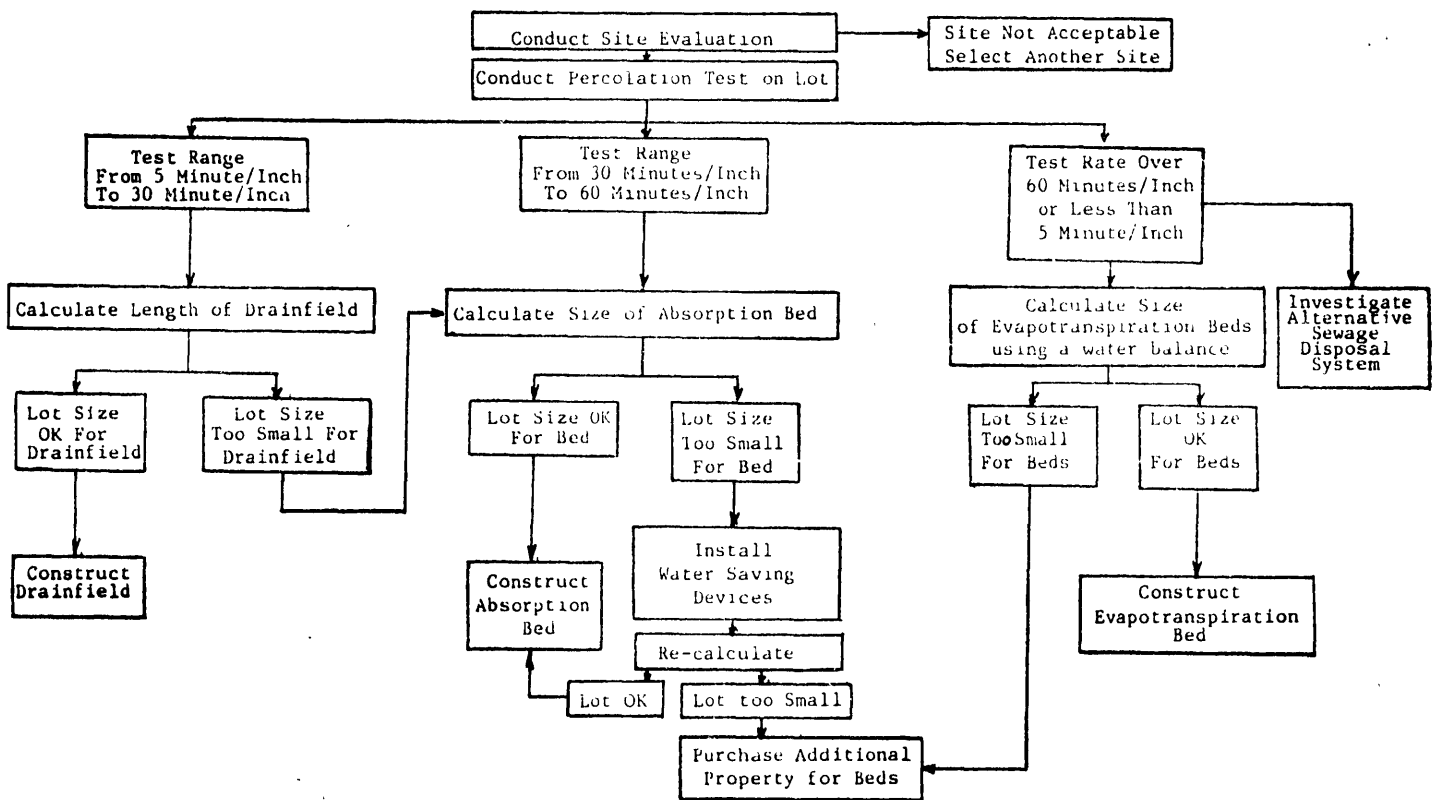
TYPE OF ESTABLISHMENT	GALLONS/PERSON/DAY
Airports (per passenger)	5
Apartment Houses	50
Boarding Schools	50
Churches (per member)	5
Country Clubs (per resident member)	100
Country Clubs (per non-resident member present)	25
Day Care Centers (without kitchen)	15
Day Care Centers (with kitchen)	25
Drive-in Theaters (per car space)	5
Factories (gallons per person per shift, exclusive of industrial wastes)	20
Hospitals	200
Hotel	80
Institutions other than Hospitals	100
Laundries Self-service (gallons per wash, i.e., per customer)	50
Lounges (bar & tables)	10
Mobile Homes	50
Motels	50
Movie Theaters (per auditorium seat)	5
Office Buildings	15
Parks (without bathhouse)	5

Parks (with bathhouse) . . . . .	15
Restaurants (24-hour full service) . . . . .	70/seat/day
Restaurants (breakfast/lunch or lunch/dinner) . . . . .	35/seat/day
Restaurants (fast food - paper plate service) . . . . .	15/seat/day
Schools without cafeterias, gymnasiums or showers . . . . .	15
Schools with cafeterias, but no gymnasiums or showers . . . . .	20
Schools with cafeterias, gymnasiums and showers . . . . .	25
Service stations (per vehicle served) . . . . .	10
Stores (total per day per washroom) . . . . .	400
Swimming Pools and Bathhouses . . . . .	10
Townhouses (with clothes washer) . . . . .	50
Travel Trailer/RV Parks . . . . .	50
Vet Clinic (per animal) . . . . .	10
Work or Construction Camps (semi-permanent) . . . . .	50
Youth camps (no showers or meals served) . . . . .	15

\*Note: Offices without Food Service or Bathing Facilities, with Restrooms Equipped with Toilets Requiring 1.5 Gallon per Flush or Less, and Automatic Cutoff Faucets . . . . . 6

(d) Table IV. The following table covers selection of proper subsurface disposal methods:

TABLE IV  
SUGGESTED FLOW SHEET FOR SELECTING PROPER SUBSURFACE DISPOSAL METHODS



(e) Table V. The following table covers criteria for soil absorption of sewage effluent developed for site specific evaluations:

TABLE V  
CRITERIA FOR SOIL ABSORPTION OF SEWAGE EFFLUENT DEVELOPED FOR SITE SPECIFIC EVALUATIONS

Site Characteristic	Classification		
	Suitable	Provisionally Suitable (1)	Not Suitable
Topography	Slopes 0-15%	Slopes 15-30%	Slopes greater than 30% Complex slopes.
Subsoil Texture	Sandy soils, Loamy soils	Clayey soils with low shrink-swell potential.	Clayey soils with high Shrink-swell potential.
Subsoil Structure		Angular or subangular blocky.	Platy structure. Weathered rock. Massive clayey soils.
Soil Depth	Weathered rock or consolidated bedrock greater than 48 inches below ground surface.	Weathered bedrock or consolidated rock from 36 to 48 inches below ground surface	Weathered rock or consolidated bedrock less than 36 inches below ground surface.
Restrictive Layer	None within 36 inches of the ground surface		Restrictive horizon within 36 inches of the ground surface or below the trench bottom.
Soil Drainage	No drainage mottles within 36 inches of the ground surface		Drainage mottles (chroma 2 or less) within 36 inches of the ground surface.
Flooding			Areas subject to a 10-year flood. Depressional areas without adequate drainage.
Soil Permeability	Greater than or 5 min/inch but less than or equal to 60 min/inch.		Less than or equal to 5 min/inch or greater than 60 min/inch. Unselective fill material groundwater.

Soil may be reclassified from unsuitable to provisionally suitable under certain conditions using acceptable site or system modifications.

(f) Table VI. The following table covers absorption trench and bed sizing for single family residential dwellings:

TABLE VI  
ABSORPTION TRENCH AND BED SIZING FOR SINGLE FAMILY RESIDENTIAL DWELLINGS

Average Percolation Rate (Minutes/Inch)		Sewage Application Rate, $R_a$	Soil Texture (See USDA/SCS Classifications)	Minimum Bottom Area (Sq. Ft.) For a One or Two Bedroom House	Minimum Bottom Area For Each Additional Bedroom (Sq.Ft./Bedroom)		
Minutes Per Inch	Inches Per Hour	Gallons per Sq. Ft. Per Day		Trench	Bed	Trench	Bed
Less Than 5	More Than 12	Too Great for Consideration	Sand/Gravel	Sections on Alternative Systems			
5 - 15	4 - 12	0.6	Sandy Loam	380	750	200	250
16 - 30	2 - 4	0.5	Sandy Clay	500	900	250	300
31 - 45	1.3 - 2	0.4	Silty Clay	625	1125	300	400

Minimum trench bottom area is calculated to include capacity for washing machine wastewater, organic material from garbage grinders, and infiltration from rainfall.

Required minimum spacing between parallel conventional absorption trenches is 5 feet.

\*When dwellings consist of a large living area relative to the number of designated bedrooms, the following guidelines should be used to approximate the trench area:

Less than 1,500 sq. ft. - Use trench area for two bedroom house 1,500 sq. ft. to 1,900 sq. ft. - Use trench area for three bedroom house. For each additional 300 sq. ft. - Add trench area equal to one bedroom.

This criteria is valid for normal water consumption by an average household occupancy.

(g) Table VII. The following table covers mean pan evaporation and rainfall:

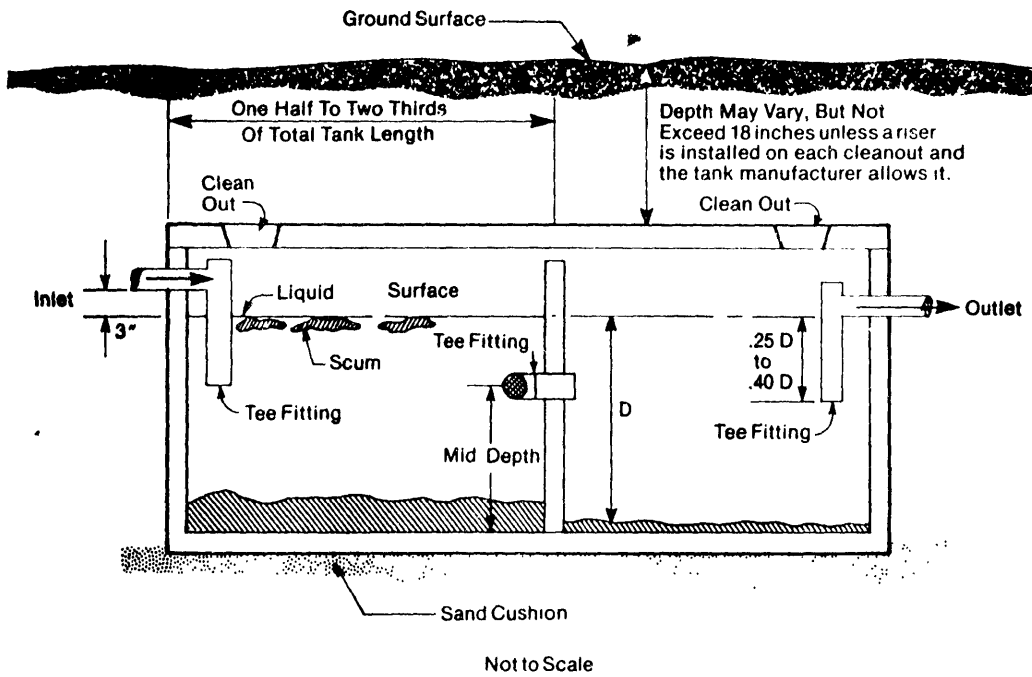
TABLE VII  
MEAN PAN EVAPORATION AND RAINFALL

<u>Station</u>	<u>E A Mean Evaporation Rate (Inches/Year)</u>	<u>RFR A Mean Rainfall (Inches/Year)</u>
Abilene	75.0*	23.8**
Amarillo	87.9	20.28
Austin	70.0	32.49
Beaumont	47.8	55.07
Brownsville	56.0	25.13
Canyon Lake	80.8	33.19
Corpus Christi	67.0*	32.0**
Daingerfield	74.2	46.12
Dallas	85.0	35.94
El Paso	106.5	7.77
Fort Stockton	105.6	11.85
Houston	48.7	48.19
Lake Somerville	71.7	37.45
Laredo	87.0*	21.0**
Lubbock	88.7	18.41
Lufkin	51.0*	43.0**
Midland-Odessa	85.0*	13.0**
San Antonio	70.0*	30.0**
San Angelo	84.0*	19.0**
Temple	68.2	34.00
Tyler	55.0*	42.0**
Uvalde	72.0*	25.0**
Wichita Falls	73.0*	27.0**

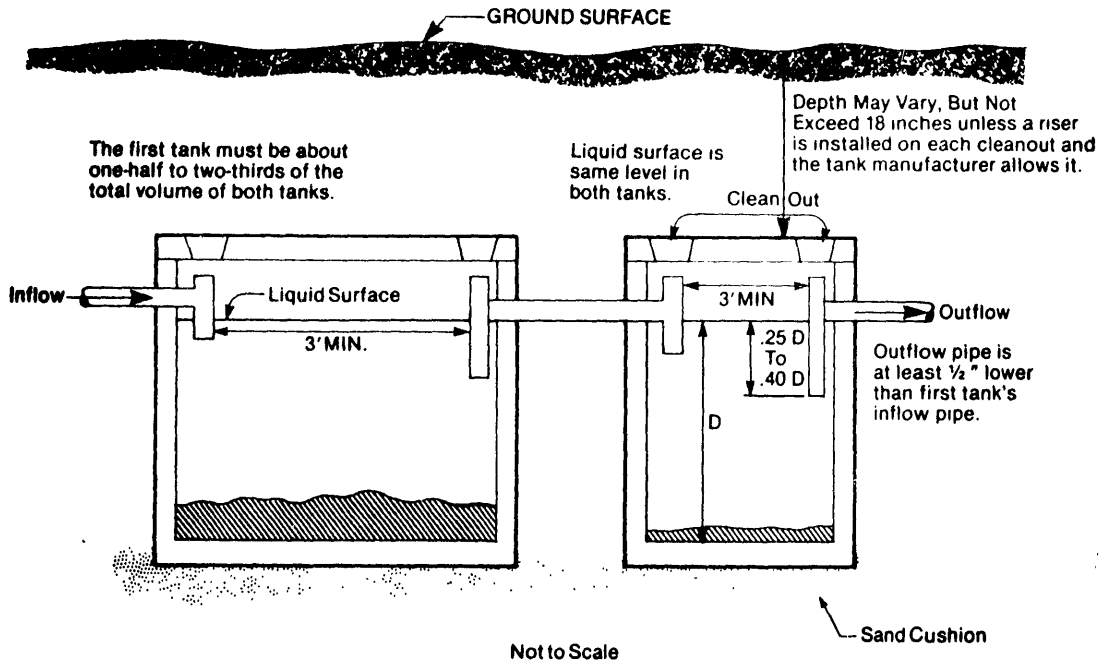
\* Interpolated From Map, P. 66 Climatic Atlas of Texas

\*\* Interpolated From Map, P. 18 Climatic Atlas of Texas

(h) Figure 1. The following figure illustrates a two compartment septic tank.

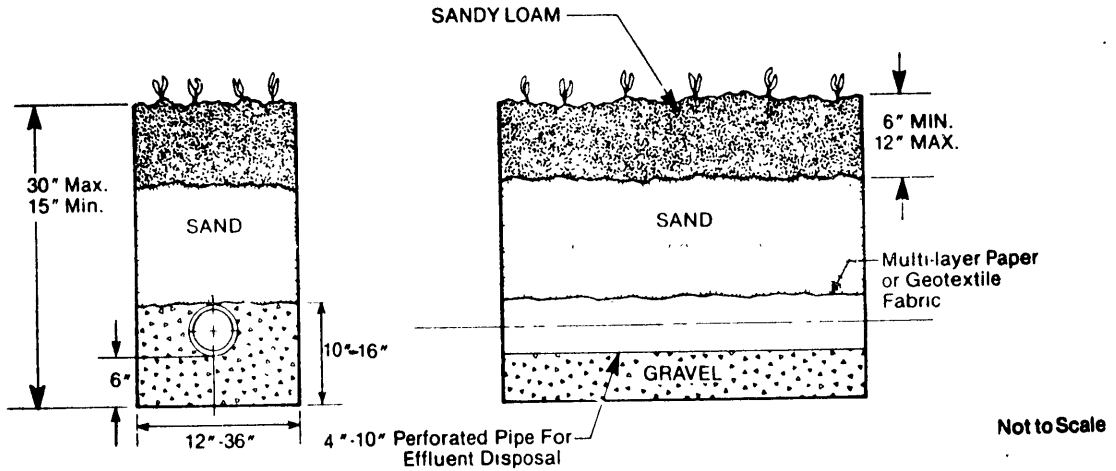


(i) Figure 2. The following figure illustrates two septic tanks in series.

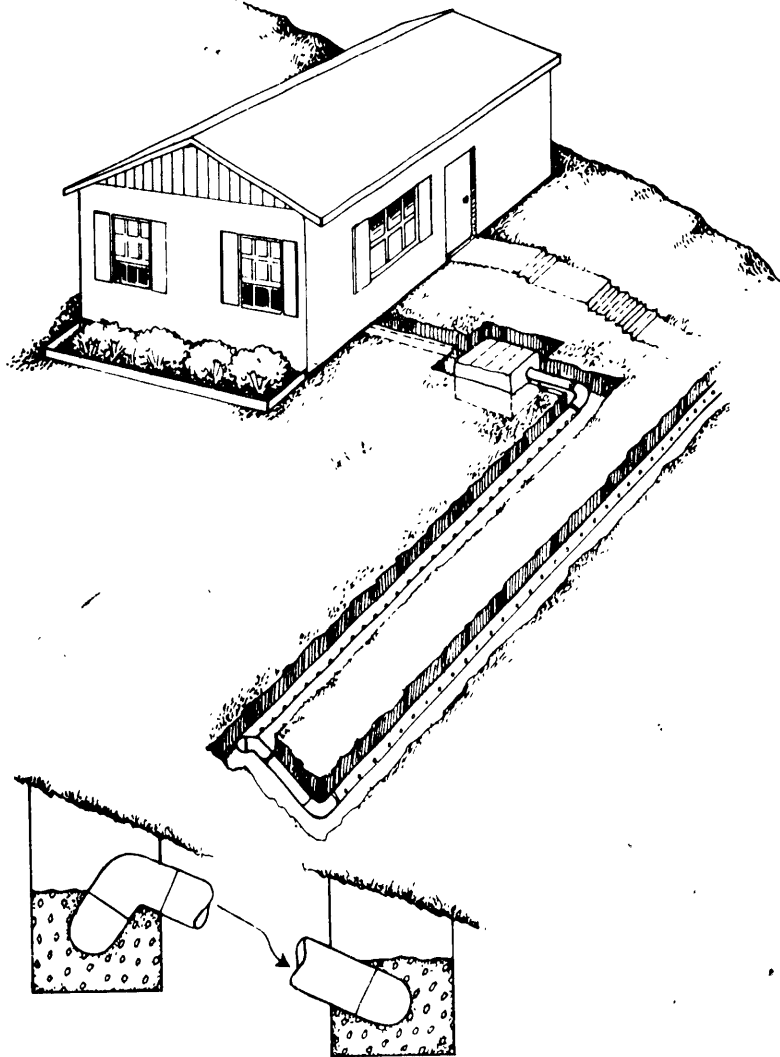




(j) Figure 3. The following figure illustrates soil absorption trench construction details.

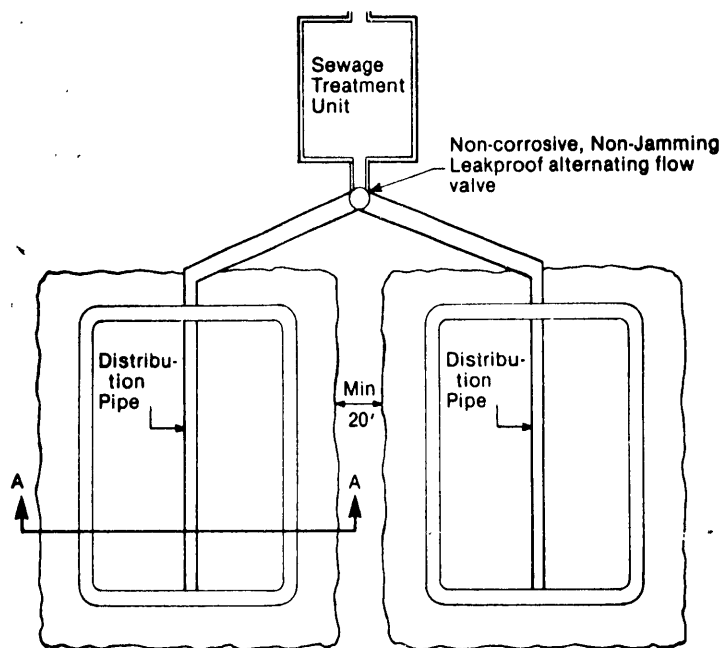


(k) Figure 4. The following figure illustrates a septic tank system for sloping ground without sharp slopes or grade breaks.

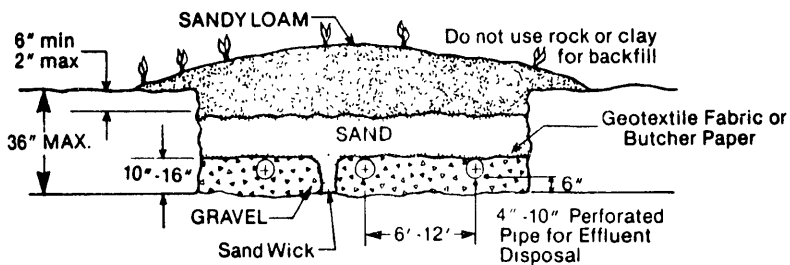


The septic tank and perforated piping shall be installed level while compacted earthen plugs shall separate the solid wall piping from the perforated piping and gravel.

(1) Figure 5. The following figure illustrates soil absorption bed details.

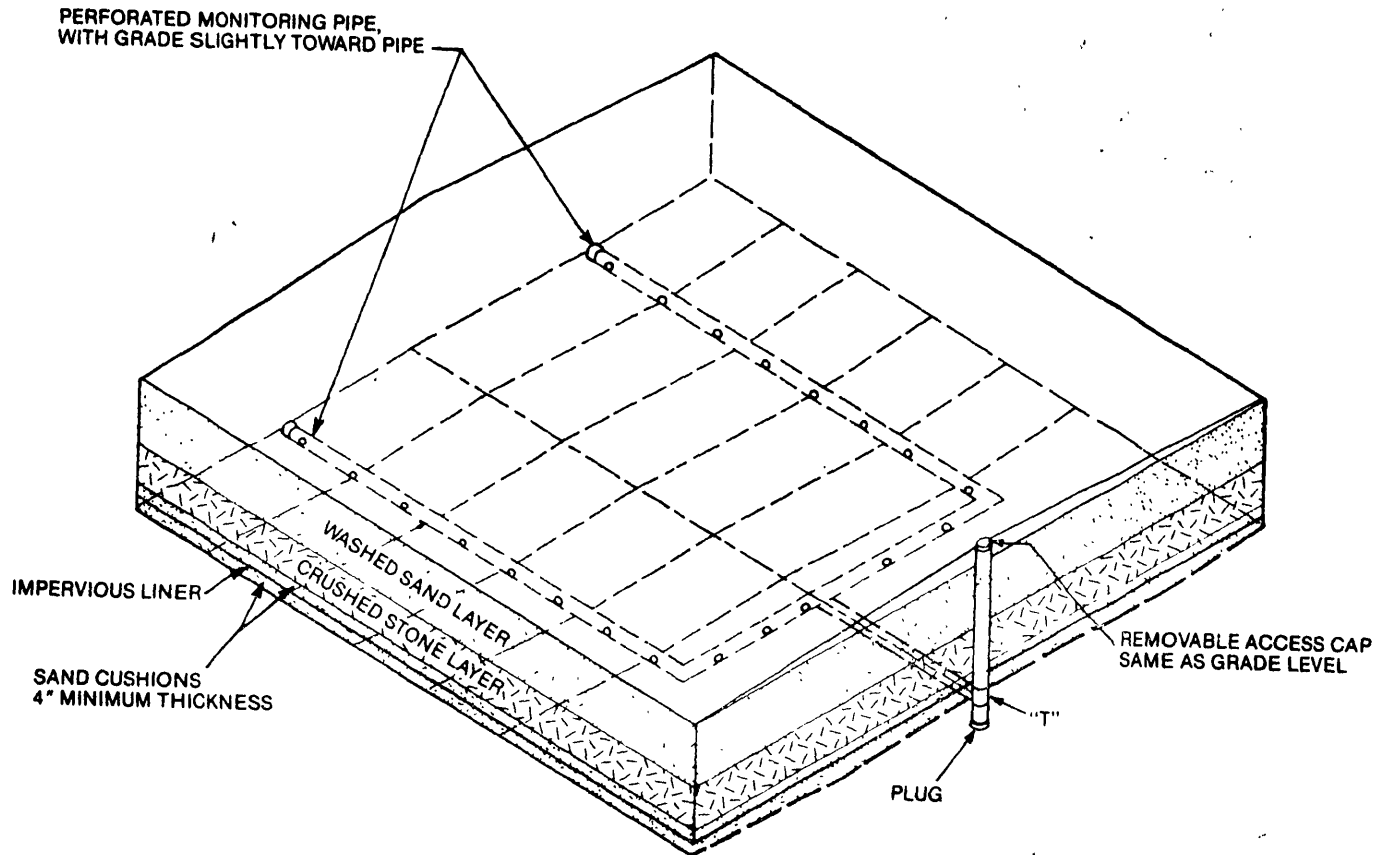


Plan View Of Dual Bed System  
Not To Scale

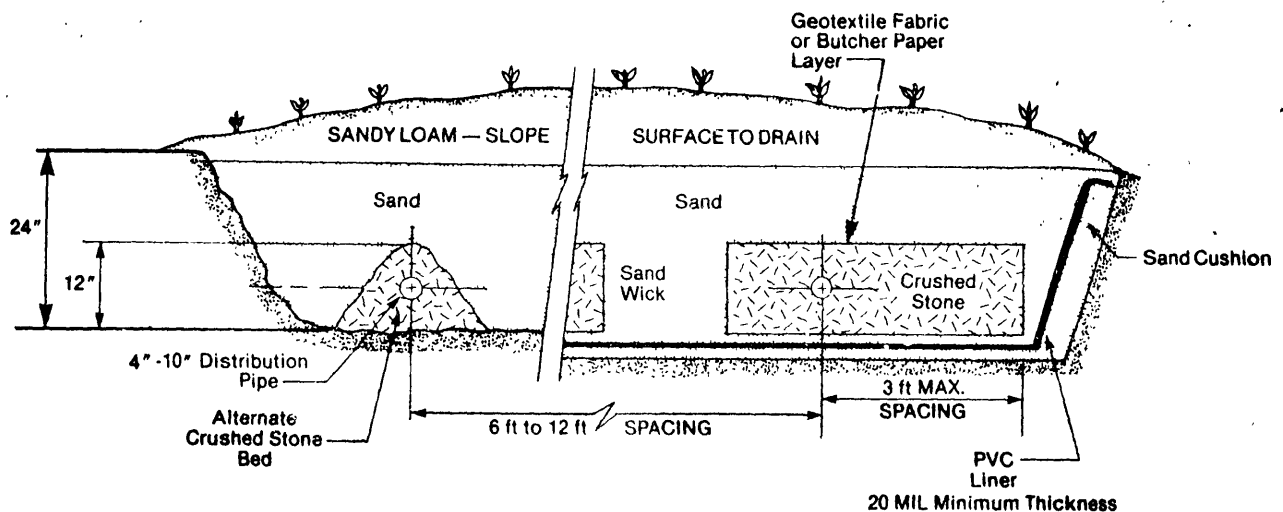


Section A-A  
Not To Scale

(m) Figure 6. The following figure illustrates a leak monitor system.



(n) Figure 7. The following figure illustrates a typical evapotranspiration bed cross section.



- NOTES: 1. Where a liner is used over rock or other material that may damage liner, the liner shall be laid on a 4" protective sand cushion, and covered by a similar cushion.
2. The crushed stone or gravel bed shall be made of 3/4" to 2" size hard stone.
3. Sand columns, formed by a permeable material, shall extend completely through the crushed stone or gravel bed. Total column area shall be 10 to 15% of the bed area.
4. The surface shall be mounded or sloped to drain storm water.
5. The above drawing is for illustrative purposes; final construction design shall be site specific.

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 December 19, 1986.

TRD-8611472

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

Proposed date of adoption

April 4, 1987

For further information, please call

(512) 458-7236

★ ★ ★

## TITLE 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 1. General Administration

#### Subchapter C. Maintenance Taxes

The State Board of Insurance proposes new §1.405, concerning rates of assessment which the board adopted based on gross premium receipts for the 1986 calendar year to determine maintenance taxes to support certain functions of the State Board of Insurance. The new section applies to automobile insurance; casualty insurance and other lines regulated under the Insurance Code, Chapter 5, Subchapter B, fire and allied lines insurance, including inland marine, workers' compensation insurance, title insurance; and prepaid legal services contracts. The board is required to determine annually the rate of assessment for the types of insurance specified. Timely payment of the taxes is necessary for adequate support of certain functions of the State Board of Insurance, and for proper functioning of the regulatory process.

Carroll Fuchs, chief of staff services, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section. There is no anticipated economic cost to small businesses other than what is specified in this notice for all persons required to comply with the section. There is no difference in the rate of assessment between large and small businesses.

Mr. Fuchs also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the promulgation of a rate which will facilitate the proper collection of maintenance taxes to maintain the State Board of Insurance, and the anticipated possible economic cost to persons who are required to comply with the proposed section will be payment of the tax at the rate specified. The amount of tax will de-

pend on the type and amount of insurance written.

Comments on the proposal may be submitted to Nicholas Murphy, Chief Clerk, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new section is proposed under the Insurance Code, Texas Civil Statutes, Articles 5.12, 5.24, 5.49, 5.68, 9.46, and 23.08, which provides the State Board of Insurance with the authority to assess maintenance taxes for the lines of insurance specified in these sections.

**§1.405. Assessment of Maintenance Tax, 1987.** The following rates for maintenance taxes are assessed on gross premiums for the calendar year 1986 for the lines of insurance specified.

(1) For automobile insurance, pursuant to the Insurance Code, Article 5.12, the rate is .019 of 1.0%.

(2) For casualty and fidelity insurance, guaranty and surety bonds, pursuant to the Insurance Code, Article 5.24, the rate is .027 of 1.0%.

(3) For fire insurance and allied lines, including inland marine, pursuant to the Insurance Code, Article 5.49, the rate is .523 of 1.0%.

(4) For workers' compensation insurance, pursuant to the Insurance Code, Article 5.68, the rate is .361 of 1.0%.

(5) For title insurance, pursuant to the Insurance Code, Article 9.46, the rate is .083 of 1.0%.

(6) For prepaid legal services, pursuant to the Insurance Code, Article 23.08, the rate is 1.000 of 1.0%.

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 December 23, 1986

TRD-8611795

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Earliest possible date of adoption

February 2, 1987

For further information, please call

(512) 463-6327.

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 33. Early and Periodic Screening, Diagnosis, and Treatment

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the*

*offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Department of Human Services proposes the repeal of §§33.1, 33.31, 33.62, 33.64, 33.65, 33.133, 33.135, 33.137, 33.138, 33.228, and 33.309, concerning the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program. The repealed sections are either obsolete or contain policies that are included in other sections. New sections and amendments are proposed in this issue of the *Texas Register* to clarify and update policies regarding the delivery and receipt of EPSDT services. The department is not making substantive changes in the program or its policies, but is ensuring that the sections governing the program are current.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five year period the repeals 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 repeals.

Mr. Packard also has determined that for each year of the first five years the repeals are in effect, the public benefit anticipated as a result of enforcing the repeals will be more effective administration of the EPSDT Program as a result of having rules that are consistent with the service delivery system and the handbooks that support this system. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-783, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769, mail code 222-E, within 30 days of publication in this *Texas Register*.

#### Subchapter A. Overview

##### ★40 TAC §33.1

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

##### §33.1. Program Description.

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 December 23, 1986.

TRD-8611872

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

February 2, 1987

For further information, please call

(512) 450-3766.

## Subchapter C. Administration

### ★ 40 TAC §33.31

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

#### §33.31. *Organizations and Functions.*

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 December 23, 1986.

TRD-8611873      Marlin W Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

February 2, 1987

For further information, please call  
(512) 450-3766.

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## Subchapter E. Recipient Rights

### ★ 40 TAC §§33.62, 33.64, 33.65

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

#### §33.62. *Confidentiality of Records.*

#### §33.64. *Who May Give Consent for Medical Services.*

#### §33.65. *Release of Medical Information.*

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 December 23, 1986.

TRD-8611874      Marlin W Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

February 2, 1987

For further information, please call  
(512) 450-3766.

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### ★ 40 TAC §§33.62, 33.133, 33.309

The Texas Department of Human Services proposes new §§33.62, 33.133, and 33.309 concerning the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program. The new sections clarify and update policies regarding confidentiality of records, approved medical screening providers, and termination of provider agreements. The department is not making substantive changes in the program or its

policies but is ensuring that the sections governing the program are current.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five year period the new sections 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 sections.

Mr. Packard also has determined that for each year of the first five years the new sections are in effect the public benefit anticipated as a result of enforcing the sections will be more effective administration of the EPSDT Program as a result of having rules that are consistent with the service delivery system and the handbooks that support this system. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-783, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769, mail code 222-E, within 30 days of publication in this *Texas Register*

The new section is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

#### §33.62. *Confidentiality of Records.*

(a) Medicaid regulations prohibit the disclosure of information about Medicaid recipients without consent, except for purposes directly connected to the administration of the program as follows.

(1) Eligibility information may be provided to screening, diagnosis, and treatment providers.

(2) Information contained in the recipient's clinical record is considered confidential. Screening, diagnosis, and treatment providers must obtain written authorization from the recipient before releasing protected medical information.

(3) Screening, diagnosis, and treatment providers are not entitled to lists of names and addresses of recipients without the recipient's written consent.

(4) Contracted agencies performing certain administrative functions are considered an extension of the department for program operation purposes. These agencies may receive confidential information without a recipient's consent. These agencies are bound by the same standards of confidentiality as the department and must provide effective safeguards to ensure confidentiality.

(b) Only adults who have legal authority to consent for a minor may consent to the release of a minor's medical information, except when the minor has the authority to consent to his own treatment. These adults are parents, guardians, or managing conser-

vators. For a foster child, an authorized department representative may consent to the release of information.

(c) If an agency or a person, not contracted with the department to provide services, requests information directly, that agency or person must provide a release signed by the recipient. The release must be filed in the case record.

(d) Statistical information or other general information that does not identify recipients is not subject to the preceding restrictions.

(e) Recipients may release information in their possession. Therefore, they should keep their copy of the screening form to be used for day care, foster care, Headstart, or any other program requiring medical records.

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 December 23, 1986.

TRD-8611878      Marlin W Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

February 2, 1987

For further information, please call  
(512) 450-3766

★            ★            ★

### ★ 40 TAC §33.63

The Texas Department of Human Services proposes amendments to §33.63 and §33.123, concerning the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program. The amendments clarify and update policies regarding consent for medical services and the definition of periodic screening due date. The department is not making substantive changes in the program or its policies, but is ensuring that the sections governing the program are current.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five year period the sections 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 sections.

Mr. Packard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be more effective administration of the EPSDT Program as a result of having rules that are consistent with the service delivery system and the handbooks that support this system. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-783, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769, mail code 222-E, within 30 days of publication in this *Texas Register*.

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

**§33.63. Consent.** Persons who may legally give consent for EPSDT medical services are identified in the Texas Family Code, Chapter 35. Consent by a person who may legally give consent is necessary for participation in EPSDT. Consent requires the free exercise of choice without any force, fraud, deceit, constraint, or coercion by an individual or his legally authorized representative. The basic elements necessary to consent include:

(1)-(5) (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 December 23, 1986.

TRD-8611881 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
February 2, 1987  
For further information, please call  
(512) 450-3766.

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### Subchapter I. Periodicity

#### ★40 TAC §33.123

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

**§33.123. Periodic Screening [Rescreening] Due Date.**

(a) The due date for periodic screening [rescreening] is defined as the starting date of a new period of eligibility for medical screening or for dental services [the last date of eligibility for rescreening during a specified time frame based on the recipient's age and last date of service].

(b) (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 December 23, 1986.

TRD-8611882 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
February 2, 1987  
For further information, please call  
(512) 450-3766.

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### Subchapter J. Medical Phase

#### ★40 TAC §§33.133, 33.135, 33.137, 33.138

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

**§33.133. Approved Medical Screening Providers.**

**§33.135. Cooperative Responsibilities of Screening Providers and Local DHR Personnel.**

**§33.137. Medical Screening Procedures.**

**§33.138. Referrals for Diagnosis and Treatment.**

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 December 23, 1986.

TRD-8611875 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
February 2, 1987  
For further information, please call  
(512) 450-3766.

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#### ★40 TAC §33.133

The new section is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

**§33.133. Approved Medical Screening Providers.**

(a) Medical screening providers include licensed physicians (MD or DO) and public or private health care providers or facilities that can perform the required medical screening procedures under a physician's direction.

(b) To be eligible for reimbursement, screening providers must be enrolled as screening providers by the department or its designee.

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 December 23, 1986.

TRD-8611879 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
February 2, 1987  
For further information, please call  
(512) 450-3766.

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### Subchapter N. Dental Program Benefits

#### ★40 TAC §33.228

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

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

**§33.228. Exception to Periodicity.**

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 December 23, 1986.

TRD-8611876 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
February 2, 1987  
For further information, please call  
(512) 450-3766.

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### Subchapter R. Dental Services

#### ★40 TAC §33.309

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

§33.309. *Provider Termination.*

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 December 23, 1986.

TRD-8611877

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption

February 2, 1987

For further information, please call  
(512) 450-3766.

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The new section is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs

§33.309. *Termination of a Provider Agreement.* The agreement between the provider and the department for provision of EPSDT dental services may be terminated in the following circumstances.

(1) The agreement may be terminated voluntarily by either party by giving 30 days notice in writing to the other party

(2) If the provider is suspended, placed on probation, or has his license revoked by the Texas State Board of Dental Examiners, the agreement is void on the date of the state board's action.

(3) The department terminates the agreement if a provider is convicted for fraud in the program

(4) The agreement may be terminated by either party for breach of contract. This is effective when the other party receives written notice of the termination or on a later date specified in the notice.

(5) The department and the provider may end the agreement if federal or state laws or other requirements are amended or judicially interpreted in a way that would make it unfeasible or impossible for either party to fulfill the agreement, or if either party is unable to agree on changes necessary for the substantial continuation of the agreement. Any respective accrued interests up to the date of termination must be settled equitably.

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 December 23, 1986

TRD-8611880

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption

February 2, 1987

For further information, please call  
(512) 450-3766

Part IX. Texas

Department on Aging  
Chapter 271. Multipurpose  
Senior Center Standards  
Statutes and Regulations

★ 40 TAC §271.1

The Texas Department on Aging proposes an amendment to §271.1 concerning multipurpose senior center standards. This amendment establishes policies and procedures for control of smoking in facilities funded under the Older Americans Act, Title III, as amended.

Charles T. Hubbard, director of finance, has determined that for the first five-year period the proposed section 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 section

Tim Shank, deputy executive director, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the promotion of an environment in facilities and vehicles funded under the Older Americans Act, Title III, which is conducive to the health of the elderly who are participants in programs funded under this Act. There is no anticipated economic cost to individuals who are required to comply with the proposed section

Comments on the proposal may be submitted to Edwin R. Floyd, Chief of Administrative Services, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The amendment is proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§271.1. *Program Structure and Definition.*

(a)-(d) (No change.)

(e) Physical facility and equipment.

(1)-(8) (No change.)

(9) **The Surgeon General of the United States has determined that the smoking of tobacco can constitute a hazard to health. TDoA recognizes the right of individuals participating in Title III programs, visiting Title III facilities, and employed as staff or volunteers in Title III programs to an environment reasonably free of contaminants. TDoA also recognizes the right of individuals to smoke in such facilities, provided such action does not endanger life or property, cause discomfort or unreasonable annoyance to nonsmokers, or infringe upon their rights. Consequently, the smoking of tobacco products within TDoA funded facilities and equipment (i.e., vehicles) shall be in accordance with the following guidelines.**

(A) Smoking will not be permitted in meeting rooms, classrooms, and auditoriums. No-smoking signs will be posted in these areas. Ashtrays should be removed and placed just outside the meeting room/auditorium so that participants may dispose of smoking material when they become aware of the requirement.

(B) Dining areas may be designated as smoking and no-smoking areas only when space and ventilation capacities permit division into sections so designated. Sections should be designated and posted based on an estimate of smoking and nonsmoking participants served.

(C) Private offices may be designated as smoking or nonsmoking areas, depending on the preference of the occupant. In common work spaces shared by smokers and nonsmokers, smoking will be permitted only if ventilation is adequate to remove smoke from a work area and provide an environment that is healthful. Work space may be planned to accommodate the preferences of each group, provided that the efficiency of work units will not be impaired and additional space will not be required.

(D) Generally, there should be no limitation on smoking in corridors, lobbies, and restrooms as persons are not in these areas for long periods of time.

(E) Elevators shall be designated as no-smoking areas.

(F) Vehicles operated under funding provided through the Older Americans Act, Title III, which provide transportation services for elderly participants in programs sponsored by this Act will be designated no-smoking areas.

(G) Emphasis should be placed on educational programs to discourage smoking. Programs should focus on the high risk to participants with chronic bronchitis, emphysema, asthma, and coronary heart disease, much of which is typical of the elderly. Programs should include lectures, films, pamphlets, and posters, and should contain the latest medical information on smoking and health.

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 December 23, 1986.

TRD-8611831

O.P. (Bob) Bobbit  
Executive Director  
Texas Department on  
Aging

Earliest possible date of adoption:

February 2, 1987

For further information, please call  
(512) 444-2727.



# Withdrawn

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

**TITLE 22. EXAMINING  
BOARDS  
Part IV. Texas Cosmetology  
Commission  
Chapter 89. General  
Provisions**

★22 TAC §§89.73, §89.74

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §89.73 and §89.74, submitted by the Texas Cosmetology Commission have been automatically withdrawn, effective December 29, 1986. The sections as proposed appeared in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2864).

TRD-8611853  
Filed: December 29, 1986

**TITLE 40. SOCIAL  
SERVICES AND  
ASSISTANCE  
Part IX. Texas Department  
on Aging**

**Chapter 289. Direct Services  
Statutes and Regulations**

★40 TAC §§~~289.1~~, 289.3, 289.5,  
289.7, 289.9, 289.11, 289.13, 289.15,  
289.17

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new sections §§289.1, 289.3, 289.5, 289.7, 289.9, 289.11, 289.13, 289.15, and 289.17 submitted by the Texas Department on Aging have been automatically withdrawn, effective December 23, 1986.

The new sections as proposed appeared in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2875).

TRD-8611854  
Filed: December 23, 1986

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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 4. AGRICULTURE Part I. Texas Department of Agriculture

### Chapter 9. Agricultural and Environmental Sciences Division

#### Miscellaneous Fees

##### ★4 TAC §9.19

The Texas Department of Agriculture adopts an amendment to §9.19, without changes to the proposed text published in the November 21, 1986, issue of the *Texas Register* (11 TexReg 4740).

The amendment is made in order to clarify the procedure for application for a phytosanitation certificate and to expedite the issuance of certificates.

The amendment provides for the application for and performance of a growing season inspection for the issuance of a phytosanitation certificate, and provides for the maintenance of a suspense balance account by persons requesting phytosanitation certificates.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, §12.001 and §12.016, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code; and §12.018, as amended, which authorizes the department to set and collect a fee for the issuance of a phytosanitation certificate.

The 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 December 22, 1986.

TRD-8611839 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Effective date: January 13, 1987  
Proposal publication date: November 21, 1986  
For further information, please call  
(512) 463-7583.

★ ★ ★

## Chapter 11. Herbicide Regulations

### ★4 TAC §11.7

The Texas Department of Agriculture adopts an amendment to §11.7, without changes to the proposed text published in the November 21, 1986, issue of the *Texas Register* (11 TexReg 4741).

The amendment is made in order to increase general revenue, in accordance with the intent of the 69th Legislature, 1985, and is within the statutory limit set on dealers' license fees set forth in the Texas Agriculture Code, §75.004, as amended.

The amendment increases the annual license fee for herbicide dealers from \$25 to \$50.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, §75.004, as amended, which provides the Texas Department of Agriculture with the authority to charge an annual herbicide dealer's license fee in an amount not to exceed \$100.

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 December 22, 1986.

TRD-8611840 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Effective date: January 13, 1987  
Proposal publication date: November 21, 1986  
For further information, please call  
(512) 463-7583.

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## Chapter 15. Consumer Services Division

### Texas Weights and Measures

#### ★4 TAC §15.11

The Texas Department of Agriculture adopts an amendment to §15.11, without

changes to the proposed text published in the November 18, 1986, issue of the *Texas Register* (11 TexReg 4704).

The amendment will bring revenue collection for registration of small capacity scales closer to the cost to the state of registering and inspecting such devices, and is within the statutory limits for fees on scales with less than 4,999 pounds capacity as set out in the Texas Agriculture Code §13.011, as amended.

The amendment increases from \$5 to \$10 the registration fee for scales with a capacity of less than 4,999 pounds.

Comments received on the amendment to §15.11 are summarized as follows: fees were increased last year and any additional costs would place an undue burden on retailers at a time of declining sales; the increases are not justified because of hiring and wage freezes recently placed on state agencies by the governor, leaving no need for fee increases; the department should wait until after the 1987-88 appropriations bill is passed to be sure that these fees are consistent with the 1987-88 budget; and the department is not following the intent of the legislature in proposing these increases.

The Texas Retail Grocers Association and the Texas Retailers Association made comments against the proposed amendment.

The department disagrees that legislative intent was not followed in the proposing of these fee increases. That the statutory cap on the registration fee for small scales exceeds the current fee indicates that the legislature foresaw a need for an increase in revenue over time. Of all the registration fees for commercial weighing and measuring devices, only the fee for small scales has not reached the cap.

The department disagrees that there is no need for the fee increase. The Weights and Measures Program is by far the largest of those administered under the department's Consumer Services Program. The total legislative appropriation for consumer services for fiscal year 1986 was \$3.95 million. Of this, fees for weights and measures devices totaled \$1.16 million or 29%. Thus, even with recent fee increases for these devices, general revenue still substantially covers the cost of regulation.

The amendment is proposed under the Texas Agriculture Code, §13.1151, which provides the Texas Department of Agriculture with the authority to charge a fee for the registration of scales registered under the Texas Agriculture Code, §13.1011, such fee not to exceed \$10 for scales with capacities of less than 4,999 pounds.

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 December 23, 1986

TRD-8611841 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Effective date: January 13, 1987  
Proposal publication date: November 18, 1986  
For further information, please call  
(512) 463-7583

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## Chapter 21. Seed Certification Standards

### Sugar Cane-Vegetatively Propogated

#### ★4 TAC §21.105

The Texas Department of Agriculture adopts an amendment to §21.105, without changes to the proposed text published in the November 21, 1986, issue of the *Texas Register* (11 TexReg 4741)

The amendment is adopted in order to better control the spread of smut disease and infestation of sugar cane by the rice borer and the sugar cane borer. The amendment has been adopted by the Texas State Seed and Plant Board

The amendment adds a requirement for the recording of the percentage of sugar cane and rice borer infested stalks upon final inspections, and requires the rejection of sugar cane production fields that are infested with smut diseases

No comments were received regarding adoption of the amendment

The amendment is proposed under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed, and the Texas Agriculture Code, §12.001 and §12.016, which authorizes the Texas Department of Agriculture to adopt rules to enforce the Texas Agriculture Code

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 December 22, 1986

TRD-8611842 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Effective date: January 13, 1987  
Proposal publication date: November 21, 1986  
For further information, please call  
(512) 463-7583

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## TITLE 16. ECONOMIC REGULATIONS

### Part I. Railroad

#### Commission of Texas Chapter 5. Transportation Division

##### Subchapter A. General Provisions

#### ★16 TAC §5.4

The Railroad Commission of Texas adopts an amendment to §5.4, with changes to the proposed text published in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4140).

This amendment establishes a definition of rate by referencing another section of the commission's rules

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 911a §4(a) and 911b §4(a), which provide the Railroad Commission of Texas with the authority to establish ratemaking standards and procedures for all transportation services which it regulates under those statutes.

#### §5.4 Definitions

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

(1)-(19) (No change.)

(20) Rate—Every compensation, tariff, charge, fare, toll, rental, and classification, or any of them demanded, observed, charged, or collected, whether direct or indirectly by any person for any service within the jurisdiction of the agency, and any regulations, practices, or contracts affecting any such compensation, tariff, charge, fare, toll, rental, or classification.

(b) (No change.)

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority

Issued in Austin, Texas, on December 22, 1986

TRD-8611821 James E Nugent  
Chairman  
Railroad Commission of  
Texas

Effective date: January 13, 1987  
Proposal publication date: October 3, 1986  
For further information, please call  
(512) 463-7315

## Subchapter H. Tariffs and Schedules

#### ★16 TAC §§5.145-5.149

The Railroad Commission of Texas adopts the repeal of §§5.145-5.149, concerning rates, charges, and classifications; ascertaining revenues and expenses of carriers; applications to establish or change rates, charges, or classification, rate making standards; and prescription rate making, without changes to the proposed repeal published in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4140). The repeal of these sections and simultaneous adoption of new §§5.145-5.148, will allow the implementation of Texas Civil Statutes, Articles 911a and 911b, and recent federal caselaw

The repeals are adopted under Texas Civil Statutes, Article 911a §4(a) and 911b §4(a), which confers upon the commission the authority to regulate rates and charges for motor bus companies and motor carriers.

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 December 22, 1986

TRD-8611822 James E Nugent  
Chairman  
Railroad Commission of  
Texas

Effective date: January 13, 1987  
Proposal publication date: October 3, 1986  
For further information, please call  
(512) 463-7315

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#### ★16 TAC §§5.145-5.148

The Railroad Commission of Texas adopts new §§5.145-5.148, concerning prescribed ratemaking; rates, ratemaking standards; and collective applications, without changes to the proposed text published in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4140)

These new sections will reorganize, clarify, and amplify current agency rules covering ratemaking under the Motor Bus Act and the Motor Carrier Act. The changes will separate substantive and procedural rules, provide clearer standards for ratemaking, and clarify that existing collective ratemaking procedures are not inconsistent with individualized rate determinations in appropriate circumstances

Comments regarding the adoption were received from the Texas Industrial Traffic League and H E Butt Grocery Company, who suggested that language be added that would affirmatively require carriers to conduct operations in a reasonable and efficient manner in order to improve productivity and reduce operating expenses.

The commission disagrees that the change was necessary. Whether or not a carrier or group of carriers is operating efficiently is a factual determination that should be made after a hearing, and considered by the commission when setting the rate level. It is questionable whether the subject matter of the proposal is broad enough to allow adoption of this comment without republication.

The new sections are adopted under Texas Civil Statutes, Article 911a §4(a) and 911b §4(a), which provide the Railroad Commission of Texas with the authority to establish ratemaking standards and procedures for all transportation services which it regulates under those statutes.

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 December 22, 1986

TRD-8611823 James E. Nugent  
Chairman  
Railroad Commission of  
Texas

Effective date: January 13, 1987  
Proposal publication date: October 3, 1986  
For further information, please call  
(512) 463-7315

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## Subchapter U. General and Special Rules of Practice and Procedure

### ★ 16 TAC §5.423, §5.424

The Railroad Commission of Texas adopts the repeal of §5.423 and §5.424, concerning uncontested proceedings and expedited procedure for applications, without changes to the proposed text published in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4140).

The repeal of these sections and simultaneous adoption of new §5.423 and §5.424 will allow the implementation of the Texas Civil Statutes, Articles 911a and 911b and recent federal caselaw.

The repeals are adopted under Texas Civil Statutes, Articles 911a and 911b, which confers upon the commission the authority to regulate rates and charges for motor bus companies and motor carriers.

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 December 22, 1986

TRD-8611824 James E. Nugent  
Chairman  
Railroad Commission of  
Texas

Effective date: January 13, 1987  
Proposal publication date: October 3, 1986  
For further information, please call  
(512) 463-7315

The Railroad Commission of Texas adopts new §5.423, concerning applications to establish or change rates, with changes to the proposed text published in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4140). New §5.424 is adopted without changes to the proposed text, and will not be republished.

These new sections will reorganize, clarify, and amplify current agency rules covering ratemaking under the Motor Bus Act and the Motor Carrier Act. The changes will separate substantive and procedural rules, provide clearer standards for ratemaking, and clarify that existing collective ratemaking procedures are not inconsistent with individualized rate determinations in appropriate circumstances.

Frito-Lay, Inc., I. L. Ward, Texas Industrial Traffic League, H. E. Butt Grocery Co., and NCH Corporation commented on §5.423(a)(1). Commentors were opposed to adoption of the paragraph as proposed because they believe that under the paragraph, party status may not be afforded shippers in some hearings. They suggest changes in the paragraph that would expressly identify shippers and others as parties instead of the present language which identifies parties as persons or entities having an administrative, cognizable or justiciable interest.

The commission agrees in part with the commentors. The commission has decided to retain the language of the proposal, and to amplify it by including, as examples, a list of persons or entities who might qualify as parties in a given case. The present language of the paragraph is a judicially recognized standard by which all parties are determined in administrative hearings.

H. E. Butt Grocery Co., Texas Industrial Traffic League, NCH Corporation, Brookshire Grocery Co., Frito-Lay, Inc., Oil and Gas Well Supply Traffic Association Inc., and I. L. Ward commented on §5.423(b)(1)-(3). Commentors were opposed to the adoption of these paragraphs because they feel that evidence may be limited to only the required information. They suggest language that would not impliedly restrict other relevant evidence.

The commission agrees with the commentors. The commission adopts the paragraph with the phrase "but is not limited to" after "rates shall include" in §5.423(b)(1) to make clear that the intention is to allow the inclusion of all relevant evidence.

Brookshire Grocery Co., NCH Corporation, Frito-Lay, Inc., and H. E. Butt Grocery Company commented on §5.423(b)(6)(A). Commentors generally support the subparagraph as being less restrictive and encouraging independent action, but oppose any commission action with respect to carriers that want to flag out of rate increases. Specifically, they want the

phrase "the request will be granted upon good cause shown" removed from the subparagraph.

The commission disagrees with the commentors and adopts the subparagraph as proposed. While the commission believes that carriers should be allowed to decline to participate in rates that are excessive relative to their individual costs, the commission reaffirms its role of oversight in the flagging out process, primarily to guarantee that the rate that a carrier charges is not less than that carrier's cost of providing that service.

The Texas Industrial Traffic League, I. L. Ward, Frito-Lay, Inc., Brookshire Grocery Co., H. E. Butt Grocery Co., and NCH Corporation commented on §5.423(b)(7). Commentors oppose the paragraph as being anti-competitive and rewarding inefficient carriers, and argue that carrier associations could negate an individual rate application by simply calling for a general increase.

The commission disagrees with the commentors. General increase cases are held to determine the revenue levels needed for groups of carriers. The expense levels of representative carriers should be considered when setting the rate levels on the basis of revenue needs. Efficient carriers are not deprived of incentives to become even more efficient in order to increase their profits. To allow flag outs by the more efficient carriers would result in allowing the high cost carriers to set the general rate levels. The more efficient carriers may obtain approval of rate reductions on a more particularized basis, based on their lower costs, and less efficient carriers may decline to join those reductions.

Steere Tank Lines, Inc. commented that the preamble to the proposal for §5.423 and §5.424 states that the sections' provisions would apply only to ratemaking proceedings and is silent about licensing proceedings, while current §5.424 that would be replaced covers all types of proceedings.

The commission agrees with the comment. The commission's intent in the new §5.424 was to preserve the availability of expedited procedure for any type of application, as now provided in existing §5.424. The preambles to the repealed and adopted sections have been corrected and a broader statement of legal authority has been added.

The commission has decided to clarify the scope of §5.423(b)(7) by changing the word "increases" to the word "changes". This reflects the possibility that a rate case application based on overall revenues could be for a decrease. Without this clarification, all rate decrease applications would have been covered by §5.423(b)(5), which was not the intent.

The new sections are adopted under Texas Civil Statutes, Article 911a and 911b,

which provide the Railroad Commission of Texas with the authority to establish procedures for all transportation services which it regulates.

**§5.423. Applications to Establish or Change Rates.**

(a) Filing of application.

(1) Generally. Applications to establish or change rates may be submitted and prosecuted, or opposed by any person or entity having an administratively cognizable or justiciable interest, e.g. carriers, shippers, consignees and associations.

(2) Form of application. An application to establish or change rates must be submitted on appropriate commission forms, under oath, and contain:

(A) an identification of the tariff and the tariff item number proposed to be established or changed;

(B) a legible copy of the proposed tariff or item(s) in tariff format (8½" x 11" paper) If the proposed amendment affects an existing tariff item, only the affected part of the item showing the changes proposed need be submitted.

(b) Evidence in support of applications.

(1) Evidence submitted in support of an application to establish or change rates shall include, but is not limited to:

(A) a description of pertinent current rates, if any,

(B) revenues at proposed rates—a statement of operating revenues projected to be received under the proposed rates by any motor carrier(s) or motor bus company(s) for which the rates would apply;

(C) expenses at proposed rates—a statement of operating expenses incurred, or which would be incurred, by any motor carrier(s) for which the rates would apply;

(D) operating ratio—a statement of resulting operating ratio (operating expenses divided by operating revenues) based upon projected revenues and expenses at proposed rates; and

(E) allocations, methodology, or special studies—a statement of any allocation, methodology, or special study used in preparation of the evidence in support of an application to establish or change rates.

(2) Where the application does not directly seek establishment of a rate or change of an existing rate, it must include evidence to show that the proposal would be reasonable and not unduly discriminatory.

(3) The commission may require that the evidence included in rate applications demonstrate that the revenues and expenses submitted are representative of the revenues and expenses of motor carrier(s) or motor bus company(s) for which the rates would apply.

(4) Unless otherwise specified in the application or as provided in paragraphs (5) and (6) of this subsection, rates shall apply to all motor carriers or motor bus companies having authority to provide transportation

services under the application.

(5) Within 15 days after the date of the published transportation notice of hearing of an application for a reduction in rates, a motor carrier or motor bus company may request in writing that it be allowed to participate or not to participate in the application as published. A copy of the request shall be timely served upon the applicant. The request will be granted upon good cause shown. If the request is not granted, it may be refiled as a separate application, subject to all applicable commission rules.

(6) On any application for an increase in rates:

(A) a motor carrier or motor bus company may file a written request with the commission within 15 days after the date of the published transportation notice of hearing of the application, that it not be subject to the rates as proposed. A copy of the request shall be timely served upon the applicant. The request will be granted upon good cause shown. If the request is not granted, it may be refiled as a separate application, subject to all applicable commission rules;

(B) any motor carrier or motor bus company seeking to participate in the rates proposed for the account of a named motor carrier(s) or motor bus company(s) must file as an intervenor in support thereof in accordance with §5.411 of this title (relating to Parties of Interest) and offer evidence supporting its participation.

(7) Applications seeking rate changes based on overall revenue needs will not be subject to the provisions of paragraphs (5) and (6) of this subsection.

(8) Documents and workpapers which underlie evidence submitted by a party shall be made available for inspection on request by a party or the commission.

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 December 22, 1986.

TRD-8611825 James E. Nugent  
Chairman  
Railroad Commission of  
Texas

Effective date January 13, 1987  
Proposal publication date October 3, 1986  
For further information, please call  
(512) 463-7315

★ ★ ★  
**TITLE 28. INSURANCE**  
**Part I. State Board of Insurance**  
**Chapter I. General Administration**  
**Subchapter C. Maintenance Taxes**  
★ 28 TAC §1.404

The State Board of Insurance adopts new §1.404, without changes to the proposed

text published in the November 4, 1986, issue of the *Texas Register* (11 TexReg 4563).

This new section is necessary in order to record the rates of assessment which the board adopted based on gross premium receipts for the 1985 calendar year to determine maintenance taxes for 1986 to support certain functions of the State Board of Insurance

In assessing maintenance taxes for 1986, the board applied these rates to automobile insurance; casualty insurance and other lines regulated under the Insurance Code, Chapter 5, Subchapter B; fire and allied lines insurance, including inland marine; workers' compensation insurance; title insurance; and prepaid legal service contracts. The board is required to determine annually the rate of assessment for the types of insurance specified. Timely payment of the taxes is necessary for adequate support of certain functions of the State Board of Insurance, and for proper functioning of the regulatory process.

No comments were received regarding adoption of the new section

This new section is adopted under the Insurance Code, Articles 5.12, 5.24, 5.49, 5.68, 9.46, and 23.08, which provides the State Board of Insurance with the authority to assess maintenance taxes for the lines of insurance specified in these sections.

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 December 23, 1986.

TRD-8611798 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date January 13, 1987  
Proposal publication date November 4, 1986  
For further information, please call  
(512) 463-6327

★ ★ ★  
**Chapter 5. Property and Casualty Insurance**  
**Subchapter G. Workers' Compensation**  
**Standards for Accident Prevention Services**

★ 28 TAC §5.6104

The State Board of Insurance adopts an amendment to §5.6104 with changes to the proposed text published in the November 18, 1986, issue of the *Texas Register* (11 TexReg 4708). Section 5.6104 concerns annual statements certifying compliance with standards for accident prevention services by insurers who write workers' compensation insurance.

The amendment is necessary to obtain specific information in a form which will facilitate determinations concerning compliance by insurers with statutory requirements of accident prevention of services.

The amendment revises the form for the certificate of compliance which an insurer must file as a requirement for writing workers' compensation insurance in Texas. The revision asks for information concerning expenditures for accident prevention facilities and field safety representatives and for information concerning the amount of workers' compensation insurance written during the relevant calendar year. Comparison of this information is useful for determinations concerning compliance with statutory requirements of accident prevention services reasonably commensurate with risks, exposures, and experience of policyholders.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Article 5.76-1, which authorizes the State Board of Insurance to promulgate reasonable rules and regulations for the enforcement of requirements that any insurer writing workers' compensation insurance in Texas shall provide accident prevention facilities and shall render accident prevention services for policyholders.

#### § 5.6104 Annual Statements.

(a) The State Board of Insurance directs that each insurer writing workers' compensation insurance in Texas file with its annual statement the certificate of compliance required by Board Order 49904 of the State Board of Insurance. A copy of the form for the certificate of compliance is attached to Board Order 49904 which adopts, requires, and incorporates by reference this form for certification of compliance under this section. This form may be obtained from the Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

(b) (No change.)

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on December 23, 1986.

TRD-8611/96

Nicholas Murphy  
Chief Clerk  
State Board of  
Insurance

Effective date: January 13, 1987.

Proposal publication date: November 18, 1986.

For further information, please call  
(512) 463-6327.

★ ★ ★

## Chapter 7. Corporate and Financial

### Subchapter A. Examination and Corporate Custodian and Tax

#### ★ 28 TAC § 7.71

The State Board of Insurance adopts new § 7.71, with changes to the proposed text published in the October 14, 1986, issue of the *Texas Register* (11 TexReg 4272).

Section 7.71 concerns annual statement diskette filing requirements for financial activities by insurance companies and other entities regulated by the board. This new section is necessary in order to provide for a more timely and reliable review of financial data from each entity's annual statement. Rapid and reliable review can produce fast action when necessary to maintain a regulated entity in sound financial condition that will protect policyholders and other consumers. Responses to comments have resulted in changes to the proposed text for the purposes of clarifying the entities that are required to comply with this section and of providing sufficient time for compliance with these new requirements.

Section 7.71 requires that, in 1987, regulated entities must provide the board with machine-readable diskettes containing financial information concerning activities during the 1986 calendar year. This new section also refers regulated entities to manuals which specify the form and content of computerized data which the regulated entities must provide on the diskettes. The manuals require information concerning the financial condition and business operations of the regulated entities.

The following persons submitted comments generally in favor of the new section (however, many of them suggested modification or clarification to the section as proposed). Robert W. Blevins, representing Texas Life Insurance Association; Ronald R. Coleman and Dave Smith, representing Texas Legal Reserve Officials Association; John C. Kraft, Jr., T. Jane Maloney, and Rodney M. Lynd, representing Universal Guaranty Life Insurance Company; Larry R. Schuneman, representing Alliance Life Insurance Company; Christine Kot, representing the Manufacturers Life Insurance Company of America; Frank L. Pepe, representing the Guardian Insurance and Annuity Company, Inc.; Pauline L. Tuano, representing the Continental Insurance Group; Gary V. Moore, representing Industrial Life Insurance Company and Allied Finance Company; Gary Briggs, representing the Republic Insurance Group; and Will D. Davis.

The following persons objected to the adoption of the new section: Robert P. Clines, representing Savers Annuity Insurance Company; A. C. Chow, represen-

ting the Mercantile and General Reinsurance Company; Robert Sneed, representing the Texas Association of Life Insurance Officials; Thomas Welch, representing Welch State Life Insurance Company; Gene Roder, representing Northeast United Life Insurance Company; O. C. "Putter" Jarvis, representing Landmark Life Insurance Company; Phyllis Redford, representing Maccabees Mutual Life Insurance Company; Murray L. Gipe, representing Public Savings Life Insurance Company; Elaine Stone, representing F&I Management Corporation; R. Thomas Savage, Jr., representing American Mutual Fire Insurance Company; Jeffrey W. Basch, representing Progressive Companies; Frank Summerfield, representing Golden State Mutual Life Insurance Company; James D. Wickenden, representing Standard Mutual Life Insurance Company; Max A. Standard, representing AAA Life Insurance Company; Robert H. Brown, representing the Canada Life Assurance Company; and Donald L. Ridenour, representing the F&D Companies.

Some persons commented that this new section should reflect that the manuals which specify form and content for diskettes provide for computerization of data from only Form 1 and Form 2 annual statements. The board has responded to these comments by changing the proposed text to include specific references to Form 1 and Form 2 annual statements. Many persons commented that there is a need for as much time as possible for converting information from the annual statement to diskette form. They commented that the board should recognize this need by extending the time proposed for filing diskettes by an additional period, by postponing the effective date for mandatory filing for one year, or by granting waivers to requirements for compliance. The board has responded to these comments by changing the proposed text to provide an additional 120 days for filing diskette.

Several commenters sought an exemption from the rule for small companies. The board disagrees because of the necessity of compiling data on all sizes of companies of the types listed in the rule. Moreover, the board does not believe that the requirements of a diskette filing imposes an unreasonable burden on these companies, because outside vendors may be retained to prepare the filing at a reasonable cost. Comments from Mr. Clines suggested the necessity of a four part program: the allowance of a pre filing so that the data output of the board's computers could be examined by the filing party before it was made public record; the enactment of rules to define proper access to the diskettes to protect their security; the prescription of a first-year staggered time schedule for the various filing entities to allow for proper debugging and a voluntary basis for filing for 1986. The board disagrees with the first three suggestions because these pro-

grams and specifications have been developed by qualified personnel of the board and the National Association of Insurance Commissioners, will be processed by qualified personnel and proper equipment of the court, and will therefore protect the security and integrity of the information submitted on the diskette will be secure. The board further disagrees with the first three suggestions due to the lack of time involved and the urgent need for implementation of this program for the filing of the 1986 annual statement. Mr. Clines also commented that the board should provide regulated entities with a program on a diskette. The board disagrees because the board is already furnishing blank forms for written annual statements, and regulated entities can utilize those as a basis for computerization of data onto diskettes.

This new section is adopted under the Insurance Code, Articles 1.04, 1.11, 3.07, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 17.22, 17.25, 18.12, 19.08, 20.02, 21.21, 21.43, 22.06, and 22.18; and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine policy and rules. Article 1.11 authorizes the board to make such changes in the forms of annual statements as shall seem best adapted to elicit a true exhibit of the condition and methods of transacting business of regulated entities. Article 21.21 prohibits any person engaged in the business of insurance from filing with any public official any false statement of financial condition of an insurer with intent to deceive. Article 21.43 requires that the provisions of the Insurance Code are conditions on which foreign insurance corporations are permitted to do business in this state. The Insurance Code, Articles 3.07, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 17.22, 17.25, 18.12, 19.08, 20.02, 22.06, and 22.18, requires the filing of annual statements, annual reports, and other information by certain entities regulated by the board; applies particular statutory law respecting reports to those entities, and specifies particular rulemaking authority relating to those entities. Texas Civil Statutes, Article 6252-13a, §4, authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures. Section 5 prescribes the procedures for adoption of rules by any state administrative agency.

**§7.71. Requirements for Annual Statement Diskette Filing in 1987 Concerning Financial Activities During 1986.**

(a) This section applies to the following entities:

- (1) stock life companies;
- (2) mutual life companies;
- (3) group hospital service corporations;
- (4) stipulated premium companies;

- (5) stock fire companies;
- (6) stock casualty companies;
- (7) stock fire and casualty companies;
- (8) mutual fire companies;
- (9) mutual casualty companies;
- (10) mutual fire and casualty companies;
- (11) county mutual companies;
- (12) Lloyds;
- (13) reciprocals.

(b) Concerning activities during calendar year 1986, each and every stock life company, mutual life company, group hospital service corporation, and stipulated premium company shall provide the State Board of Insurance with machine-readable diskettes containing computerized financial data. In 1987, each of these entities shall file the diskette in addition to and at the time of filing its Form 1 annual statement with the board, or within 120 days after the date for filing of its annual statement. The data on the diskette shall be in the form and content specified in the current annual statement diskette filing specifications for life, accident, and health. A copy of these specifications is attached to Board Order 49905, which adopts and incorporates by reference these specifications for compliance with this section. These specifications are published by the State Board of Insurance and may be obtained from the Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

(c) Concerning activities during calendar year 1986, each and every stock fire company, stock casualty company, stock fire and casualty company, mutual fire company, mutual casualty company, mutual fire and casualty company, county mutual company, Lloyds, and reciprocal shall provide the board with machine-readable diskettes containing computerized financial data. In 1987, each of these entities shall file the diskette in addition to and at the time of filing its Form 2 annual statement with the board, or within 120 days after the date for filing of its annual statement. The data on the diskette shall be in the form and content specified in the current annual statement diskette filing specifications for fire and casualty. A copy of these specifications is attached to Board Order 49905, which adopts and incorporates by reference these specifications are published by the State Board of Insurance and may be obtained from the Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

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 December 23, 1986.

TRD-8611797      Nicholas Murphy  
 Chief Clerk  
 State Board of  
 Insurance

Effective date, January 13, 1987  
 Proposal publication date, October 14, 1986  
 For further information, please call  
 (512) 463-6327.

★                      ★                      ★

**TITLE 31. NATURAL  
 RESOURCES AND  
 CONSERVATION**  
**Part IX. Texas Water  
 Commission**  
**Chapter 307. Supplemental  
 Surface Water Quality  
 Standards**

★ 31 FAC §§307.1-307.3

The Texas Water Commission adopts new §§307.1-307.3, without changes to the proposed text published in the July 8, 1986, issue of the *Texas Register* (11 TexReg 3146).

The Texas Water Commission, in adopting these sections, has codified its policy of not excepting effluent dominated streams from the application of water quality standards established in the §§333.18-333.19 and 333.21.

The Texas Water Commission has also adopted new surface water quality standards for Segment 0606, the Neches River above Lake Palestine.

These new sections affect the application of exceptions for effluent-dominated streams in §307.2, and the numerical criteria and use designations for Segment 0606, concerning the Neches River above Lake Palestine from a point 6.7 kilometers (4.2 miles) downstream of FM Road 279 on Henderson/Smith County to Rhines Lake Dam in Van Zandt County.

New §307.3 for Segment 0606 changes the aquatic life classification from limited quality aquatic habitat (L) to intermediate quality aquatic habitat (I) and the dissolved oxygen (DO) criterion from 3.0 milligrams per liter (mg/l) to 4.0 mg/l.

New §307.3 will replace only the uses and criteria for Segment 0606 found in §333.21, promulgated by the Texas Water Development Board for the Texas Department of Water Resources, the predecessor agency of the Texas Water Commission.

This change was required by the United States Environmental Protection Agency in its approval letter of February 28, 1985, of the Texas Surface Water Quality Standards.

New §307.2 deletes effluent-dominated streams as an exception to the standards. New §307.2 will replace §333.16(h).

The commission convened a public hearing in Austin, Texas, on August 18, 1986, to provide opportunities to make comments on the new sections as proposed,

in addition to the 30-day written comment period provided by law. With respect to §307.2, where comments were made, either oral or written, such comments were in support of the deletion of the exemption of effluent dominated streams from the Chapter 333. Because the commission, in practice, has never applied the effluent dominated stream exception, this proposed change was not a matter of controversy.

Representatives of the City of Tyler and the Texas Municipal League expressed opposition to the adoption of §307.3. Representatives of the City of Tyler stated that the 4.0 mg/l dissolved oxygen criteria is too high for Segment 0606. Tyler's position was that naturally occurring conditions in certain portions of the Neches River preclude Segment 0606 from obtaining the intermediate quality aquatic habitat use and associated dissolved oxygen level of 4.0 mg/l. Dr. James D. Miertschin and Associates submitted a synopsis of naturally-occurring dissolved oxygen concentration in Segment 0606.

This synopsis recommended two alternatives to the adoption of §307.3: establish a 3.0 mg/l dissolved oxygen criteria for Segment 0606, or establish a 2.0 mg/l dissolved oxygen standard for warm weather and a 4.0 mg/l standard for cool weather. United States Senators Lloyd Bentsen and Phil Gramm, together with U.S. Congressman Ralph Hall, recommended the commission adopt a 3.0 mg/l dissolved oxygen criteria and a limited quality aquatic habitat use designation. They noted the City of Tyler would be compelled to expend millions of dollars to upgrade its Westside Sewage Treatment Plant in order to attain the standard proposed in §307.3.

The National Audubon Society, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Texas Parks and Wildlife Department, Environmental Defense Fund, Sierra Club, and Sportsmen Club of Texas were all in support of the adoption of §307.3. The Texas Water Development Board in 1984 promulgated surface water quality standards which involved specific criteria for Segment 0606. In its February 28, 1985, approval letter of the Texas surface water quality standards, the U.S. Environmental Protection Agency formally disapproved the water quality standards for Segment 0606 of the Neches River.

In this letter, the EPA stated that if the state adopts revision of the aquatic life use to intermediate quality aquatic habitat and a dissolved oxygen standard of 4.0 mg/l, the EPA would approve the standard for 0606. Data submitted by the City of Tyler has not convinced the commission or the EPA that §307.3 should not be adopted.

These new sections are adopted under the Texas Water Code, §5.103 and §26.023, which provides the Texas Water Commission with the authority to make rules setting water quality standards for the water in the state.

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 December 23, 1986.

TRD-8611852 James K. Rourke, Jr.  
General Counsel  
Texas Water Commission

Effective date: January 13, 1987  
Proposal publication date: July 8, 1986  
For further information, please call  
(512) 463-8069.

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 8. Home Energy Assistance Program

#### Program Requirements

#### ★ 40 TAC §§8.1-8.3

The Texas Department of Human Services adopts amendments to §§8.1-8.3; the repeal of §8.6, and new §8.6. New §8.6 is adopted with changes to the proposed text published in the October 24, 1986, issue of the *Texas Register* (11 TexReg 4410). The amendments to §§8.1-8.3 and the repeal of §8.6 are adopted without changes and will not be republished.

The department is adopting the sections to support the policy changes being implemented with the 1987 Home Energy Assistance Program's (HEAP) winter payments.

The adopted sections include new resource limits, the eligibility of residents in government subsidized housing, and clarification of the benefit level determination.

The department received comments supporting the eligibility of residents in government subsidized housing, but opposing the reduced benefits for this group.

The commentor was the Bexar County Legal Aid Association. In response to the comments, the department has reevaluated the relative costs and has determined that the percentage reduction for the 1987 winter and summer programs is less than originally projected. New §8.6(b) is amended to specify the amount of reduction for 1987 and to further stipulate that the percentage reduction will not be increased without the Texas Board of Human Services' approval. To clarify how the benefit levels are determined, the department has added subsection (e) in §8.6. This subsection specifies that the methodology for calculating the benefit amounts for eligible households is incor-

porated in the state plan for HEAP. The methodology has the effect of increasing the total amount of benefits to be paid to the lower income group and decreasing the total amount of benefits to be paid to the highest income group.

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

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 December 23, 1986.

TRD-8611869 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 13, 1987  
Proposal publication date: October 24, 1986  
For further information, please call  
(512) 450-3766

★ ★ ★

#### ★ 40 TAC §8.6

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on December 23, 1986.

TRD-8611870 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 13, 1987  
Proposal publication date: October 24, 1986  
For further information, please call  
(512) 450-3766

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The new section is under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

#### §8.6. Benefit Amount.

(a) For both the winter heating and summer cooling programs, there are three basic benefit levels. The highest benefit level is for households with gross incomes of 0 through 35% of the poverty standard as specified for eligibility determination. The intermediate benefit level is for households with gross incomes of 36 through 70% of the poverty standard. The lowest benefit level is for households with gross incomes of 71 through 120% of the poverty standard. For households living in government subsi-

dized housing, the three basic benefit levels are adjusted as specified in subsection (b) of this section since the energy costs of these households have already been reduced by a government subsidy.

(b) For residents of government subsidized housing the three basic benefit levels are reduced by a standardized percentage determined by the department. This reduction is based on the best available statewide data reflecting the average heating and cooling costs of subsidized housing residents (taking into account the average subsidy) compared to the average heating and cooling costs of other households. For the 1987 heating and cooling programs, the percentage reduction is 30%. In subsequent years this percentage reduction will not be increased without the Texas Board of Human Services' approval.

(c) For heating assistance, the benefit levels described in subsections (a) and (b) of this section are determined on a county-by-county basis using the best available data

from the Texas Railroad Commission on the average cost of natural gas to residential users in each county, the total amount of funds available for the program, and the anticipated caseload. Benefit amounts for eligible households are based on the county of residence at the time of eligibility certification.

(d) For cooling assistance, the benefit levels described in subsections (a) and (b) of this section are determined on a statewide basis using the best available data from the Public Utility Commission on the average cost of electricity to residential users, the total amount of funds available for the program, and the anticipated caseload.

(e) The methodology for calculating benefit levels as described in subsections (c) and (d) is submitted annually to the Department of Health and Human Services as part of the Home Energy Assistance Program Texas state plan for operation. The methodology applies in all cases except that every

eligible household receives benefits of at least \$10 and no more than \$195.

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 December 23, 1986.

TRD-8611871

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 13, 1987  
Proposal publication date: October 24, 1986  
For further information, please call  
(512) 450-3766.



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## State Board of Insurance Exempt Filings

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### State Board of Insurance Notifications Pursuant to the Insurance Code, Chapter 5, Subchapter L.

*(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.)*

*These actions become effective 15 days after the date of publication or on a later specified date.*

*The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)*

The State Board of Insurance has approved a revision to Division 8 (Inland Marine) of the Commercial Lines Manual, in-

cluding Texas Exception pages, for all controlled Commercial Inland Marine classes. The revision to Division 8 of the Commercial Lines Manual allows the rules for various controlled classes of Inland Marine Insurance to parallel the new simplified policy forms and endorsements, separates the policy writing rules from rates and clarifies coverage options available.

These changes are to be effective July 1, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on December 18, 1986.

TRD-8611802      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: July 1, 1987  
For further information, please call  
(512) 463-6327

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The State Board of Insurance has approved revised simplified policy forms and endorsements for all controlled classes of Inland Marine Insurance. The revised policy forms and endorsements reflect simplified language, modernized coverage, compatibility with the automated environment and a reduction in the number of policy forms and endorsements. The revision to simplified forms and endorsements does not make major changes in coverage previously afforded under the conventional language forms and endorsements.

These changes are to be effective July 1, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on December 18, 1986.

TRD-8611801      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: July 1, 1987  
For further information, please call  
(512) 463-6327



# 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 State Board of Examiners of Dietitians

**Friday, January 9, 1987, 10 a.m.** The Texas State Board of Examiners of Dietitians will meet in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve minutes from meeting on April 28, 1986; hear the executive secretary's report; the chairman's report; committee report; consider ratification of applications approved by application approval committee, ratification of applications approved by executive secretary, review and act on expired licenses, applications for licensure, provisional licensure and examination eligibility; consider other matters relating to the regulation of dietitians (not requiring board action); and set the next meeting date

**Contact:** Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

**Filed:** December 30, 1986, 7:52 a.m.  
TRD-8611903

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## Texas Commission on Economy and Efficiency in State Government

**Tuesday, January 6, 1987, 9 a.m.** The Texas Commission on Economy and Efficiency in State Government will meet in Room 309, State Capitol, Austin. According to the agenda, the commission will hear reports and recommendations from committees of the commission and the executive director, and receive and take action on reports from the committees and the executive director. These reports and recommendations will be made pursuant to the duties and responsibilities of the commission as set forth in House Bill 460 of the 69th Legislature

**Contact:** Jess M. Irwin, Jr., P.O. Box 12128, Austin, Texas 78711-2128, (512) 453-1159

**Filed:** December 29, 1986, 9:33 a.m.  
TRD 8611868

## Texas Education Agency

**Monday, January 5, 1987, 9 a.m.** The Texas Education Agency will meet in Room 1-104, William B. Travis Office Building, 1701 North Congress Avenue, Austin. According to the agenda, an expert panel will meet to make recommendations to the State Board of Education on appropriate scoring standards for the Texas Teacher Appraisal System.

**Contact:** Susan Barnes, Division of Teacher Education, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9327.

**Filed:** December 23, 1986, 10:48 a.m.

**Wednesday, January 14, 1987, 8:30 a.m.** The Continuing Advisory Committee for Special Education of the Texas Education Agency will meet in the Highland Room, Austin Airport Hilton and Towers, 6000 Middle Fiskville Road, Austin. According to the agenda, the committee will approve minutes of October 15, 1986, meeting; extend year services; consider status of funding letter, accreditation update, removal of architectural barriers, priority needs assessment, fiscal year 1988-1990 state plan, teacher appraisal, legislative recommendations, complaints management, discipline management for handicapped students, update on deinstitutionalization of state school students, and extended educational programming

**Contact:** Joyce A. Scheffler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9414.

**Filed:** December 23, 1986, 10:48 a.m.  
TRD-8611805

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## Texas Employment Commission

**Tuesday, January 6, 1987, 8:30 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes, internal procedures of com-

mission appeals, tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 1, and set the date of next meeting.

**Contact:** Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

**Filed:** December 29, 1986, 2:22 p.m.  
TRD-8611893

**Wednesday, January 7, 1987, 8:30 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will approve prior meeting notes, hear public comment, review budget priorities for fiscal years 1987, 1988, and 1989, and date and agenda items for the next meeting.

**Contact:** C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

**Filed:** December 29, 1986, 2:22 p.m.  
TRD-8611894

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## Texas Department of Health

**Tuesday, December 30, 1986, 4 p.m.** The Executive and Budget Committees of the Texas Board of Health of the Texas Department of Health met in emergency session in the boardroom, Parkland Hospital, 5201 Harry Hines Boulevard, Dallas. According to the agenda, the committees discussed the 1988-1989 budget request of the Texas Department of Health. The emergency status was necessary in order to meet department deadlines.

**Contact:** Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

**Filed:** December 29, 1986, 3:45 p.m.  
TRD-8611900



**Thursday January 8, 1987, 10 a.m.** The Respiratory Care Practitioners Advisory Board of the Texas Department of Health will meet in Room T-507, 1100 West 49th Street, Austin. According to the agenda summary, the board will hear the program administrator's report, chairperson's report, review and acceptance of letter of resignation from Fidel Davila, M.D., vice-chairman of the respiratory care practitioners advisory board, review comments received and final adoption of amendments to 25 TAC §§123.2, 123.4-123.12, and 123.14, review and discuss pre-filed legislation, House Bill 97, consider and act on disapproved applications for Texas certification, other matters relating to the certification of respiratory care practitioners (not requiring advisory board action), and set the next meeting date.

**Contact:** Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7631.

**Filed:** December 30, 1986, 7:52 a.m.  
TRD-8611901

**Saturday, January 10, 1987, 10 a.m.** The Hospital Licensing Advisory Council of the Texas Department of Health will meet in Room S-101, Training Room A, Service Building, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve minutes of the May 2, 1986, meeting, discuss and approve proposed changes to the hospital licensing standards, hear report on proposed legislation to license certain state-operated hospitals, and conduct open discussion of subject matter for next council meeting.

**Contact:** Maurice B. Shaw, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538.

**Filed:** December 30, 1986, 7:52 a.m.  
TRD-8611902

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### Texas Department of Human Services

**Friday, January 9, 1987, 9 a.m.** The Texas Board of Human Services of the Texas Department of Human Services will meet in the DHS Public Hearing Room, First Floor, East Tower, 701 West 51st Street, Austin. According to the agenda, the board will re-evaluate its budgetary priorities for the department's fiscal year 1987 appropriation request for the 1988-1989 biennium in response to Governor-elect William P. Clements' request of December 10, 1986.

**Contact:** Bill Woods, P.O. Box 2960, Austin, Texas 78769, (512) 450-3047.

**Filed:** December 23, 1986, 1:48 p.m.  
TRD-8611833

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### State Board of Insurance

**Monday, January 5, 1987, 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 hearing on Docket 9441—application for approval of a reinsurance agreement submitted by Lawyers Title Insurance Corporation, Richmond, Virginia.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525

**Filed:** December 23, 1986, 11:08 a.m.  
TRD-8611826

**Tuesday, January 6, 1987, 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 hearing on Docket 9378—whether disciplinary action should be taken against Cyrus R. Francis, Jr., Ft. Worth, who holds a Group I legal reserve life insurance agent's license, Group II life, health, and accident insurance agent's license and local recording agent's license issued by the state board of insurance.

**Contact:** O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

**Filed:** December 29, 1986, 11:08 a.m.  
TRD-8611883

**Tuesday, January 6, 1987, 10 a.m.** The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider filing by insurance services office for a rate level adjustment for commercial inland marine insurance affecting musical instrument dealers, signs, physicians and surgeons floater, theatrical floaters and mobile agricultural machinery. The board will also consider proposed amendment to 28 TAC §§3.1-3.8, board orders on several different matters as itemized on the complete agenda, fire marshal report on personnel matters, reports from research and information services concerning legislative reports, legislative proposals, and personnel matters, and commissioner's report concerning personnel matters, pending and contemplated litigation, and new employee performance evaluation system.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

**Filed:** December 29, 1986, 2:12 p.m.  
TRD-8611892

**Tuesday, January 6, 1987, 1:30 p.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 hearing on Docket 9389—application of Hoang Huy Nguyen, Houston, for a legal

reserve combination or industrial license and a state, salaried, special agent or travel baggage insurance license.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

**Filed:** December 29, 1986, 11:09 a.m.  
TRD-8611884

**Wednesday, January 7, 1987, 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 hearing on Docket 9399—whether disciplinary action should be taken against William Casey Broughman, Jr., Dallas, who holds a Group I legal reserve life insurance agent's license and a Group II, life, health, and accident license issued by the State Board of Insurance.

**Contact:** O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

**Filed:** December 29, 1986, 11:09 a.m.  
TRD-8611885

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### Texas Department of Labor and Standards

**Thursday, January 8, 1987, 10 a.m.** The Texas Industrialized Building Code Council of the Texas Department of Labor and Standards will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the council will review minutes of last meeting, review revised wording of criteria for approval of DRA's, and TPIA's, consider requirements for reciprocity, annual election of chairman and vice chairman, and public comments.

**Contact:** Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7352.

**Filed:** December 23, 1986, 12:23 p.m.  
TRD-8611830

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### Lamar University System

**Thursday, January 15, 1987** Committees of the Board of Regents of the Lamar University System will meet in the Spindletop Room, John Gray Library, 4400 M. L. King Parkway, Beaumont. Times and committees follow: 9 a.m., Finance and Audit Committee; 9:30 a.m., Building and Grounds Committee; 10 a.m., Academic Affairs Committee; 10:30 a.m., Athletics Committee; 11:15 a.m., Personnel Committee. The board will also hold an Executive Committee meeting at 12:45 p.m., on January 15, 1987.

**Contact:** George McLaughlin, P.O. Box 10014, Beaumont, Texas 77710, (409) 880-2304.

Filed: December 29, 1986, 8:11 a.m.  
TRD-8611856

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### Board of Pardons and Paroles

**Monday-Friday, January 5-9, 1987, 1:20 p.m. daily, Monday-Thursday and 11 a.m. Friday.** A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713

Filed: December 23, 1986, 11:07 a.m.  
TRD-8611827

**Tuesday, January 6, 1987, 9:30 a.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider and act on minutes of the December 9, 1986, meeting; hear the Sunset Commission's report; consider NTO procedures, tentative parole procedures, deferred parole cases, early mandatory release criteria; hear the Electronic Monitoring Committee report, Alternative Sanctions Committee report, parole in absentia report, budget, executive director's report; consider the rules update, personnel matters, job description and employment of attorneys in the legal section, and the reorganization of a legal section.

**Contact:** Juanita Llamas, 86510 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: December 29, 1986, 3:04 p.m.  
TRD-8611896

**Tuesday, January 6, 1987, 1:30 p.m.** 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:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: December 23, 1986, 11:07 a.m.  
TRD-8611828



### Texas Public Building Authority

**Tuesday, December 30, 1986, 10 a.m.** The Texas Public Building Authority met in emergency session at McCall, Parkhurst and Horton, 2850 One American Center, Austin. According to the agenda, the Texas Public Building Authority approved minutes from the December 12, 1986, meeting, and approved closing documents, subsequent sale of bonds, and other matters. The emergency status was necessary due to a close on bonds previously approved for sale.

**Contact:** Gayle Colby, 907 Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 463-5544.

Filed: December 23, 1986, 10:27 a.m.  
TRD-8611800

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### Texas Department of Public Safety

**Wednesday, January 7, 1987, 10 a.m.** The Public Safety Commission of the Texas Department of Public Safety will meet in the Commission Room, DPS Headquarters, 5805 North Lamar, Austin. According to the agenda, the commission will approve minutes, consider budget matters, personnel matters, miscellaneous and other unfinished business.

**Contact:** James B. Adams, 5805 North Lamar, Austin, Texas 78773, (512) 465-200, ext. 3700.

Filed: December 29, 1986, 12:23 p.m.  
TRD-8611886

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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.

**Monday, January 5, 1987, 10 a.m.** A prehearing conference in Docket 7195 and 6755—application of Gulf States Utilities for authority to change rates, and inquiry of the Public Utility Commission of Texas into the prudence and efficiency of the planning and management of the River Bend Nuclear Generating Station.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 23, 1986, 1:42 p.m.  
TRD-8611834

**Tuesday, January 6, 1987, 10 a.m.** A second prehearing conference in Docket 7193—petition of Central Power and Light Company for order to refund fuel cost overrecoveries and to set interim fixed fuel factors.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 23, 1986, 1:44 p.m.  
TRD-8611835

**Tuesday, January 13, 1987, 10 a.m.** A prehearing conference in Docket 7248—application of Hill Country Telephone Cooperative, Inc., for tariff revisions to offer private pay telephone service.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 29, 1986, 2:32 p.m.  
TRD-8611895

**Monday, February 2, 1987, 10 a.m.** A prehearing conference in Docket 7205—petition of general counsel for an inquiry into a flat rate plan for the interexchange carrier access charge.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 23, 1986, 1:43 p.m.  
TRD-8611836

**Tuesday, February 24, 1987, 10 a.m.** A prehearing conference in Docket 7205—petition of general counsel for an inquiry into a flat rate plan for the interexchange carrier access charge.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 23, 1986, 1:44 p.m.  
TRD-8611387

**Monday, March 16, 1987, 10 a.m.** A prehearing conference in Docket 7205—petition of general counsel for an inquiry into a flat rate plan for the interexchange carrier access charge.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 23, 1986, 1:44 p.m.  
TRD-8611838

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### State Purchasing and General Services Commission

**Tuesday, January 6, 1987, 10 a.m.** The State Purchasing and General Services Commission will meet in Room 916, L.B.J. State Office Building, 111 East 17th Street, Austin. According to the agenda summary, the commission will consider final adoption of proposed amendments to subsections (b) and (c)(1) of Commission Rule 113.10, approval of rate increase for the capitol complex centralized telephone system and protest on requisition Number 322-7-70473-V, hear reports on the state auditor office's review letter of the commission's final fiscal year

1985 annual report to the governor, the creation of a joint committee on the statewide purchasing and payment system, the status of TPBA projects and the AITC long-range plan for telecommunications, hear progress reports on acquisition of laser printer and electrical maintenance project, review fiscal year 1986 annual report to the governor, hear report and overview of the capitol complex centralized telephone system, review and consider approval of the commission's program and activity priorities and their funding, and set date and time for next meeting. The commission will also meet in executive session to consider reports concerning the status of pending litigation.

**Contact:** John R. Neel, 111 East 17th Street, Austin, Texas 78701, (512) 463-3446.

**Filed:** December 29, 1986, 8:20 a.m.  
TRD-8611857

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### Railroad Commission of Texas

**Monday, January 5, 1987, 9 a.m.** The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, 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) 463-7257.

**Filed:** December 23, 1987, 10:43 a.m.  
TRD-8611806

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) 463-7251.

**Filed:** December 23, 1986, 10:43 a.m.  
TRD-8611807

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

**Filed:** December 23, 1986, 10:45 a.m.  
TRD-8611808

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

**Filed:** December 23, 1986, 10:44 a.m.  
TRD-8611809

Consideration of Gas Utilities Docket 6441—statement of intent filed by Lone Star

Gas Company to increase industrial rates to West Texas Utilities Company.

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

**Filed:** December 23, 1986, 10:37 a.m.  
TRD-8611810

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 78711-2967, (512) 463-6710.

**Filed:** December 23, 1986, 10:42 a.m.  
TRD-8611811

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 78711-2967, (512) 463-6931.

**Filed:** December 23, 1986, 10:43 a.m.  
TRD-8611829

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

**Contact:** Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

**Filed:** December 23, 1986, 10:43 a.m.  
TRD-8611812

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

**Contact:** Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

**Filed:** December 23, 1986, 10:42 a.m.  
TRD-8611815

Consideration of Docket 8A-86,939—application of Terra Resources, Inc., to consider a waterflood lease allowable for its S. B. Burnett Estate "Y" Lease, Anne Tandy (Strawn, lower) Field, King County; and Docket 8A-87,084—Taubert, Steed, Bunn and Medders complaint concerning a waterflood lease allowable granted to Terra Resources, Inc., on its S. B. Burnett Estate "Y" Lease (ID 60923), Anne Tandy (Strawn, lower) Field, King County

**Contact:** Billy Thomas, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6919

**Filed:** December 23, 1986, 10:42 a.m.  
TRD-8611814

Consideration of Docket 20-88,701—whether to adopt proposed amendments to State-wide Rules 30 and 34 (16 TAC 3.30 and 3.34), for the State of Texas.

**Contact:** Lisa Anderson, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

**Filed:** December 23, 1986, 10:43 a.m.  
TRD-8611813

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) 463-6981.

**Filed:** December 23, 1986, 10:44 a.m.  
TRD-8611816

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, (512) 463-6976.

**Filed:** December 23, 1986, 10:44 a.m.  
TRD-8611817

The Office of the Special Counsel director's report relating to proposed and pending litigation, including but not limited to, discussion and/or decision in Missouri Pacific Railroad, *et al. v. Railroad Commission of Texas* (Cause A-86-CA-504) and discussion and/or decision in Oil Field Haulers Association, Inc., *et al. v. Railroad Commission of Texas, et al.* (Cause 356,420); Gas Utilities Docket 500; state and federal legislation, and other budget, administrative, and personnel matters.

**Contact:** Walter Earl Lillie, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

**Filed:** December 23, 1986, 10:44 a.m.  
TRD-8611818

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

**Filed:** December 23, 1986, 10:45 a.m.  
TRD-8611819

Various matters falling within the Transportation Division's regulatory jurisdiction.

**Contact:** Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

**Filed:** December 23, 1986, 10:46 a.m.  
TRD-8611820

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### School Land Board

**Tuesday, January 6, 1987, 10 a.m.** The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of previous board meeting, opening and consideration of bids for the January 6, 1987, land sale, consider special oil and gas lease sale, application to lease highway right-of-

way for oil and gas, coastal public lands-easement applications, discuss future land sales, and Matagorda Peninsula Acquisition.

**Contact:** Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

**Filed:** December 23, 1986, 1:23 p.m.  
TRD-8611832

**Tuesday, January 6, 1987, 10 a.m.** The School Land Board submitted a revised agenda for a meeting to be held in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda summary the board will reconsider Brewster County land trade.

**Contact:** Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

**Filed:** December 29, 1986, 12:35 p.m.  
TRD-8611887

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### Texas Southern University

**Friday, January 9, 1987, 9:30 a.m.** Committees of Texas Southern University will meet in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Houston. Days, times, committees, and agendas follow

The Building and Grounds Committee will consider payments to architects and contractors, improvement to land, construction change orders, purchase of real estate, receive bids on construction project, hear reports on central plant expansion and renovations, and other on-going construction projects.

**Contact:** Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911

**Filed:** December 29, 1986, 8:11 a.m.  
TRD-8611858

The Development Committee will receive reports from the administration on university fund raising efforts, and reports on special funds budget

**Contact:** Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

**Filed:** December 29, 1986, 8:11 a.m.  
TRD-8611859

The Finance Committee will review monthly fiscal reports on university operations and consider university short term investments.

**Contact:** Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

**Filed:** December 29, 1986, 8:11 a.m.  
TRD-8611860

The Personnel and Academic Affairs Committee will consider the ratification of ap-

pointments of instructional personnel for the fall school term, academic personnel changes, changes in academic degrees, awarding of an honorary degree, changes in the name of instructional programs and informational items.

**Contact:** Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

**Filed:** December 29, 1986, 8:11 a.m.  
TRD-8611861

**Friday, January 9, 1987, 1 p.m.** The Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Houston. According to the agenda, the board will consider reports from the board's standing committees, receive reports from the president, consider minutes, the purpose and value of real estate, and consult with the university attorney regarding contemplated and/or pending litigation involving construction projects. The board also will meet in executive session to discuss matters related to the employment and evaluation of personnel.

**Contact:** Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

**Filed:** December 29, 1986, 8:11 a.m.  
TRD-8611862

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### Texas Tourist Development Agency

**Friday January 16, 1987, 9 a.m.** The Board of the Texas Tourist Development Agency submitted a revised agenda for a meeting to be held in Room 201, 611 South Congress Avenue, Austin. The addition concerns a corporate fund raising concept presented by Mr. Thomas Herren, Tom Herren and Company, Houston.

**Contact:** Margaret Younger, 611 South Congress Avenue, Austin, Texas 78711, (512) 462-9191.

**Filed:** December 29, 1986, 9:17 a.m.  
TRD-8611867

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### Texas Water Commission

**Tuesday, January 6, 1987, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider water district bond issues, use of surplus funds, release from escrow, assumption of additional powers, certificates of convenience and necessity, rate increase matter, water quality proposed permits, amendments and renewals, water use applications, certificates of adjudication, extension of time, levee matter, abandonment of water right, unpermitted

and unsafe dam, and publication of registry identifying hazardous waste facilities or areas that may pose an imminent and substantial endangerment to public health and safety of the environment.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** December 23, 1986, 3:33 p.m.  
TRD-8611844

**Tuesday January 6, 1987, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider remedial action plan and petition for a Texas Water Commission Order requiring certain action of Hale Dusting Service, Inc., (solid waste registration number 32963), administrative penalties and requiring certain actions of Explosive Control Inc., (hazardous waste permit number HW-50088-001), administrative penalties and enforcement order for the city of Midland, air terminal plans (permit number 10223-02), and petition of the executive director for order determining compliance by Central Bosque Water Supply Corporation with Public Utility Commission order of September 30, 1985

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** December 23, 1986, 3 33 p.m.  
TRD-8611845

**Wednesday, January 7, 1987, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda, the commission will consider dismissal without prejudice of the amended application of Plum Valley Venture for a certificate of convenience and necessity (docket number 7011C), and application by Glenn Hyden for renewal of water quality permit number 12296-01, Brazos River Basin, Brazos County

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** December 23, 1986, 3:33 p.m.  
TRD-8611846

**Tuesday, January 13, 1987, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda, the commission will hear report of substantial noncompliance and petition for Texas Water Commission order for the City of Celina (permit number 10041-01), consider remedial action plan and petition for Texas Water Commission order requiring certain actions of Smith Company of Uvalde (solid waste registration number 36078), and application by Rivercourse Development, Inc., for proposed permit number 13257-01, Colorado River Basin, Travis County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** December 23, 1986, 3:34 p.m.  
TRD-8611847

**Wednesday, January 14, 1987, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building. According to the agenda, the commission will consider application by Southwestern Graphite Company for renewal of water quality permit number 00350, Colorado River Basin, Burnet County, and application by City of Keene for renewal of water quality permit number 10611-01, Trinity River Basin, Johnson County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** December 23, 1986, 3:34 p.m.  
TRD-8611848

**Tuesday, January 20, 1987, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda, the commission will hear report of noncompliance and petition for order assessing administrative penalties against and requiring certain actions of Mike D. Lloyd Dairy (no permit), consider order assessing administrative penalties and requiring certain actions on Permian Chemical Company, Inc., (solid waste registration number 31979), order assessing administrative penalties and requiring certain actions of Union Carbide Corporation—Seadrift (solid waste registration number 30129), and application number 5063 of Gafford Family Partnership for Water Code §11-121 permit, Nueces River Basin, Uvalde County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** December 23, 1986, 3:34 p.m.  
TRD-8611849

**Wednesday, February 4, 1987, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda, the commission will consider petition for creation of Hays County Municipal District Number Three, containing 241,551 acres of land.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** December 29, 1986, 3:02 p.m.  
TRD-8611397

**Wednesday, February 4, 1987, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda, the commission will consider petition for creation of Hays County Municipal Utility District Number Two, containing 271,124 acres of land.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** December 29, 1986, 3:01 p.m.  
TRD-8611898

**Thursday, February 12, 1987, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 512,

Stephen F. Austin Building, Austin. According to the agenda summary, the office of hearings examiner will consider application by Texas-New Mexico Power Company, TNP One, P.O. Box 2943, Fort Worth, Texas 76113 for a permit (proposed permit number 02877) to authorize a discharge of stormwater runoff at a volume variable with rainfall from a proposed lignite fired steam electric station to be known as TNP One. The discharge is to be monitored via four outfalls as follows: coal pile runoff—outfall 001; plant site runoff—outfall 002; ash storage area runoff—outfall 003 and 004. Upon completion, TNP One will have four generating units. Unit one is due to be online in 1990.

**Contact:** Cynthia Hayes, P.O. Box, Austin, Texas 78711, (512) 463-7875.

**Filed:** December 23, 1986, 3:34 p.m.  
TRD-8611850

**Wednesday, February 18, 1987, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in the Emergency Medical Services Framing Building, 9411 Park Place, Houston. According to the agenda summary, the office of hearings examiner will consider application by Lyondell Petrochemical Company, A division of Atlantic Richfield Company, P.O. Box 2451, Houston, Texas 77252-2451 to the Texas Water Commission for a permit (proposed permit number HW 50014) to operate a land treatment and disposal demonstration facility. The types of wastes to be processed and/or disposed at this facility are Class I hazardous/industrial solid wastes including API separator sludge and bundle cleaning organic sludges. The proposed treatment facility consists of five land treatment plots with a combined maximum surface area of 14.06 acres and a maximum depth of five feet. The facility is located on a 14.06-acre tract of land in Harris County on the south side of Highway 225 east of Allen Genoa Street and west of Scarborough Street in Houston. The site is in the drainage area of segment number 1005 of the San Jacinto River Basin.

**Contact:** Martin Wilson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** December 29, 1986, 3:01 p.m.  
TRD-8611899

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### Regional Agencies Meeting Filed December 23

**The Capital Area Rural Transportation System (CARTS),** Board of Directors, met at CARTS Central Office, 5201 East First Street, Austin, on December 30, 1986, at 2 p.m. Information may be obtained from Edna Burroughs, 5021 East First Street, Austin, Texas 78702, (512) 478-7433.

TRD-8611843

### Meetings Filed December 29

**The Brown County Appraisal District,** Board of Directors, will meet at 403 Fisk, Brownwood, on January 5, 1987 at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

**The Dawson County Central Appraisal District,** Board of Directors, will meet at 920 North Dallas Avenue, Lamesa, on January 7, 1987, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

**The Eastland County Appraisal District,** Board of Directors, will meet in Commissioner's Courtroom, Eastland County Courthouse, Eastland, on January 7, 1987, at 1 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

**The Edwards County Appraisal District,** Appraisal Review Board, will meet in the New County Office Building, Rocksprings, on January 7, 1987, at 10 a.m. Information may be obtained from Sondra Madden, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-7490.

**The Ellis County Tax Appraisal District,** will meet at 406 Sycamore Street, Waxahachie, on January 5, 1987, and January 8, 1987 at 7:30 p.m. and 7 p.m. respectively. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Garza County Appraisal District,** Board of Directors, will meet at the Appraisal Office, Courthouse, Post, on January 8, 1987, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

**The Gregg Appraisal District,** Board of Directors, will meet at 2010 Gilmer Road, Longview, on January 8, 1987, at 10:30 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

**The Hamilton County Appraisal District,** will meet at 119 East Henry Street, Hamilton, on January 5, 1987, at 7 p.m. Information may be obtained from Doyle Roberts, 119 East Henry Street, Hamilton, Texas 76531, (817) 386-8945/8946.

**The Hunt County Tax Appraisal District,** Board of Directors, met in emergency session in the Board Room, Hunt County Tax Appraisal District, 4815-B King Street, Greenville, on December 31, 1986, at 10 a.m. Information may be obtained from Joe Pat Davis or Jeanette Jordan, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

Meeting Filed December 30

**The Comal Appraisal District**, Board of Directors, met in emergency session at 644 North Loop 337, New Braunfels, on December 30, 1986, at 5:30 p.m. Information may be obtained from Pat Fox, 644 North Loop 337, New Braunfels, Texas 78130, (512) 625-8597.

TRD-8611905

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**The Parmer County Appraisal District**, Board of Directors, will meet at 305 Third Street, Bovina, on January 8, 1987, at 7 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

**The Permian Basin Regional Planning Commission**, General Membership and Board of Directors, will meet at the Midland Hilton Ballroom, 117 West Wall Street, Midland, on January 8, 1987, at 11:30 a.m. and 1 p.m. respectively. Information may be obtained from Pam K. Weatherby, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

**The Tyler County Tax Appraisal District**, Board of Directors, will meet at 103 North Pecan, Woodville, on January 6, 1987, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

**The Wood County Appraisal District**, Appraisal Review Board, will meet at the Conference Room of the Wood, 217 North Main, Quitman, on January 9, 1987, at 10 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.

TRD-8611855

**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 Contested Case Hearing

Pursuant to the authority provided in the **Texas Clean Air Act** (the Act), Article 4477-5, §§3.15-3.17, 3.27, and 3.271, and the procedural rules of the **Texas Air Control Board** (TACB), §§103.31, 103.41, and 103.81, an examiner for the TACB will conduct a hearing on the qualification by **Troy Vines, Inc.**, (the company) under TACB Standard Exemption 93 of §116.6 to construct a concrete batch plant to be located at the northwest corner of Highway 158 and County Road 1248 (Section 26, Block 40, T-1-S), Midland, Midland County.

Said Company is directed to appear at the time and place shown below and demonstrate by a preponderance of evidence that the facility will comply with all requirements of TACB Regulation VI, §116.6 and with the conditions of Standard Exemption 93.

The record of this hearing will be used by the TACB in determining whether or not the company qualifies for Standard Exemption 93.

Information regarding the proposed facility and copies of the board's rules and regulations are available for public inspection at the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723; the regional office of this agency located at 1901 East 37th Street, Suite 101, Odessa, Texas 79762; and the Office of the Midland City Secretary, Room 430, Midland City Hall, 300 North Loraine, Midland, Texas 79701.

The examiner has set the hearing to begin at 1 p.m., February 2, 1987, at the central office of this agency located at 6330 Highway 290 East, Room 332, Austin, Texas 78723. Prospective parties to the hearing will be the TACB staff and the company. Any other persons desiring to be made a party to the hearing must specifically apply in writing for party status to Examiner John Worley, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the above address by 5 p.m., January 12, 1987. Previous correspondence with the TACB is not effective for this purpose. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing but which does not desire to be a party, may call the Legal Division of the TACB at (512) 451-5711, ext. 350, to determine the names and addresses of all admitted parties. The parties may then be contacted about the possibility of presenting testimony.

Pursuant to the procedural rules of the TACB, §103.46, the examiner has scheduled a prehearing conference on January 21, 1987, at 2 p.m., at the central office of this agency located at 6330 Highway 290 East, Room 332, Austin, Texas 78723. All persons wishing to be admitted as

parties must attend the conference. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. Motions for continuance will only be granted upon proof of good cause. At this conference a specific date prior to the hearing on the merits will be established for the exchange of written direct testimony and copies of written and documentary evidence pursuant to §103.46(2). Prehearing orders setting out discovery periods and other prehearing requirements may also be issued following this prehearing conference.

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin, Texas at (512) 451-5711, ext. 350, a day or two prior to the hearing date in order to confirm the setting since continuances are granted from time to time.

Issued in Austin, Texas, on December 19, 1986.

TRD-8611782 Allen Ell Bell  
Executive Director  
Texas Air Control Board

Filed: December 22, 1986  
For further information, please call (512) 451-5711, ext. 353.

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## Texas Commission on Alcohol and Drug Abuse Request for Proposals

The Texas Commission on Alcohol and Drug Abuse, under the authority of the Texas Alcohol and Drug Abuse Services Act, Texas Civil Statutes, Article 5561c-2, gives notice of a request for proposals. Recognizing that a significant proportion of persons in state mental health facilities and Texas correctional and criminal justice systems exhibit alcohol and drug abuse problems, the commission is soliciting proposals for the development and expansion of community-based alcohol and drug abuse treatment services. Approximately \$10 million will be allocated to the state for a one-year period only, under the Drug Enforcement, Education, and Control Act of 1986, Public Law 99-570.

To be eligible for funding, applicants must be either a public entity or private non-profit corporation; obtain a license for the proposed service from the commission; obtain commission approval to accept emergency detentions under court order, accept involuntary civil or criminal commitments, and/or accept juvenile involuntary commitments, as appropriate for the proposed residential service; and obtain commission approval to provide treatment in a detoxification setting as an alternative to arrest for public intoxication. Inpatient hospital services are prohibited by the federal legislation.

Approved projects will be funded for the period May 1, 1987, through August 31, 1988. Funding of applications



under this RFP is contingent on appropriations received by the commission.

The closing date for application submission is 5 p.m. on February 6, 1987.

Workshops will be held from 1:30 p.m. to 4:30 p.m. at the following locations to assist eligible applicants in preparing applications:

January 6, San Antonio, 118 Broadway, Atlee E. Ayres, Room 420; January 7, Lubbock, 1323 58th Street, Boardroom; January 8, El Paso, 123 Pioneer Plaza, Suite 210, Conference Room; January 13, Houston, 3555 Timmons, Fourth Floor, Conference Room; January 14, Arlington, 616 Six Flags Drive, Center Point 2, Third Floor.

To request a copy of the RFP, call Grants Management in Austin at (512) 463-5510.

Issued in Austin, Texas, on December 22, 1986.

TRD-8611799      Ross Newby  
Executive Director  
Texas Commission on Alcohol and  
Drug Abuse

Filed: December 23, 1986  
For further information, please call (512) 463-5510.

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## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer <sup>(3)</sup> Agricul- tural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 12/29/86-01/04/87	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 12/01/86-12/31/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 01/01/87-03/31/87	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 <sup>(3)</sup> 01/01/87-03/31/87	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) <sup>(3)</sup> 01/01/87-03/31/87	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) <sup>(2)</sup> 01/01/87-03/31/87	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 <sup>(3)</sup> 01/01/87-03/31/87	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		
01/01/87-03/31/87	18.00%	N/A
Judgment Rate—Article 1.05, §2		
01/01/87-01/31/87	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 December 22, 1986.

TRD-8611863      Al Endsley  
Consumer Credit  
Commissioner

Filed: December 29, 1986  
For further information, please call (512) 479-1280.

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## Texas Commission for the Deaf Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf hereby furnishes this notice of consultant contract award. The consultant proposal request appeared in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4178) and November 11, 1986, issue of the *Texas Register* (11 TexReg 4654). The contract consists of providing a one-week summer outdoor training program for approximately 130 deaf and hearing impaired students eight through 17 years in age.

The contractor selected to perform this service is Vista Camps, Ingram, Texas, 78025. The total value of the contract is \$34,500. The contract will begin August 14, 1987, and has an ending date of August 22, 1987.

The final reports prepared by the Vista Camps under this contract shall be submitted by September 22, 1987.

Issued in Austin, Texas, on December 23, 1986.

TRD-8611864      Larry D. Evans  
Executive Director  
Texas Commission for the Deaf

Filed: December 29, 1986  
For further information, please call (512) 469-9891.

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## Public Utility Commission of Texas Consultant Contract Award

This notice of consultant contract award is filed under Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the September 16, 1986, issue of the *Texas Register* (11 TexReg 3979).

The project requires the selected contractors to provide on-site energy evaluations for Texas school districts and prepare an Energy Cost Reduction Opportunities Report for each school evaluated. In addition, the contractors must present area program initiation and implementation workshops for school personnel and file monthly progress reports.

Consultants selected to provide the evaluation service are Energy Systems, Inc., 11901 Hamrich Court, Austin, Texas

78759 and Estes, McClure, and Associates, Inc., 3608 West Way, Tyler, Texas 75703.

Total value of each contract is \$90,000, and the contract period extends from December 23, 1986, through August 31, 1987.

This service is a project of the Energy Resource Center for Texas schools, housed in the Energy Efficiency Division of the Public Utility Commission and funded by the petroleum violation escrow (PVE) monies. PVE funds must be expended through five federally enacted and funded energy programs. The Energy Resource Center was established by the Texas Legislature to provide Texas school districts with energy management information, training, technical assistance, and energy education materials.

Issued in Austin, Texas, on December 22, 1986

TRD-8611865 Phillip Holder  
Secretary  
Public Utility Commission of Texas

Filed: December 29, 1986

For further information please call (512) 458-0100.

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## Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of December 15-19, 1986.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request, and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

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

Period of December 15-19, 1986

Explorer Pipeline Company, Greenville Station, Caddo Mills; petroleum products storage and transfer facility; approximately one mile north of IH 30, and ¼ mile east of FM 36 near the City of Caddo Mills, Hunt County, 02395, renewal

W. S. Dickey Clay Manufacturing Company, Sasparco; wastewater treatment facilities; east of the Structural Clay Products Plant in Sasparco, and approximately 2½ miles southeast of Elmendorf on a county

road paralleling the Southern Pacific Railroad in Wilson County, 12336-01; renewal

Celanese Chemical Company, Inc., Pampa; disposal wells; on Celanese property in Gray County; approximately three miles east of the City of Pampa (Section 53, Block 3); WDW 244, 245, and 246; new

Nippon Pigment (USA) Inc., Houston Facility, Houston; plastic pellet coloring facility; at 10900 Strang Road, on the south side of Strang Road, approximately 800 feet east of the intersection of Strang Road and Miller Cutoff Road in the City of Deer Park, Harris County, 02892; new

Cities Service Oil and Gas Corporation, Houston; wastewater treatment facilities; approximately 1,500 feet south of Pelican Island Boulevard on the southeast portion of Pelican Island in Galveston County, 11677-01; renewal

Roman Forest Consolidated MUD, New Caney; wastewater treatment facilities; approximately 1.7 miles east of U.S. Highway 59 1.2 miles north of the intersection of U.S. Highway 59 and FM Road 1485 in Montgomery County; 11185-01; renewal

W. L. Gore and Associates, Inc., Manor, sewage treatment plant; approximately 1,300 feet southeast of Burleson Road and 1.1 miles northeast of the intersection of Burleson Road and FM 969 in northeast Travis County; 12347-01; renewal

Tommy Maddox, Lometa; swine production operation; approximately 11 miles west of Lometa, 18 miles south of Goldthwaite in Mills County, 02886; new

Beechwood Water Supply Corporation, Hemphill; wastewater treatment plant; on the west shoreline of Toledo Bend Reservoir, approximately five miles east of the intersection of State Highway 87 and FM Road 3315, approximately 19 miles southeast of the City of Hemphill in Sabine County; 11423-01; renewal

Knox Oil of Texas, Inc., Dailas; wastewater treatment plant; approximately 500 feet south of the intersection of IH 35 and FM Road 310, on the west side of IH 35 in Hill County; 12945-01; renewal

Forum Properties, Inc., Houston; sewage treatment plant; approximately two miles north of the intersection of Cypress Creek and IH 45 on the west side of IH 45 in Harris County; 12426-01; renewal

Hastings Development Company, Inc., Houston; wastewater treatment facilities; on the east side of Detering Street at a point approximately 300 feet south of Memorial Drive approximately 500 feet southeast of the intersection of Detering Street and Memorial Drive in Harris County; 12199-01; renewal

Ana-Lab Corporation, Kilgore; wastewater treatment plant; adjacent to Toledo Bend Reservoir and approximately .3 mile north of State Highway 21 and .5 mile southwest of the Pendleton Bridge in Sabine County; 11328-01; renewal

City of Bridgeport; wastewater treatment facilities; immediately east of the West Fork Trinity River and approximately 850 feet southwest of the intersection of State Highway 114 and FM 2123 in Wise County; 10389-02; renewal

Gifford-Hill and Company, Inc., Ferris Plant No. 19, Ferris; sand and gravel mine; approximately eight miles

east of the City of Ferris, near the old settlement of Walnut Springs, Ellis County; 02519; renewal

Union Carbide Corporation, Linde Division, La Porte; cryogenic air separation plant; at the intersection of Strang Road and State Highway 225 in the City of La Porte, Harris County; 02529; renewal

Issued in Austin, Texas, on December 22, 1986.

TRD-8611792 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: December 22, 1986  
For further information, please call (512) 463-7898.

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Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of December 22-23, 1986.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

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

#### Period of December 22-23, 1986

El Paso County Control and Improvement District No. 4, Fabens; wastewater treatment facilities; approximately 8,000 feet east of the intersection of U.S. Highway 80 and State Highway 76 in Fabens and 2,000 feet south of U.S. Highway 80 in El Paso County, 10166-01; renewal

Rowe D. Caldwell, Jr., Del Valle; wastewater treatment plant; approximately one mile east of the Village of Garfield and near the southeast corner of the intersection of State Highway 71 and Wolf Lane in Travis County; 13289-01; new

City of Harker Heights (formerly Bell County WCID No. 4), Harker Heights; wastewater treatment facilities; approximately 1 1/4 miles west of the intersection of U.S. Highway 190 and FM Road 439, approximately 1 1/4 miles east of the intersection of State Highway Spur 518 and FM Road 3219 in Bell County; 10155-01; renewal

Issued in Austin, Texas, on December 23, 1986.

TRD-8611851 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: December 23, 1986  
For further information, please call (512) 463-7898.

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#### Correction of Error

A notice of hearing for the Texas Water Commission contained an error as published in the November 28, 1986, issue of the *Texas Register*.

On page 4866 the notice dated Wednesday, January 17, 1987, should read: "Wednesday, January 7, 1987."

#### Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Boling Municipal Water District, on December 3, 1986, assessing stipulated administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ken Petersen, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on December 19, 1986.

TRD-8611790 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: December 22, 1986  
For further information, please call (512) 463-7898.

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Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Riverside Country Club, on December 16, 1986, assessing stipulated administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ken Petersen, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on December 19, 1986.

TRD-8611791 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: December 22, 1986  
For further information, please call (512) 463-7898.

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