

**SUBCHAPTER D: RELEASE REPORTING AND CORRECTIVE ACTION**  
**§§334.71 - 334.85**  
**Effective April 19, 2012**

**§334.71. Applicability and Deadlines.**

(a) The provisions of this subchapter are applicable to owners and operators of all underground storage tanks (USTs) and all petroleum product aboveground storage tanks (ASTs) unless otherwise specified in Subchapters A or F of this chapter (relating to General Provisions and Aboveground Storage Tanks, respectively). For releases to which Chapter 350 of this title (relating to Texas Risk Reduction Program) was previously applicable under former rule (i.e. releases reported on or after September 1, 2003), this subchapter shall be used as of the effective date of this subsection.

(b) If the release was reported to the agency on or before December 22, 1998, the person performing the corrective action shall meet the following deadlines:

(1) a complete site assessment and risk assessment (including, but not limited to, risk-based criteria for establishing target concentrations), as determined by the executive director, must be received by the agency no later than September 1, 2002;

(2) a complete corrective action plan, as determined by the executive director and including, but not limited to, completion of pilot studies and recommendation of a cost-effective and technically appropriate remediation methodology, must be received by the agency no later than September 1, 2003. The person may, in lieu of this requirement, submit by this same deadline a demonstration that a corrective action plan is not required for the site in question under commission rules. Such demonstration must be to the executive director's satisfaction;

(3) for those sites found under paragraph (2) of this subsection to require a corrective action plan, that plan must be initiated and proceeding according to the requirements and deadlines in the approved plan no later than March 1, 2004;

(4) for sites which require either a corrective action plan or groundwater monitoring, a comprehensive and accurate annual status report concerning those activities must be submitted to the agency;

(5) for sites which require either a corrective action plan or groundwater monitoring, all deadlines set by the executive director concerning the corrective action plan or approved groundwater monitoring plan shall be met; and

(6) for sites that require either a corrective action plan or groundwater monitoring, have met all other deadlines under this subsection, and have submitted

annual progress reports that demonstrate progress toward meeting closure requirements, a site closure request must be submitted to the executive director no later than September 1, 2011. The request must be complete, as judged by the executive director.

(c) Failure to meet the deadlines detailed in subsection (b) of this section will result in a loss of reimbursement eligibility as described in Subchapter H of this chapter (relating to Reimbursement Program).

Adopted February 25, 2009

Effective March 19, 2009

### **§334.72. Reporting of Suspected Releases.**

Owners and operators of aboveground storage tank (AST) and underground storage tank (UST) systems must report to the agency within 24 hours (see §334.50(d)(9)(A)(v) of this title (relating to Release Detection) for reporting requirements associated with statistical inventory reconciliation inconclusive results), and follow the procedures in §334.74 of this title (relating to Release Investigation and Confirmation Steps) for any of the following conditions:

(1) The discovery by owners and operators, or written notification by others to the owner or operator, of released regulated substances at the AST or UST site or in the surrounding area (such as the presence of non-aqueous phase liquids (NAPL) or vapors in soils, basements, sewer and utility lines, and nearby surface water);

(2) Unusual operating conditions observed by owners or operators (such as the erratic behavior of product dispensing equipment that is consistent with or indicates a release, the sudden loss of product from the AST or UST system, or an unexplained presence of water in the tank), unless the system equipment is found to be defective but not leaking;

(3) Monitoring results from a release detection method required under §334.50 of this title (relating to Release Detection) or other method that indicates a release may have occurred unless:

(A) the monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, or the monitoring procedure is found to be ineffective, and is modified, and additional monitoring does not confirm the initial result; or

(B) in the case of inventory control, a second month of data does not confirm the initial result; or

(4) For UST systems which are required to be of double-wall construction

or secondarily contained and for UST systems in which interstitial monitoring is being employed for compliance with the requirements of §334.50 of this title, whenever monitoring or observation indicates a breach in either the primary wall or secondary barrier (whether or not a release of regulated substance into the environment has occurred), unless the primary or secondary barrier is determined to be intact, and the monitoring equipment is found to be defective, and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result.

Adopted November 1, 2000

Effective November 23, 2000

**§334.73. Investigation Due to Off-Site Impacts.**

When required by the agency, owners and operators of aboveground storage tank (AST) or underground storage tank (UST) systems must follow the procedures in §334.74 of this title (relating to Release Investigation and Confirmation Steps) to determine if the AST or UST system is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of Non-Aqueous Phase Liquids (NAPLs) or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking waters) that have been observed by agency staff or brought to the agency's attention by another party.

Adopted November 1, 2000

Effective November 23, 2000

**§334.74. Release Investigation and Confirmation Steps.**

Unless corrective action is initiated in accordance with §§334.76 - 334.81 of this title (relating to Initial Response to Releases; Initial Abatement Measures and Site Check; Site Assessment; Removal of Non-Aqueous Phase Liquids; Investigation for Soil and Groundwater Cleanup; and Corrective Action Plan), owners or operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under §334.72 of this title (relating to Reporting of Suspected Releases) within 30 days, using either the following steps or another procedure and schedule approved or required by the agency.

(1) System test. Owners or operators must conduct tests (according to the requirements for tightness testing in §334.50 of this title (relating to Release Detection)) that determine whether a leak exists in that portion of the tank that routinely contains product, or the attached delivery piping, or both.

(A) Owners and operators must repair, or replace the aboveground storage tank (AST) or underground storage tank (UST) system, and begin corrective action in accordance with §§334.76 - 334.81 of this title if the test results for the system, tank, or delivery piping indicate that a leak exists.

(B) Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.

(C) Owners and operators must conduct a site check as described in paragraph (2) of this section if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

(2) Site check. Owners and operators must measure for the presence of a release where contamination is most likely to be present at the AST or UST site. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence and source of the release.

(A) If the test results from an excavated area, or other area(s) of the AST or the UST site indicate that a release has occurred, owners and operators must begin corrective action in accordance with §§334.76 - 334.81 of this title;

(B) If the test results from an excavated area, or other area(s) of the AST or UST site do not indicate that a release has occurred, further investigation is not required.

(3) In the event there is no evidence of a release after performing the tests required in paragraphs (1) and (2) of this section, the owner or operator must file a report which contains a detailed description of the investigative procedures followed in addressing the requirements of this section and which includes the results of all tests or monitoring performed. This report must be filed with the agency not later than 45 days after the first observation of the suspected release or another schedule approved or required by the agency. The owner or operator shall include with this report a statement which has been signed by the owner or operator certifying that the requirements of this section have been met.

Adopted November 1, 2000

Effective November 23, 2000

### **§334.75. Reporting and Cleanup of Surface Spills and Overfills.**

(a) Owners and operators of aboveground storage tanks (AST) and underground storage tank (UST) systems must contain and immediately clean up a spill or overfill, report the spill or overfill to the agency within 24 hours, and begin corrective action in accordance with §§334.76 - 334.81 of this title (relating to Initial Response to Releases; Initial Abatement Measures and Site Check; Site Assessment; Removal of Non-Aqueous Phase Liquids; Investigation for Soil and Groundwater Cleanup; and Corrective Action

Plan) in the following cases:

(1) any spill or overflow of petroleum substance from an UST or any spill or overflow of petroleum product from an AST that results in a release to the environment that exceeds 25 gallons, or that causes a sheen on nearby surface water; and

(2) any spill or overflow of a hazardous substance that results in a release from an UST to the environment that equals or exceeds its reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (40 Code of Federal Regulations (CFR) Part 302).

(b) Owners and operators must contain and immediately clean up a spill or overflow of any petroleum substance from an UST or any petroleum product from an AST that is less than 25 gallons. Owners or operators of USTs must contain and immediately clean up a spill or overflow of a hazardous substance that is less than the reportable quantity under CERCLA (40 CFR Part 302). If cleanup cannot be accomplished within 24 hours, owners and operators must immediately notify the agency.

Adopted November 1, 2000

Effective November 23, 2000

### **§334.76. Initial Response to Releases.**

Upon confirmation of a release in accordance with §334.74 of this title (relating to Release Investigation and Confirmation Steps) or after a release from the aboveground storage tank (AST) or underground storage tank (UST) system is identified in any other manner, owners and operators must perform the following initial response actions within 24 hours of a release:

(1) report the release to the agency (e.g., by completed telephone call, facsimile transmission, or electronic mail);

(2) take immediate action to prevent any further release of the regulated substance into the environment, including shutting down the leaking AST or UST system as determined necessary; and

(3) identify and mitigate fire, explosion, and vapor hazards.

Adopted November 1, 2000

Effective November 23, 2000

### **§334.77. Initial Abatement Measures and Site Check.**

(a) Unless directed to do otherwise by the agency, owners and operators must perform the following abatement measures:

(1) remove as much of the regulated substance from the aboveground storage tank (AST) or underground storage tank (UST) system as is necessary to prevent further release to the environment;

(2) visually inspect any aboveground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils and groundwater;

(3) continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the AST or UST excavation zone and entered into subsurface structures (such as sewers or basements);

(4) remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator must comply with applicable state and local requirements;

(5) measure for the presence of a release where contamination is most likely to be present at the AST or UST site, unless the presence and source of the release have been confirmed in accordance with the site check required by §334.74 of this title (relating to Release Investigation and Confirmation Steps) or the closure site assessment of §334.55(e) of this title (relating to Permanent Removal from Service). In selecting sample types, sample locations, and measurement methods, the owner and operator must consider the nature of the stored substance, the type of backfill, depth to groundwater, and other factors as appropriate for identifying the presence and source of the release; and

(6) investigate to determine the possible presence of Non-Aqueous Phase Liquids (NAPLs) and begin NAPL removal as soon as practicable and in accordance with §334.79 of this title (relating to Removal of Non-Aqueous Phase Liquids).

(b) Within 20 days after release confirmation, owners and operators must submit a report to the agency summarizing the initial abatement steps taken under subsection (a) of this section and any resulting information or data unless another reporting period is specified by the agency.

Adopted November 1, 2000

Effective November 23, 2000

**§334.78. Site Assessment.**

(a) Unless directed to do otherwise by the agency, owners and operators must assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measure in §334.75 and §334.76 of this title (relating to Reporting and Cleanup of Surface Spills and

Overfills; and Initial Response to Releases). This information must include, but is not necessarily limited to the following:

- (1) data on the nature, cause, and estimated quantity of release;
- (2) data from available sources and/or site investigations concerning the following factors: surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions, and land use;
- (3) results of the site check required under §334.77 of this title (relating to Initial Abatement Measures and Site Check);
- (4) results of the Non-Aqueous Phase Liquids (NAPLs) investigations required under §334.77 of this title, to be used by owners and operators to determine whether free product must be recovered under §334.79 of this title (relating to Removal of Non-Aqueous Phase Liquids (NAPLs));
- (5) at a minimum, a determination of the degree and lateral and vertical extent of the on-site contaminated area (soil and groundwater) as required by the agency;
- (6) identification of all potential exposure pathways as required by the agency;
- (7) a determination of the site classification, in accordance with subsection (b) of this section;
- (8) an evaluation of the site pursuant to §334.203(1) of this title (relating to Risk-Based Criteria For Establishing Target Concentrations); and
- (9) any other related information requested by the agency.

(b) Site classification. Owners and operators must conduct site assessment actions to collect critical information in a manner approved by, or directed by, the agency to determine the degree and nature of the release and identify potential receptors. Subsequently, the owner and operator of an aboveground storage tank (AST) or underground storage tank (UST) must establish the classification of the release(s) according to the classification system established by the agency. The classification system shall be used to qualitatively assess the degree of threat the release poses to public health and safety, and the environment relative to all other leaking storage tank sites. The classification system will be utilized by the agency as the primary method to coordinate leaking storage tanks sites.

(1) Owners and operators shall utilize the site classification scheme established by the agency.

(2) Classification will be based upon the results of completed assessment actions and the best professional judgment of the registered corrective action specialist and the agency.

(3) The classification system shall be used to regulate the timing of corrective action at individual sites when necessary to protect the viability of the Petroleum Storage Tank Remediation Fund.

(4) The classification of any one site may be adjusted upward or downward by the agency as further site information is obtained or as exposure conditions change.

(5) Additional exposure scenarios may be added to the classification system by the agency as situations are encountered that are not currently addressed in the system.

(6) The agency may direct corrective actions out-of-classification order as necessary to ensure efficient use of available agency resources, including staff, time, and the funds from the Petroleum Storage Tank Remediation Fund.

(c) Within 45 days of release confirmation, owners and operators must submit the information collected in compliance with subsection (a) of this section to the agency in a manner that demonstrates its applicability and technical adequacy, or in a format and according to the schedule required by the agency.

(d) Any documents submitted as a site assessment which do not contain all of the information required by this section shall not be accepted by the executive director, may be returned by the agency, and shall not qualify as a submitted site assessment for the purposes of this chapter. Return of such documents by the agency does not prevent the owner or operator from filing subsequent site assessment documentation.

Adopted November 1, 2000

Effective November 23, 2000

**§334.79. Removal of Non-Aqueous Phase Liquids (NAPLs).**

At sites where investigations under §334.77 of this title (relating to Initial Abatement Measures and Site Check), or by other means, indicate the presence of Non-Aqueous Phase Liquids (NAPLs), owners and operators must remove NAPLs to the maximum extent practicable as determined by the agency while continuing, as necessary, any actions required under §334.80 and §334.81 of this title (relating to Investigations for Soil and Groundwater Cleanup; and Corrective Action Plan). In

meeting the requirements of this section, owners and operators must:

(1) conduct NAPL removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site, and that properly treats, discharges, or disposes of recovery by-products in compliance with applicable local, state, and federal regulations;

(2) abate the migration of NAPLs as a minimum objective for the design of the NAPL recovery system;

(3) handle any regulated substances in a safe and competent manner to prevent fires, explosions, or other health hazards; and

(4) unless directed to do otherwise, prepare and submit to the agency, within 45 days after confirming a release, a product recovery report that provides at least the following information:

(A) the name of the person(s) responsible for implementing the NAPL removal measures;

(B) the estimated quantity, type, and thickness of NAPL observed or measured in wells, boreholes, and excavations;

(C) detailed information pertaining to the type of NAPL recovery system used;

(D) whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;

(E) the type of treatment applied to, and the effluent quality expected from any discharge;

(F) the steps that have been, or are being taken to obtain necessary permits or other authorizations for any discharge;

(G) the disposition of the recovered NAPL; and

(H) any other related information requested by the agency.

Adopted November 1, 2000

Effective November 23, 2000

**§334.80. Investigation for Soil and Groundwater Cleanup.**

(a) To determine the full extent and location of soils contaminated by the release, the presence and concentrations of dissolved regulated substance contamination in the groundwater, and the risk associated with the release, owners and operators must conduct investigations of the release, the release site, and the surrounding area (including adjacent areas not under ownership by the owner or operator) as necessary to determine the extent of the release if any of the following conditions exist:

(1) there is evidence that groundwater wells have been affected by the release (e.g., as found during release confirmation or previous corrective action measures);

(2) Non-Aqueous Phase Liquid is found to need recovery in compliance with §334.79 of this title (relating to Removal of Non-Aqueous Phase Liquids (NAPLs));

(3) there is evidence that contaminated soils may be in contact with groundwater (e.g., as found during conduct of the initial response measures or investigations required under §§334.75-334.79 of this title (relating to Reporting and Cleanup of Surface Spills and Overfills; Initial Response to Releases; Initial Abatement Measures and Site Check; Site Assessment; and Removal of Non-Aqueous Phase Liquids(NAPLs))); or

(4) the agency requests an investigation, based on the potential effects of contaminated soil or groundwater on nearby surface water or groundwater resources.

(b) Owners and operators must submit the information collected under subsection (a) of this section as soon as practicable, or in accordance with a schedule established by the agency.

Adopted November 1, 2000

Effective November 23, 2000

### **§334.81. Corrective Action Plan.**

(a) At any point after reviewing the information submitted in compliance with §§334.76 - 334.78 of this title (relating to Initial Response to Releases; Initial Abatement Measures and Site Check; and Site Assessment), the agency may require owners or operators to submit additional information or to develop and submit a corrective action plan for responding to contaminated soils and groundwater. If a plan is required, owners and operators must submit the plan according to a schedule and format established by the agency. Alternatively, owners and operators may, after fulfilling the requirements of §§334.76 - 334.78 of this title, choose to submit a corrective action plan for responding to contaminated soil and groundwater. In either case, owners and operators are responsible for submitting a plan that provides for adequate protection of human health, safety, and the environment as determined by the agency, and must modify their plan as necessary to meet this standard.

(b) The agency will approve the corrective action plan after ensuring that implementation of the plan will adequately protect human health, safety, and the environment as determined in §334.203 of this title (relating to Risk Based Criteria for Establishing Target Concentrations) and to achieve case closure criteria. In making this determination, the agency will consider the following factors as deemed appropriate:

- (1) the physical and chemical characteristics of the regulated substance, including its toxicity, persistence, and potential for migration;
- (2) the hydrogeologic characteristics of the facility and the surrounding area;
- (3) the proximity, quality, and current and future uses of nearby surface water and groundwater;
- (4) the potential effects of residual contamination on nearby surface water and groundwater;
- (5) an exposure assessment;
- (6) a determination of the most effective and feasible method of remediation;
- (7) an estimate of the time to achieve cleanup;
- (8) operation, monitoring, and performance plan; and
- (9) any information assembled in compliance with this subchapter.

(c) Owners and operators shall submit information pertaining to the items in subsection (b) of this section upon request of the agency.

(d) Any documents submitted as a corrective action plan which do not contain all of the information required by this section shall not be accepted or approved by the agency, may be returned by the agency, and shall not qualify as a submitted corrective action plan for the purposes of this chapter. Return of such documents by the agency does not prevent the owner or operator from filing subsequent corrective action plan documentation.

(e) Upon approval of the corrective action plan or as directed by the agency, owners and operators must implement the plan, including any revisions to the plan as requested by the agency. They must monitor, evaluate, and report the results of implementing the plan in accordance with a schedule and in a format established by the

agency.

(f) Owners and operators may, in the interest of minimizing environmental contamination and promoting more effective cleanup, begin cleanup of soil and groundwater before the corrective action is approved provided that they:

(1) notify the agency of their intention to begin cleanup;

(2) comply with any conditions imposed by the agency, including halting cleanup or mitigating adverse consequences from cleanup activities;

(3) incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the agency for approval; and

(4) prior to discharge of any waste, obtain necessary authorization from the agency.

(g) To verify the effectiveness of corrective action taken by the owner or operator, the agency may require continued monitoring of soil, vapors, groundwater, and/or surface water.

(h) Upon completion of corrective action taken in response to the requirements of this section, the owner or operator must submit a statement signed by the owner or operator which certifies that the requirements of this section and the procedures in the approved corrective action plan have been accomplished.

(i) The agency will issue a closure letter in response to the certification of completion of corrective action requirements submitted by the owner or operator as required in subsection (h) of this section.

Adopted November 1, 2000

Effective November 23, 2000

**§334.82. Public Participation.**

(a) For each confirmed release that requires corrective action, the owner or operator must provide notice to the public by means designated to reach those members of the public directly affected by the release and the planned corrective action. This notice may include, but is not limited to, public notice in local newspapers, block advertisements, publication in a state register, certified letters to individual households or businesses, or personal contacts.

(b) The owner or operator must submit proof of the notification required under subsection (a) of this section to the agency within 30 days of either agency, or owner or operator, determination that off-site assessment is required, whichever date is earlier.

(c) The agency shall give public notice to affected parties if implementation of an approved corrective action plan does not achieve the established cleanup levels in the plan and termination of that plan is under consideration by the executive director. When corrective action is performed by the agency, the agency will provide the notification referenced in subsection (a) of this section.

Adopted March 13, 2002

Effective April 2, 2002

**§334.83. Emergency Orders.**

Notwithstanding any other provision of this subchapter, the commission or the executive director may issue emergency orders under Texas Water Code, §5.510 and Chapter 35 of this title (relating to Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions) to the owner or operator of an aboveground storage tank or underground storage tank.

Adopted November 1, 2000

Effective November 23, 2000

**§334.84. Corrective Action by the Agency.**

(a) The agency may undertake corrective action in response to a release or a threatened release if:

(1) the owner or operator of the aboveground storage tank (AST) or underground storage tank (UST) is unwilling to take appropriate corrective action;

(2) the owner or operator of the AST or UST cannot be found;

(3) the owner or operator of the AST or UST, in the opinion of the agency, is unable to take the corrective action necessary to protect the public health and safety and/or the environment;

(4) the owner or operator is eligible for an extension for corrective action reimbursement under Texas Water Code, §26.3571; has been granted such extension by the executive director; has applied to the agency in writing on an agency application form not later than July 1, 2011, to have an eligible corrective action site placed in the Petroleum Storage Tank State Lead Program administered by the commission; and has agreed on the application form to allow access to that site to state personnel and state contractors. Once the executive director places such a site in the state lead program, the eligible owner or operator of that site is not liable to the commission for any corrective action costs incurred by the state lead program with regard to the site, unless the statutorily allowable maximum cost per site is exceeded; or

(5) notwithstanding any other provision of this subchapter, the executive director determines that more expeditious corrective action than is provided by this subchapter is necessary to protect the public health and safety or the environment.

(b) The agency may retain agents to perform corrective action it considers necessary to carry out the provisions of this chapter. The agents shall operate under the direction of the executive director.

(c) The agency shall generate a written response either accepting or denying the application of an eligible owner or operator, who has applied to the agency in accordance with the requirements of subsection (a)(4) of this section to have an eligible corrective action site placed in the Petroleum Storage Tank State Lead Program, within 30 calendar days, as practicable, of the date that application is received by the agency's state lead program.

(d) The commission may undertake corrective action to remove a UST or AST that:

(1) is not in compliance with the requirements of this chapter;

(2) is temporarily out of service as described in §334.54(a) of this title (relating to Temporary Removal from Service) or out of operation as defined in §334.2(71) of this title (relating to Definitions);

(3) presents a contamination risk. A determination of the potential risk of contamination from a site may be made by the executive director based on such factors including, but not limited to, estimated age of the tank system; status as secured or non-secured; presence, absence, whether known or unknown, of regulated substances in the tank system; length of time the tank system has been out of service; location, including proximity to sensitive receptors; and any other relevant information regarding the UST system; and

(4) is owned or operated by a person who is financially unable to remove the tank. A determination of financial inability under this section may be made by the executive director based on such factors including, but not limited to, a tank owner or operator's financial statements; federal or state income tax returns; gross and net income for each of the three preceding years; net worth for each of the three preceding years; current cash flow position; long-term liabilities; the liquidity of assets; and any other data requested by the executive director, which in the opinion of the executive director is relevant to a determination of the ability of the tank owner or operator to fund proper removal of UST systems from service pursuant to §334.55 of this title (relating to Permanent Removal from Service).

Adopted March 28, 2012

Effective April 19, 2012

**§334.85. Management of Wastes.**

The management and disposition of waste generated as a result of a release of regulated substances associated with an aboveground or underground storage tank must be in accordance with all applicable federal and state requirements and in a manner that will not result in adverse impacts to human health and safety and the environment.

Adopted November 1, 2000

Effective November 23, 2000