

The following is an Adobe Acrobat reproduction of the official

**Notice of Intent to Propose
J.C. Pennco Waste Oil Service**

for listing on the

Texas Superfund Registry

as published in the

Texas Register

(22 TexReg 8570-8571)

on

August 26, 1997

**A portion of the records for this site, including documents
pertinent to the TNRCC determination of eligibility, is
available for viewing with the site repository records available**

at

McCreless Branch Library

1023 Ada Street

San Antonio, Texas

or

TNRCC Records Management Center

Austin, Texas

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Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

Issued in Austin, Texas, on August 18, 1997.

TRD-9710923
Bernice Ross
Deputy Chief Clerk
Texas Department of Insurance
Filed: August 18, 1997



Third Party Administrator Applications

The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

Application for admission to Texas of National Administrative Services, Inc., a foreign third party administrator. The home office is Wilmington, Delaware.

Application for admission to Texas of Long Term Care Group, Inc., a foreign third party administrator. The home office is Dover, Delaware.

Application for admission to Texas of Morgan-White Administrators, Inc., a foreign third party administrator. The home office is Jackson, Mississippi.

Application for admission to Texas of Physicians Consultant and Management Corporation, (using the assumed name of PhyMatrix Consulting and Managed Care Company), a foreign third party administrator. The home office is West Palm Beach, Florida.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on August 20, 1997.

TRD-9710990
Bernice Ross
Deputy Chief Clerk
Texas Department of Insurance
Filed: August 20, 1997



Texas Department of Mental Health and Mental Retardation

Notice of Amendment to Consulting Services Contract

In accordance with the Texas Government Code, Chapter 2254, the Texas Department of Mental Health and Mental Retardation (TDMHMR) publishes this notice of amendment of a consulting services contract. The original request for management consulting services relating to ICF/MR and HCS rate methodologies, department rules, and rate negotiations was published in the June 18, 1996, issue of the *Texas Register* (21 TexReg 5636).

The department awarded the original consulting services contract to Deloitte & Touche, LLP, 1010 Grand Avenue, Suite 400, Kansas City, Missouri 64106. The total dollar amount of the original contract

was \$678,316.00 and was effective from July 29, 1996, through March 1, 1997.

This contract has been amended to include facilitating the Inventory for Client and Agency Planning (ICAP) training session, videotaping, production, and conference room facility expenses for presentations. The amendment is effective October 1, 1996, with an increase in the total amount of the contract of \$4,145.15, for a revised total not to exceed \$682,461.15.

The contractor has submitted a final report, a copy of which may be obtained by contacting Ernest McKenney, Director, Medicaid Administration, TDMHMR, P.O. Box 12668, Austin, TX 78711.

Issued in Austin, Texas, on August 19, 1997.

TRD-9710958
Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and Mental Retardation
Filed: August 19, 1997



Notice of Public Hearing on Medicaid Rates

The Texas Department of Mental Health and Mental Retardation (TDMHMR) will conduct a public hearing to receive comments on the department's proposed reimbursements for the period September 1, 1997, through August 31, 1998, for the following Medicaid programs: Home and Community-based Waiver Services - OBRA. The public hearing is held in compliance with Title 25, Texas Administrative Code, Chapter 409, Subchapter A, §409.002(j), which requires a public hearing on proposed reimbursement rates for medical assistance programs.

The hearing will be held at 8:30 a.m., Monday, September 8, 1997, in auditorium of the main TDMHMR Central Office building (Building 2) at 909 West 45th Street in Austin, Texas.

Persons who wish to offer testimony but who are unable to attend the hearing may submit written comments which must be received by noon the day of the hearing. The written comments should be sent to the Data Analysis Section, Medicaid Administration, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668 or faxed to (512) 206-5725.

Interested parties may obtain a copy of the reimbursement briefing package by calling the Data Analysis Section at (512) 206-5680. If interpreters for the deaf and hearing impaired are required, please contact the Data Analysis Section at the number given above at least 72 hours in advance of the hearing.

Issued in Austin, Texas, on August 20, 1997.

TRD-9710977
Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and Mental Retardation
Filed: August 20, 1997



Texas Natural Resource Conservation Commission

Public Notice

The Texas Natural Resource Conservation Commission (TNRCC or Commission) is required under the Texas Solid Waste Disposal Act, Health and Safety Code Chapter 361, as amended, to identify and assess facilities that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. Pursuant to §361.184(a), the Commission must publish in the *Texas Register* those facilities which are identified as eligible for listing on the registry of state Superfund sites. The most recent registry listing was published in the April 18, 1997, issue of the *Texas Register* (22 TexReg 3631).

The following is a facility or area that the executive director of the TNRCC has determined eligible for listing and which the executive director proposes to list on the state registry. Also specified is the general nature of the potential endangerment to public health and safety or the environment as determined by information currently available to the executive director.

The facility known as J. C. Pennco Waste Oil Service (the "site") is located at 4927 Higdon Road, approximately .25 miles east of the intersection of Higdon Road and South W.W. White Road on the north side of Higdon Road in San Antonio, Bexar County, Texas. The site was owned and operated by John C. Pennington as a used drum recycling and waste oil recycling facility. The site became inactive in April 1992.

A site inspection in March 1993 indicated that many of the approximately twenty-five tanks on the site were overflowing, lacked effective containment systems, and had holes, which were uncovered, cut in their tops and sides. Approximately 4,000 drums were scattered throughout the site. The majority of those drums appeared empty but did contain residuals of paints, solvents, insecticides, herbicides, acids and oil field products. A number of other drums were leaking or overflowing. Extensive areas of soil contamination existed throughout the site.

On March 21, 1994, an immediate removal action was initiated at the site. A fence was constructed around the site to provide security. Leaking or overflowing drums were stabilized by over packing or covering with plastic. Covers were constructed and installed over holes in tanks; warning signs were posted.

The TNRCC has scheduled a public meeting regarding the proposed listing of the site on the state registry. The public meeting has been scheduled for 7:00 p.m., Thursday, October 9, 1997, at the Salado Intermediate School, Cafetorium, 3602 South W. W. White Road, San Antonio, Bexar County, Texas. This public meeting shall be held for the purpose of obtaining additional information regarding the site and identifying additional potentially responsible parties. The meeting will be legislative in nature and not a contested case hearing under the Texas Administrative Procedure Act (Government Code, Chapter 2001).

Persons desiring to comment on the proposed listing of this site or to give additional information may do so in the context of the public meeting either orally or in writing. Written comments or additional information may also be submitted to the attention of Michael Moore, TNRCC, Pollution Cleanup Division, MC-143, P. O. Box 13087, Austin, Texas 78711-3087. All comments must be received by the Commission by the end of the public meeting on October 9, 1997.

The executive director of the TNRCC prepared a brief summary of the Commission's records regarding this site. This summary, as well

as a portion of the records for the site, is available for inspection and copying during the regular business hours of the McCreless Branch Library, 1023 Ada Street, San Antonio, Texas, (210) 532-4254.

Copies of the complete public record file may be obtained during regular business hours at the TNRCC, Central Records Center, Building D, North entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753; telephone 1 (800) 633-9363 (within Texas only) or (512) 239-2920. Copying of file information is subject to payment of a fee.

For further information about the site or the public meeting, you may call Barbara Daywood, Community Relations Coordinator, at 1 (800) 633-9363 (within Texas only) or (512) 239-2463.

Issued in Austin, Texas, on August 20, 1997.

TRD-9710982
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation Commission
Filed: August 20, 1997

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Texas Board of Occupational Therapy Examiners

Correction of Error

The Texas Board of Occupational Therapy Examiners proposed an amendment to 40 TAC §362.1. The rule appeared in the July 22, 1997, issue of the *Texas Register*, (22 TexReg 6848).

On page 6849, the definition of the word "Examination", the leading bracket (⌈) is missing from in front of American Occupational Therapy Certification Board certification examination].

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Texas Parks and Wildlife Department

Request for Nominations-Big Bend National Park

The Texas Parks and Wildlife Department (TPWD) is seeking nominations for a nonprofit organization to be the "designated organization" by the TPWD that will receive support for its activities from the Big Bend National Park account in the state treasury. The nonprofit organization must have as its principal purpose the improvement or preservation of Big Bend National Park.

Nominations should include the organization's name, address, legal status, names and addresses of principal officers, description of governing board, mission statement, point of contact, and a short narrative of activities undertaken in support of the Big Bend National Park.

This action is taken in accordance with House Bill 2519 passed by the 75th Regular Session of the Texas Legislature. Nominations will be accepted until 5:00 p.m. on September 12, 1997 at the office of Ralph Rayburn, Director, Intergovernmental Affairs, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, TX 78744. For more information contact Ralph Rayburn at (512) 389-4530.

Issued in Austin, Texas, on August 19, 1997.

TRD-9710947
Bill Harvey