

# TEXAS REGISTER



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How to Use the Texas Register

Information Available: The 11 sections of the Texas Register represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules- sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following a 30-day public comment period.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Open Meetings - notices of open meetings.

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

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

How to Cite: Material published in the Texas Register is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 19 (1994) is cited as follows: 19 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "19 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 19 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using Texas Register indexes, the Texas Administrative Code, section numbers, or TRD number.

Texas Administrative Code

The Texas Administrative Code (TAC) is the official compilation of all final state agency rules published in the Texas Register. Following its effective date, a rule is entered into the Texas Administrative Code. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC. West Publishing Company, the official publisher of the TAC, publishes on an annual basis.

The TAC volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals).

The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency. The Official TAC also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the TAC or to inquire about WESTLAW access to the TAC call West: 1-800-328-9352.

The Titles of the TAC, and their respective Title numbers are:

- 1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

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

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

How to update: To find out if a rule has changed since the publication of the current supplement to the Texas Administrative Code, please look at the Table of TAC Titles Affected. The table is published cumulatively in the blue-cover quarterly indexes to the Texas Register (January 21, April 15, July 12, and October 11, 1994). In its second issue each month the Texas Register contains a cumulative Table of TAC Titles Affected for the preceding month. If a rule has changed during the time period covered by the table, the rule's TAC number will be printed with one or more Texas Register page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
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40 TAC §3.704.....950, 1820

The Table of TAC Titles Affected is cumulative for each volume of the Texas Register (calendar year).

Update by FAX: An up-to-date Table of TAC Titles Affected is available by FAX upon request. Please specify the state agency and the TAC number(s) you wish to update. This service is free to Texas Register subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of \$2.00 per page (VISA, MasterCard). (512) 463-5561.

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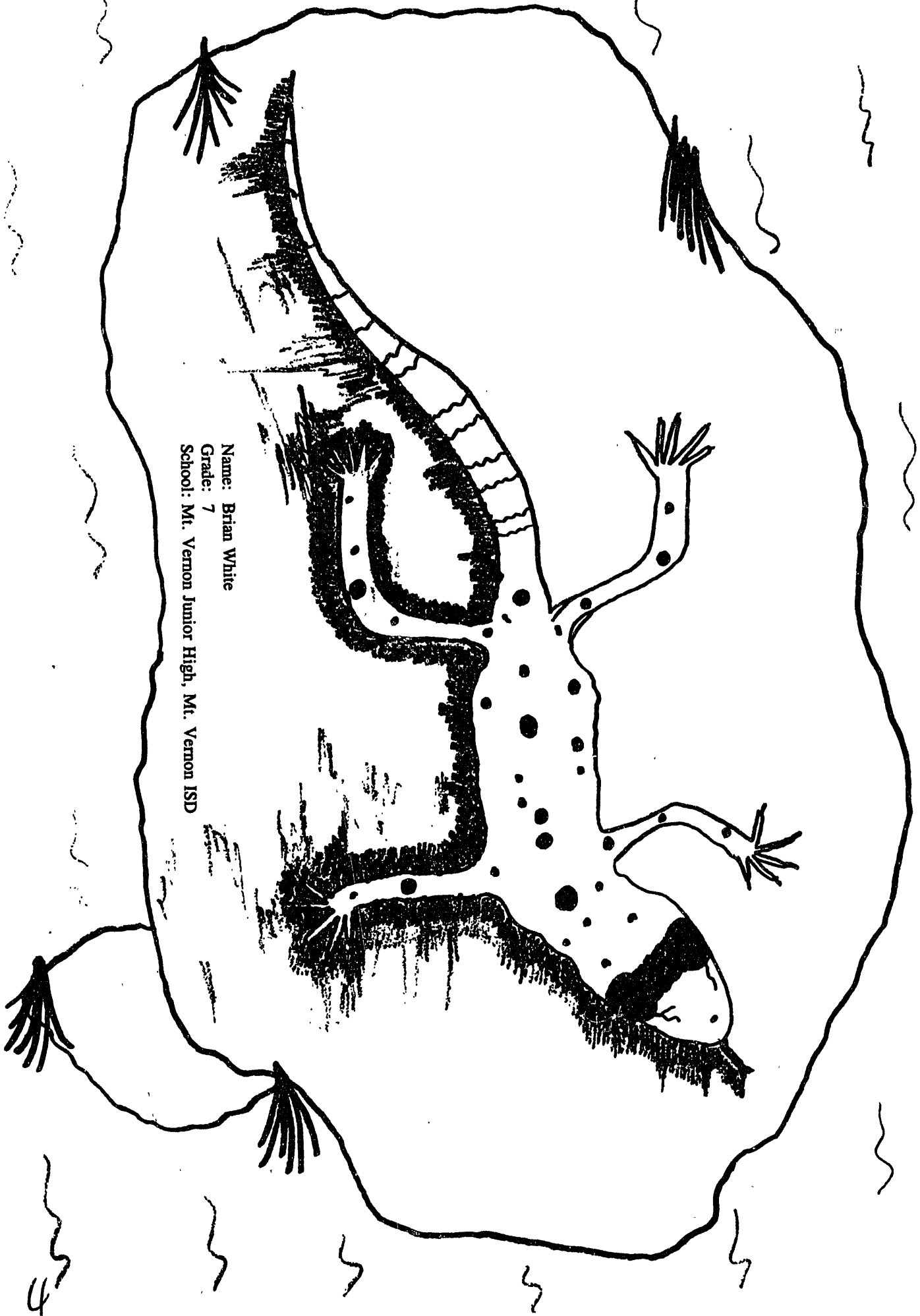
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# ADOPTED RULES

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 1. ADMINISTRATION

### Part XII. Advisory Commission on State Emergency Communications

#### Chapter 251. Regional Plans-Standards

##### • 1 TAC §251.4

The Advisory Commission on State Emergency Communications adopts the repeal of §251.4, concerning Guidelines for the Provisioning of Ancillary Equipment as published in the September 6, 1994, issue of the *Texas Register* (19 TexReg 6965).

This section is being repealed to allow for the adoption of a new section that will clarify guidelines for the provisioning of equipment necessary for 9-1-1 call delivery. The guidelines are to be used in evaluating individual council of governments requests for equipment/services considered to be essential to system functions.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Health and Safety Code, Chapter 771, §§771.055, 771.056, 771.057, and 771.072, which authorizes ACSEC with the authority to develop and amend a regional plan as necessary within commission standards and procedures to improve 9-1-1 call delivery. It also authorizes 9-1-1 equalization surcharge funding to be used to implement 9-1-1 regional plans that meet commission standards.

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 March 14, 1995.

TRD-9503138 Mary A. Boyd  
Executive Director  
Advisory Commission on  
State Emergency  
Communications

Effective date: February 20, 1995

Proposal publication date: September 6, 1994

For further information, please call: (512) 305-6911

## Part XIII. Texas Incentive and Productivity Commission

### Chapter 273. State Employee Incentive Program

##### • 1 TAC §273.9

The Texas Incentive and Productivity Commission adopts an amendment to §273.9, concerning employee eligibility in the State Employee Incentive Program, without changes to the proposed text as published in the February 3, 1995, issue of the *Texas Register* (20 TexReg 612).

Section 273.9(b) amends employee eligibility requirements to clarify that employees who are temporarily members of a process improvement team are not ineligible solely on that basis to participate in the suggestion program. Subsections (c)-(e) are re-ordered accordingly.

Section 273.9 may enhance participation in the cost saving program by clarifying the eligibility of those who may receive an award.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Government Code, Chapter 2108, §2108.004, which provides the Texas Incentive and Productivity Commission with the authority to promulgate rules for the State Employee Incentive Program.

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

Issued in Austin, Texas, on March 13, 1995.

TRD-9503145 M. Elaine Powell  
Executive Director  
Texas Incentive and  
Productivity  
Commission

Effective date: April 4, 1995

Proposal publication date: February 3, 1995

For further information, please call: (512) 475-2393

## TITLE 22. EXAMINING BOARDS

### Part XII. Board of Vocational Nurse Examiners

#### Chapter 239. Contested Case Procedure

##### Reinstatement Process

##### • 22 TAC §239.54

The Board of Vocational Nurse Examiners adopts an amendment to §239.54, concerning reinstatement process, without changes to the proposed text as published in the February 10, 1995, issue of the *Texas Register* (20 TexReg 935).

The amendment is adopted to bring this rule into consistency with other rules. Also, it clarifies additional sanctions that can be imposed following disciplinary action.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provides the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

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 authority.

Issued in Austin, Texas, on March 13, 1995.

TRD-9503120 Marjorie A. Bronk, R.N.,  
M.S.H.P.  
Executive Director  
Board of Vocational Nurse  
Examiners

Effective date: April 3, 1995

Proposal publication date: February 10, 1995

For further information, please call: (512) 835-2071

# Part XXXII. State Board of Examiners for Speech-Language Pathology and Audiology

## Chapter 741. Speech-Language Pathologists and Audiologists

### Subchapter C. Testing Proce- dures and Equipment

#### • 22 TAC §741.32, §741.33

The State Board of Examiners for Speech-Language Pathology and Audiology (board) adopts amendments to §§741.32, 741.41, 741.65, 741.85, 741.162-741.164, and 741.193 and new §741.33 concerning speech-language pathologist and audiologists. Sections 741.32, 741.41, 741.65 and 741.85 and new §741.33 are adopted with changes to the proposed text as published in the December 13, 1994, issue of the *Texas Register* (19 TexReg 9828). Sections 741.162-741.164 and 741.193 are adopted without changes and will not be republished.

The sections set out testing procedures and equipment; calibration of audiometric equipment; requirements for assistant licenses and use of communication helpers; categories under which complaints may be filed, and several minor editorial changes.

These sections delineate acceptable standard for calibration of audiometric equipment, clarify where an applicant for an assistant license may obtain clinical observation and practicum hours; delete all references to communication helper since this person is not licensed and, therefore, not under the purview of this board; add a new category of complaints and make several minor editorial changes. The new section establishes the requirements for a stationary acoustical enclosure and is necessary to implement legislation passed by the 73rd Legislature, 1993.

The following comments were received concerning the proposed sections.

**COMMENT** Numerous comments were received concerning hearing screening at 20 dB as defined in §741.32. Commenters stated that screening had been conducted at 25 dB for over 20 years with no adverse effect. The change to 20 dB would require a quieter area in which to conduct the screening and in most cases that was not possible. Furthermore, screening at 20 dB had resulted in over-referrals which created unnecessary expense and inconvenience for parents.

**RESPONSE:** New legislation, effective September 1, 1993, requires the board to define hearing screening for the Texas Department of Health's hearing screening training program and for registered nurses. This language was originally published as proposed rules in the November 12, 1993, issue of the *Texas Register* with an implementation date of August 1, 1994. The board adopted the rule that screening be conducted at 20 decibels because that is the screening level recommended by a number of studies and by

the American Speech-Language-Hearing Association. No comments were received regarding the change to 20 dB at that time. The rule was adopted in the April 8, 1994, issue of the *Texas Register* (19 TexReg 2489). It was not until after the Texas Department of Health informed the schools of the new procedures that concern was expressed. The board met with staff from the Children's Health Division, Texas Department of Health, and representatives of the Texas Nurses Association and the Texas School Nurses Association. The commenters were concerned with the existing language in §741.32 that was effective as of April 13, 1994. The board agreed to withdraw the proposed amendment to §741.32 and propose a new section using the language that was agreed upon by all parties. This new section will be proposed in a separate publication of the *Texas Register*. Upon closer review of this section, the board found that the date used to reference the American National Standards Institute was incorrect and made that correction.

**COMMENT.** Concerning §741.41, staff stated that the references to the American National Standards Institute sections were published in error. The references should have used the letter "S" instead of the subsection symbol.

**RESPONSE:** The board agreed that the reference should be "S3 6, 1969, Specification for Audiometers, or S3 6, 1989, Specification for Audiometers" and made the correction.

**COMMENT.** Concerning §741.65 and §741.85, several commenters requested that the board provide an alternative method of obtaining the clinical observation and practicum hours required for licensure if the university or college the applicant attended did not offer this experience to undergraduate students.

**RESPONSE:** The board agreed and added language to these sections to correct the omission.

An editorial change to §741.33(a)(3) was made to correct the spelling of title American National Standards Institute as published in the proposed rules.

Groups or associations that commented on §741.32 were the Texas Department of Health, Texas Association of School Nurses, Texas Nurses Association, Board of Nurse Examiners, Region 12 Education Service Center, University of Texas Medical Branch at Galveston, North East Independent School District, Abilene Independent School District, Whitney Middle School, Klein Independent School District, Gatesville Independent School District, Meridian Independent School District, Connally Independent School District, Harris County Department of Education, Temple Independent School District, Austin Independent School District, Laredo Independent School District, and Ysleta Independent School District.

Groups or associations that commented on §741.65 and §741.85 were the Texas Education Agency, Texas Council of Administrators in Special Education and Alamo Heights Independent School District.

The commenters were neither for or against the sections in their entirety; however, they

had questions and offered suggestions regarding changes.

The amendments and new section are adopted under Texas Civil Statutes, Article 4512j, §§5 and 9A, which provide the State Board of Examiners for Speech-Language Pathology and Audiology with the authority to adopt rules necessary to administer and enforce Article 4512j, and to regulate licensees who fit and dispense hearing instruments.

#### §741.32. Hearing Screening.

(a) (No change.)

(b) Pure-tone hearing screening is an automated or manually administered individual pure-tone air conduction screening with pass/fail results for the purpose of rapidly identifying those persons with possible hearing impairment which has the potential of interfering with communication. Hearing screening will be conducted as follows: 20 dB HL (re ANSI-1989) at the frequencies of 500, 1000, 2000 and 4000 Hz. This definition will become operational August 1, 1994.

#### §741.33. Stationary Acoustical Enclosure.

(a) A stationary acoustical enclosure includes, but is not limited to, an audiometric test room.

(1) An audiometric test room is any enclosed space in which a listener is located for the purpose of testing hearing. An audiometric test room may also be known as:

- (A) an audiometric test area;
- (B) a hearing test space; or
- (C) a hearing test room.

(2) An example of an audiometric test room would be a prefabricated room known as:

- (A) an audiometric test booth,
- (B) a suite; or
- (C) a sound-treated room.

(3) The primary and necessary requirement of an audiometric test room is to insure the maximum permissible ambient noise levels established by the American National Standards Institute do not exceed the levels for audiometric test room for ears covered 250 to 8000 Hz. The levels are as follows:

Octave band	Ears covered
125	36.5

250 22.5  
 500 19.5  
 1000 26.5  
 2000 28.0  
 4000 34.5  
 8000 43.5

(A) Hearing testing that occurs in an area that does not meet the standard of a stationary acoustical enclosure for the purpose of determining the need for amplification is not considered a diagnostic or threshold measurement.

(B) In the event amplification is deemed necessary and cannot be completed in a stationary acoustical enclosure, instrumentation which is minimally affected by ambient noise, such as real ear measures, shall be used to assure the appropriate fit of the amplification.

(b) Effective July 1, 1996, an audiologist or intern in audiology registered to fit and dispense hearing instruments under this Act must meet the "ears covered" octave band criteria for permissible ambient noise levels during audiometric testing set out in the chart in subsection (a) (3) of this section.

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 March 14, 1995.

TRD-9503218      Gene R. Powers, Ph.D.  
 Chairperson  
 State Board of Examiners  
 for Speech-Language  
 Pathology and  
 Audiology

Effective date: April 5, 1995

Proposal publication date: December 13, 1994

For further information, please call: (512) 458-7236

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**Subchapter D. The Standards  
 of Professional and Ethical  
 Conduct**

• 22 TAC §741.41

The amendment is adopted under Texas Civil Statutes, Article 4512j, §5 and §9A, which provide the State Board of Examiners for Speech-Language Pathology and Audiology with the authority to adopt rules necessary to administer and enforce Article 4512j, and to regulate licensees who fit and dispense hearing instruments. These sections implement Texas Civil Statutes, Article 4512j, relating to speech-language pathologists and audiologists.

§741.41. Code of Ethics.

(a) (No change.)

(b) In addition, an audiologist or intern in audiology registered to fit and dispense hearing instruments under this Act must:

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

(4) insure that all equipment used by the licensee within his or her scope of practice shall be calibrated to insure compliance with the American National Standards Institute, S3.6, 1969, Specification for Audiometers, or S3. 6, 1989, Specification for Audiometers, which the board adopts by reference in this paragraph. Licensees must use the specification section referenced depending upon the date the equipment was manufactured. The standards are available through the American National Standards Institute, 11 West 42nd Street, 13th Floor, New York, New York, 10036, or from the board office; and

(5) (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 March 14, 1995.

TRD-9503219      Gene R. Powers, Ph.D.  
 Chairperson  
 State Board of Examiners  
 for Speech-Language  
 Pathology and  
 Audiology

Effective date: April 5, 1995

Proposal publication date: December 13, 1994

For further information, please call: (512) 458-7236

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**Subchapter E. Requirements  
 for Licensure and Registra-  
 tion of Speech-Language Pa-  
 thologists**

• 22 TAC §741.65

The amendment is adopted under Texas Civil Statutes, Article 4512j, §5 and §9A, which provide the State Board of Examiners for Speech-Language Pathology and Audiology with the authority to adopt rules necessary to administer and enforce Article 4512j, and to regulate licensees who fit and dispense hearing instruments. These sections implement Texas Civil Statutes, Article 4512j, relating to speech-language pathologists and audiologists.

§741.65. Requirements for an Assistant in Speech-Language Pathology License.

(a) An assistant is an individual who provides services and support of clinical programs of speech-language pathology and is supervised by a licensed speech-language pathologist.

(1) (No change.)

(2) An applicant who applies for an assistant in speech-language pathology license on or after September 1, 1994, must meet the following requirements:

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

(C) no fewer than 25 hours of clinical observation and 25 hours of clinical practicum obtained within an educational institution or in one of its cooperating programs and completed under supervision of an individual licensed by this board. If an applicant has not obtained the hours within an educational institution or in one of its cooperating programs, the applicant may file a written request describing how the applicant wishes to obtain the hours and how the applicant's plan would insure appropriate training and experience for the applicant. The board may ask for further information or revisions before approving or disapproving the plan. If approved, an assistant's license shall be issued and the individual shall complete the hours in accordance with the board approved plan within 60 days. If the board office does not receive proof of successful completion of the hours by the end of the 60 days, the individual shall be considered to have voluntarily surrendered the assistant license;

(D)-(E) (No change.)

(b)-(i) (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 March 14, 1995.

TRD-9503220      Gene R. Powers, Ph.D.  
 Chairperson  
 State Board of Examiners  
 for Speech-Language  
 Pathology and  
 Audiology

Effective date: April 5, 1995

Proposal publication date: December 13, 1994

For further information, please call: (512) 458-7236

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**Subchapter F. Requirements  
 for Licensure and Registra-  
 tion of Audiologists**

• 22 TAC §741.85

The amendment is adopted under Texas Civil Statutes, Article 4512j, §5 and §9A, which provide the State Board of Examiners for Speech-Language Pathology and Audiology with the authority to adopt rules necessary to administer and enforce Article 4512j, and to regulate licensees who fit and dispense hear-

ing instruments. These sections implement Texas Civil Statutes, Article 4512j, relating to speech-language pathologists and audiologists.

§741.85. *Requirements for an Assistant in Audiology License.*

(a) An assistant is an individual who provides services and support of clinical programs of audiology and is supervised by a licensed audiologist.

(1) (No change.)

(2) An applicant who applies for an assistant in audiology license on or after September 1, 1994, must meet the following requirements:

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

(C) no fewer than 25 hours of clinical observation and 25 hours of clinical practicum obtained within an educational institution or in one of its cooperating programs and completed under supervision of an individual licensed by this board. If an applicant has not obtained the hours within an educational institution or in one of its cooperating programs, the applicant may file a written request describing how the applicant wishes to obtain the hours and how the applicant's plan would insure appropriate training and experience for the applicant. The board may ask for further information or revisions before approving or disapproving the plan. If approved, an assistant's license shall be issued and the individual shall complete the hours in accordance with the board approved plan within 60 days. If the board office does not receive proof of successful completion of the hours by the end of the 60 days, the individual shall be considered to have voluntarily surrendered the assistant license;

(D)-(E) (No change.)

(b)-(i) (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 March 14, 1995

TRD-9503221      Gene R. Powers, Ph.D.  
Chairperson  
State Board of Examiners  
for Speech-Language  
Pathology and  
Audiology

Effective date: April 5, 1995

Proposal publication date: December 13, 1994

For further information, please call: (512) 458-7236

## Subchapter K. License and Registration Renewal

### • 22 TAC §§741.162-741.164

The amendments are adopted under Texas Civil Statutes, Article 4512j, §5 and §9A, which provide the State Board of Examiners for Speech-Language Pathology and Audiology with the authority to adopt rules necessary to administer and enforce Article 4512j, and to regulate licensees who fit and dispense hearing instruments. These sections implement Texas Civil Statutes, Article 4512j, relating to speech-language pathologists and audiologists.

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 March 14, 1995.

TRD-9503222      Gene R. Powers, Ph.D.  
Chairperson  
State Board of Examiners  
for Speech-Language  
Pathology and  
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Proposal publication date: December 13, 1994

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## Subchapter M. Denial, Probation, Suspension, or Revocation of License or Registration

### • 22 TAC §741.193

The amendment is adopted under Texas Civil Statutes, Article 4512j, §5 and §9A, which provide the State Board of Examiners for Speech-Language Pathology and Audiology with the authority to adopt rules necessary to administer and enforce Article 4512j, and to regulate licensees who fit and dispense hearing instruments. These sections implement Texas Civil Statutes, Article 4512j, relating to speech-language pathologists and audiologists.

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 March 14, 1995.

TRD-9503223      Gene R. Powers, Ph.D.  
Chairperson  
State Board of Examiners  
for Speech-Language  
Pathology and  
Audiology

Effective date: April 5, 1995

Proposal publication date: December 13, 1994

For further information, please call: (512) 458-7236

## TITLE 30. ENVIRONMENTAL QUALITY

### Part I. Texas Natural Resource Conservation Commission

#### Chapter 116. Control of Air Pollution by Permits for New Construction or Modification

The Texas Natural Resource Conservation Commission (TNRCC) adopts amendments to §116.160, concerning Prevention of Significant Deterioration (PSD) Review, and §116.211, concerning the Standard Exemption List. These amendments are adopted with changes to the proposed text as published in the December 27, 1994, issue of the *Texas Register* (19 TexReg 10308). The Standard Exemption List (SEL) is published in its entirety in this adopted version of §116.211 and is now a part of the section. In the past, changes to the SEL were adopted by reference and the text of the changes were not published. The *Texas Register* will publish future revisions to the SEL.

The adoption of §116.160 updates a reference date to reflect a change in the federal PSD rules published in the June 3, 1993, issue of the *Federal Register*, in which the United States Environmental Protection Agency (EPA) requires the states to modify the PSD increments. The increments were originally stated in terms of total suspended particulate and have been changed to particulate less than ten microns (PM<sub>10</sub>). The adopted amendment to §116.211(a) changes the date of the SEL to identify the date of revisions to the list and modifies the sentence to indicate that the *Texas Register* is no longer treating the SEL as a document adopted by reference, but, as a part of the section. The wording in subsection (a)(2) has also been revised to clarify that the emission limits contained therein apply only to each nonattainment pollutant. The changes to the SEL clarify and update several exemptions.

The following exemptions were revised: Standard Exemption (SE) 7, SE 25, SE 105, SE 108, and SE 110. The adopted changes to SE 7, regarding boilers, heaters, and furnaces, revise the fuel oil firing allowance, delete the requirement for staged combustion, and add recordkeeping requirements. The adopted changes to SE 25, regarding batch mixers, clarify the intent of the exemption to allow only small mixers to qualify. The adopted changes to SE 105, regarding wood-working facilities, clarify the type of wood-working shop that must meet each condition of the exemption. The adopted changes to SE 108, regarding portable pipe reactors, include some minor clarifications and specify a maximum operating schedule. The adopted changes to SE 110, regarding municipal solid waste landfills, add municipal solid waste transfer stations to the exemption.

A public hearing on this proposal was held on January 19, 1995, in Austin to consider the proposed rule changes. Testimony was re-



ceived from three commenters. The following commenters generally supported the proposed revisions to Chapter 116 with some suggested changes: Texas Disposal Systems, EPA, and one individual.

The EPA commented that the *Federal Register* reference date of June 3, 1994, in §116.160 is incorrect and should be stated as June 3, 1993.

The TNRCC received a letter from EPA dated August 2, 1994, which directed the agency to revise the PSD increments from total suspended particulate to PM<sub>10</sub>. Since the TNRCC rules adopt the federal PSD requirements by reference, it was only necessary to revise the referenced *Federal Register* in §116.160. The EPA's letter stated that the revised increments were promulgated on June 3, 1993, but would be effective on June 3, 1994. The staff had used the effective date in the text for the proposed change to §116.160. The reference date in §116.160 has been changed to June 3, 1993.

An individual suggested the following changes to the proposed revisions to the SEL: SE 7 should require five-year recordkeeping in condition (d); SE 105 should eliminate condition (c), which excludes woodworking shops used for instructional purposes from the dust collection requirements, provided that no nuisance condition is created; and, neither municipal solid waste landfills, nor, waste transfer stations should be exempted under SE 110.

The staff believes that the SEL is consistent in establishing a two-year recordkeeping period for those exemptions which contain a recordkeeping provision. The staff believes that two years of operating records is sufficient to verify or determine a compliance problem, and the staff does not support increasing this requirement to five years.

Regarding the comment on SE 105, the staff believes that the specific emission control requirements should be limited to commercial operations. Woodworking shops located in schools for instructional purposes are normally very small in scale, and the equipment is used on a very limited and intermittent basis. The nuisance rule will provide the agency with sufficient enforcement authority in the unlikely event that a dust complaint is received against a school woodworking shop.

In response to the final comment, SE 110 already authorizes municipal solid waste landfills. The revision to the exemption is to clarify that waste transfer stations are to be included in the exemption. The staff has determined that municipal solid waste transfer stations are insignificant sources of emissions, and, therefore, should be included in the standard exemption. This determination is based on EPA research that indicates that anaerobic conditions cannot be established in less than 200 days. Anaerobic conditions are necessary for the formation of the type of gases associated with the decomposition of solid waste. Typically, waste is stored at these transfer stations for periods of less than two weeks. The facility must also comply with design and operational requirements under the Solid Waste Disposal Act to protect the public health and welfare.

The staff has modified SE 108 by adding a condition requiring registration with a Form PI-7 prior to the start of construction. This requirement is consistent with the existing condition that requires written site approval from the Executive Director. Such approval cannot be practically granted unless the facility preregisters with the agency.

## Subchapter B. New Source Review Permits

### Prevention of Significant Deterioration Review

#### • 30 TAC §116.160

The amendment is adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

#### §116.160. Prevention of Significant Deterioration Requirements.

(a) Each proposed new major source or major modification in an attainment or unclassifiable area shall comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations promulgated by the United States Environmental Protection Agency (EPA) in Title 40 Code of Federal Regulations (CFR) at 40 CFR 52.21 as amended June 3, 1993 (effective June 3, 1994) and the Definitions for Protection of Visibility promulgated at 40 CFR 51.301, hereby incorporated by reference.

(b)-(d) (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 March 15, 1995.

TRD-9503212

Kevin McCalla  
Acting Director, Legal  
Services Division  
Texas Natural Resource  
Conservation  
Commission

Effective date: April 5, 1995

Proposal publication date: December 27, 1994

For further information, please call: (512) 239-1966

## Subchapter C. Permit Exemptions

#### • 30 TAC §116.211

The amendment is adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

#### §116.211. Standard Exemption List.

(a) Pursuant to the Texas Clean Air Act (TCAA), §382.057, the facilities or types of facilities listed in the Standard Exemption List, dated March 1, 1995, are exempt from the permit requirements of the TCAA, §382.0518, because such facilities will not make a significant contribution of air contaminants to the atmosphere. A facility shall meet the following conditions to be exempt from permit requirements:

(1) (No change.)

(2) Total actual emissions authorized under standard exemption from the proposed facility which is located in a non-attainment area shall not exceed the following limits for each nonattainment pollutant:

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

(3)-(6) (No change.)

(b)-(f) (No change.)

Figure: 30 TAC §116.211(f)

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 March 15, 1995.

TRD-9503213

Kevin McCalla  
Acting Director, Legal  
Services Division  
Texas Natural Resource  
Conservation  
Commission

Effective date: April 5, 1995

Proposal publication date: December 27, 1994

For further information, please call: (512) 239-1966

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

##### Subchapter L. Motor Fuels

###### Tax

#### • 34 TAC §3.173

The Comptroller of Public Accounts adopts an amendment to §3.173, concerning refunds on gasoline and diesel fuel tax, without changes to the proposed text as published in the January 10, 1995, issue of the *Texas Register* (20 TexReg 148).

The 73rd Legislature, 1993, amended the Tax Code, §153, to add a new permit classification called a jobber. A jobber may not deal in tax-free motor fuels and may not accept signed statements on sales of diesel fuels. Commercial transportation companies provid-

ing transportation services to public school districts may purchase motor fuels tax free. The maximum single delivery of tax-free diesel fuel made by a supplier accepting a signed statement was changed.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2

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 March 14, 1995.

TRD-9503155  
Martin Cherry  
Chief, General Law  
Comptroller of Public  
Accounts

Effective date: April 4, 1995

Proposal publication date: January 10, 1995

For further information, please call: (512) 463-4028

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

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

The Texas Department of Human Services (DHS) adopts the repeal of §§19.201-19.217, 19.219, 19.220, 19.1301-19.1304, 19.1306-19.1310, 19.1501-19.1521, 19.2101-19.2104, 19.2106, and 19.2107; and adopts new §§19.201, 19.202, 19.204, 19.206, 19.208, 19.210, 19.212, 19.214-19.216, 19.218, 19.1501-19.1504, 19.1506-19.1510, 19.2102-19.2104, 19.2106, 19.2108, 19.2110, 19.2112, 19.2116, 19.2118-19.2122, 19.2124, 19.2126, 19.2128, 19.2130-19.2132, 19.2134, 19.2136, 19.2138, and 19.2142, concerning the nursing facility licensure application process, pharmacy services, and enforcement, in its Nursing Facility Requirements for Licensure and Medicaid Certification (formerly Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification). New §§19.202, 19.204, 19.208, 19.210, 19.214, 19.1501, 19.1504, 19.1510, 19.2108, 19.2112, 19.2118, 19.2119, and 19.2130 are adopted with changes to the proposed text as published in the September 30, 1994, issue of the *Texas Register* (19 TexReg 7765). The repeal of §§19.201-19.217, 19.219, 19.220, 19.1301-19.1304, 19.1306-19.1310, 19.1501-19.1521, 19.2101-19.2104, 19.2106, and 19.2107; and new §§19.201, 19.206, 19.212, 19.215, 19.216, 19.218, 19.1502, 19.1503, 19.1506-19.1509, 19.2102-19.2104,

19.2106, 19.2110, 19.2116, 19.2120-19.2122, 19.2124, 19.2126, 19.2128, 19.2131, 19.2132, 19.2134, 19.2136, 19.2138, and 19.2142 are adopted without changes and will not be republished.

The justification for the repeals and new sections is to combine nursing facility licensure standards and certification requirements into one chapter in compliance with Texas Civil Statutes, Article 4413(502) historical note (Vernon Supplement 1994) (Act of August 9, 1991, 72nd Legislature, First Called Session, Chapter 15, §1.11, 1991 Texas General Laws 298).

In new Subchapter C, Nursing Facility Licensure Application Process, DHS is revising the list of reasons for which a license may be denied and adding rules regarding informal reconsiderations for denial, revocation, or suspension of a license.

In new Subchapter P, Pharmacy Services, DHS is revising the rules to delete minimum hours for consultant pharmacists because the minimums were sometimes used to justify offering only the minimum services.

In new Subchapter V, Enforcement, DHS is consolidating all enforcement actions, for both licensure and Medicaid certification.

The repeals and new sections will function by providing one set of rules that cover licensure and certification requirements.

During the public comment period, DHS received written comments and received oral comments at a public hearing November 30, 1994. Comments were received from the Texas Health Care Association, the Texas Association of Homes for the Aging, the HEA Management Group, an owner and administrator of a nursing facility, Advocates for Nursing Home Reform, and the State Ombudsman-Texas Department on Aging. A summary of the comments and DHS's responses follow.

Comment: The criteria that will be used in denying a license should be clearly and separately delineated in the standards.

Response: The criteria for denying a license is contained in §19.214, Criteria for Denying a License or Renewal of a License.

Comment: For repeated noncompliance, follow 42 Code of Federal Regulations §488.414 regarding denial of a license. Section 19.214 of the proposed rules should be eliminated and the adopted rules should follow the federal requirements.

Response: The federal rules have no provisions regarding denial of a license.

Comment: Section 19.202(b)(2), (3), and (4) specify deadlines for local health authorities. By including this sentence in these rules, the department is attempting to regulate the local health authority through the nursing facility (NF) requirements. It also attempts to make the NFs responsible for local health authorities' actions and NFs could be penalized if the local health authority did not meet the time frame.

Response: DHS has deleted from §19.202 deadlines for the local health authorities and made resulting changes in the organization of the rule.

Comment: Section 19.204 is written for the exception and not the rule. The standards should not be written for exceptions. Also, disclosure information should only apply to the owner and anyone with a controlling interest in the operation.

Response: Section 19.204 concerns disclosure requirements for all applicants for a NF license. DHS is also interested in all parties with a 5.0% or greater interest in a NF.

Comment: Section 19.210 addresses change of ownership. The federal provisions allow the previous history to follow the facility unless a new owner can demonstrate that it should be otherwise. The new owner is given an opportunity to wipe the slate clean. In order to encourage new owners to take over troubled facilities, change this section to allow a new owner to demonstrate an exception to the rule.

Response: Section 19.210 addresses only the licensure application procedure for a change of ownership and does not reference history at all. A substantive change cannot be made at this time.

Comment: In §19.214, a provision is needed to appeal denial of a license application.

Response: Section 19.214(f) contains the procedure for an administrative hearing regarding the denial of a license or renewal of a license.

Comment: Section 19.2102 needs to clarify that there is no intent to assess multiple money penalties. Change the last sentence to read: "However, when the imposition of more than one type of monetary penalty..."

Response: DHS believes that the rule is clear as written.

Comment: In §19.2102, the request for appeal should be consolidated. Add an item (b) that states: "A facility's request for an appeal of any adverse actions resulting from a survey serves as a request for appeal for all adverse actions from that survey."

Response: This section does not pertain to appeals.

Comment: Some notices to the department require a 15-day notification and some require a 20-day notification. The time frame for appeals should be consistent. We recommend a 20-day time frame be used. Also, the time frame should begin on the day the nursing facility receives the letter from TDHS. This is consistent with other notice provisions and procedures in the legal system.

Response: Generally, all DHS appeals have a 15-day time frame. The exceptions are time frames governed by law.

Comment: The administrative penalties as set forth in Schedule A exceed the scope of the authorizing statute.

Response: DHS disagrees. However, DHS is adopting §19.2112 with changes which delete references to Schedule A; delete subsection (c); renumber the remaining subsections; and, in the penalties portion (now subsection (h)), revise the language to more accurately reflect the language in the rules, which are adopted under Chapter 242 of the Health and

Safety Code, and add cross references to the rules.

Comment: Regarding §19.2116, NFs should be given an opportunity to use a voluntary agreed trustee. Add an item (g) that reads: "Effective only after a facility has been given an opportunity by TDHS to enter into a voluntary agreed trusteeship."

Response: While DHS has a provision in its rules for voluntary trusteeship, this option cannot be available at all times because of the gravity of some situations which require immediate action by the state.

Comment: In §19.202, the department delegates its authority to approve facilities' fire safety systems to the fire authority in the locale of each facility. The law at §242.007 does not authorize such a delegation; it authorizes only consultation with municipal authorities.

Response: While the comment correctly observes that §242.007 of the Health and Safety Code authorizes DHS to consult with state and local authorities, that section does not prevent DHS from adopting minimum licensing standards under §242.037, including standards to ensure the safety of residents from fire hazards. It is not outside DHS's discretion to require evidence of compliance with other applicable safety standards as a condition of licensure.

Comment: In §19.204(d)(2), delete or define the term "federal or state Medicaid or Medicare sanctions or penalties."

Response: DHS is adopting the section with changes that will clarify the rule language to match the corresponding term in §19.214(a)(6)(B), as follows: "federal or state nursing facility sanctions or penalties, including but not limited to, monetary penalties, downgrading the status of a facility license, proposals to decertify, directed plans of correction or the denial of payment for new Medicaid admissions, but excluding compliance letters."

Comment: In §19.204(d)(4), the term "final judgments" is too broad and vague. Delete this item.

Response: A judgment is considered final when appeal rights have been exhausted. If an applicant for a license has not satisfied a final judgment (met the requirements stipulated by the verdict), that behavior is of interest to DHS in determining whether to grant a license.

Comment: In §19.204(d)(9), "adverse actions" should be defined. Also, the request that nursing facilities provide the department with information on adverse actions in other states is an undue burden. The facilities have no authority over an agency in another state to provide this information. The facility can furnish information on the states they operate in to the department and TDHS could contact the other states for the information.

Response: Section 19.204(d)(9) states "adverse actions referenced in this subsection" which DHS feels is clear and requires no definition. DHS is only requiring information concerning adverse actions from other states in which the applicant owns, operates, or

manages other facilities. The applicant should already be aware of any adverse actions taken against its facilities in other states, and the requirement is only that the applicant furnish information regarding those actions directly to DHS.

Comment: In §§19.208(c), 19.210(c), and 19.212(c), the facility should not be held responsible for the amount of time it takes the U.S. Post Office to deliver mail to the department or the amount of time it takes the department to get the mail delivered to the appropriate person. This should be deleted in all of the above-referenced items.

Response: This rule language reflects the same system used by the Texas Rules of Civil Procedure.

Comment: In §19.214(a)(2), the proposed amendment is overly broad and it is doubtful that it could be enforced with any degree of consistency and uniformity. It contains no objectivity. What is meant by "should have had knowledge?" This is open ended, open to interpretation, and should be omitted.

Response: This criterion was developed to require management to be accountable for employees' actions. The phrase "should have had knowledge" is necessary to emphasize management's responsibility for all activities within a facility. The rule language is broad in order to cover the multitude of situations which can occur in long-term care.

Comment: The proposed amendment to §19.214(a)(6)(B) is both overly broad and restrictive. A proposal to decertify is a proposal with no final administrative appeal. "A proposal to decertify" and "downgrading the status of a facility" should be deleted as a reason for denying a license.

Response: A proposal to decertify is appealable; the rules regarding the appeal are found at §19.2209. DHS is adopting the language as proposed.

Comment: In §19.214(a)(6)(D), what is an "unsatisfied final judgment?" This is too broad and vague and should be deleted.

Response: "Unsatisfied final judgments" are judgments rendered by a civil court that an entity has not fulfilled. Specifically, a judgment is considered final when appeal rights have been exhausted. As with other events in this list, they are evaluated by DHS, along with other relevant factors, to determine the applicant's overall ability to meet licensing requirements.

Comment: Define the term "final actions."

Response: "Final actions" is already defined in the rule, which states: "An action is final when routine administrative and judicial remedies are exhausted."

Comment: Section 19.214(e) reads: "If an applicant owns multiple facilities, the overall record of compliance in all of the facilities will be examined. An overall record poor enough to deny issuance of a new license will not preclude the renewal of licenses of individual facilities with satisfactory records." This should be reworded. Also, there are no objective standards described, such as, what constitutes "an overall record poor enough to

deny issuance of a new license." This language will allow a license to be denied and/or granted differently based upon DHS personnel reviewing the application.

Response: Section 19.214(e) is being adopted to read as follows: "If an applicant for a new license owns multiple facilities, the overall record of compliance in all of the facilities will be examined. Denial of an application for a new license will not preclude the renewal of licenses of other of the applicant's facilities with satisfactory records."

Comment: Delete §19.1501(3) requiring the Quality Assessment and Assurance Committee (QAA) to monitor pharmacy services since QAA monitors all services.

Response: DHS has deleted this requirement from the adopted rule.

Comment: The requirement at §19.1502(b) should be an option. Change "must" to "may."

Response: The requirements that the resident's pharmacy services be met on a 24-hour basis for emergency drugs and that medications be delivered in a timely manner are not optional. However, the requirement about labeling, packaging, and a drug-distribution system should be optional, and DHS is adopting the rule to read: "(b) A Medicaid-certified facility must have written agreements with their provider pharmacies that define required services. These agreements will not be considered to abridge the resident's freedom of choice of pharmacy services when they require labeling, packaging, and a drug-distribution system according to facility policy. The drug-distribution system must be accessible to all pharmacies willing to meet the distribution system requirements. The agreements must require the following:

(1) that the resident's pharmacy services be provided by a pharmacy on a 24-hour basis for emergency medications; and

(2) that the resident's medications be delivered to the facility on a timely and reasonable basis."

Comment: Section 19.1504(b) requires that a medication cart be stored in a locked medication room or storage room. There are many ways to secure the locked medication cart without having a locked medication room.

Response: DHS agrees and is adopting the section to read as follows: "When not in use, a medication cart must be secured in a designated area."

Comment: Section 19.1504(i), which requires, using the existing supply of medication when the directions for administration have changed, is of questionable value in comparison to the possible reduction in the degree of control and accuracy that might result.

Response: Drug waste is a costly problem in NFs, and this procedure is one well-known and acceptable to long-term care consultant pharmacists.

Comment: In §19.1510, pertaining to emergency drug kits, delete (3), which provides additional guidance regarding the procedure for accessing and administering the drugs from the emergency kit. Items (1) and (2) already adequately cover the control of the

emergency drug kit. The Medical Director does not want or need to own the emergency drug kit.

Response: DHS agrees and is deleting §19.1510(3) in response to the comment. This change results in renumbering paragraph (4). In addition, DHS is adopting paragraph (4)(C) (now paragraph (3)(C)) with changes which restore language required by the Texas Health and Safety Code, Chapter 242.161.

Comment: The proposed language at §19.2110, Referral to the Attorney General, does not set forth any reasonable criteria or guidelines for when an action may be referred to the Attorney General. The current rule language which states that a referral may occur when the department "fails to achieve compliance with these rules or when violations are uncorrected."

Response: Under §242.065 of the Health and Safety Code, DHS is given the authority to seek civil penalties for violations of that chapter or rules adopted under that chapter if the violations threaten the health and safety of a resident. DHS believes that it should retain all of the authority given to it by statute in this area and so has amended the rule to follow the statute.

Comment: Time limited agreements are prohibited by the Health Care Financing Administration. The probationary contract in §19.2130(c) is time-limited and, as such, should be deleted.

Response: DHS agrees and is adopting the section with changes to delete language about probationary contracts.

Comment: The premise of these rules should be that the survey agency will use HCFA-prescribed survey methods, procedures, and forms for all surveys and complaint investigations.

Response: DHS agrees. The current definition of "survey" states, "Survey performance is inadequate if the state survey agency fails to use federal standards and protocols and the forms, methods, and procedures specified by HCFA in its State Operations Manual."

Comment: The monetary penalties are too high and punitive in nature.

Response: The monetary penalties were developed by the Sanctions and Penalties Advisory Committee (SPAC), which had equal representation from providers and advocates. No changes have been proposed to the monetary penalties since they became effective in February 1993.

Comment: Under the definition of "scope," percentages should not be used.

Response: The definition of "scope" was developed by the SPAC and has not changed since February 1993.

### Subchapter C. Resident Rights

• 40 TAC §§19.201-19.217, 19.219, 19.220

The repeals are adopted under the Health and Safety Code, Chapter 242, which provides the department with the authority to

regulate long-term care nursing facilities; the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement the Health and Safety Code, §§242.001-242.186, and the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

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 March 15, 1995.

TRD-9503226 Nancy Murphy  
Section Manager, Media  
and Policy Services  
Texas Department of  
Human Services

Effective date: May 1, 1995

Proposal publication date: September 30, 1994

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

### Subchapter N. Pharmacy Services

• 40 TAC §§19.1301-19.1304, 19.1306-19.1310

The repeals are adopted under the Health and Safety Code, Chapter 242, which provides the department with the authority to regulate long-term care nursing facilities; the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement the Health and Safety Code, §§242.001-242.186, and the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

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 March 15, 1995.

TRD-9503229 Nancy Murphy  
Section Manager, Media  
and Policy Services  
Texas Department of  
Human Services

Effective date: May 1, 1995

Proposal publication date: September 30, 1994

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

### Subchapter P. Physical Plant and Environment

• 40 TAC §§19.1501-19.1521

The repeals are adopted under the Health and Safety Code, Chapter 242, which provides the department with the authority to regulate long-term care nursing facilities; the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement the Health and Safety Code, §§242.001-242.186, and the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

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 March 15, 1995.

TRD-9503230 Nancy Murphy  
Section Manager, Media  
and Policy Services  
Texas Department of  
Human Services

Effective date: May 1, 1995

Proposal publication date: September 30, 1994

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

### Subchapter V. Federal Requirements

• 40 TAC §§19.2101-19.2104, 19.2106, 19.2107

The repeals are adopted under the Health and Safety Code, Chapter 242, which provides the department with the authority to regulate long-term care nursing facilities; the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement the Health and Safety Code, §§242.001-242.186, and the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

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 March 15, 1995.

TRD-9503232 Nancy Murphy  
Section Manager, Media  
and Policy Services  
Texas Department of  
Human Services

Effective date: May 1, 1995

Proposal publication date: September 30, 1994

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

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

Subchapter C. Nursing Facility  
Licensure Application Pro-  
cess

▷ 40 TAC §§19.201, 19.202, 19.204,  
19.206, 19.208, 19.210, 19.212,  
19.214-19.216, 19.218

The new sections are adopted under the Health and Safety Code, Chapter 242, which provides the department with the authority to regulate long-term care nursing facilities; the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The new sections implement the Health and Safety Code, §§242.001-242.186, and the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

*§19.202. Building Approval.* All applications for license must include written approval of the local fire authority that the facility and its operation meet local fire ordinances.

(1) New facility. The sponsor of a new facility under construction or a previously unlicensed facility will provide to the Texas Department of Human Services (DHS) a copy of a dated, written notice to the local health authority that construction or modification has been or will be completed by a specific date. The local health authority may provide recommendations to DHS regarding the status of compliance with local codes, ordinances, or regulations. The sponsor must also provide a copy of a dated, written notice of the approval for occupancy by the local building code authority, if applicable.

(2) Increase in capacity. The license holder must request an application for increase in capacity from DHS. DHS provides the license holder with the application form, and DHS notifies the local fire marshal and the local health authority of the request. The license holder must arrange for the inspection of the facility by the local fire marshal. Upon completion of the inspection, the license holder must notify the local health authority and DHS in writing if

the facility meets local code requirements. DHS approves the application only if the facility is found to be in compliance with the standards. Approval to occupy the increased capacity may be granted by DHS prior to the issuance of the license covering the increased capacity after inspection by DHS if standards are met.

(3) Change of ownership. The applicant for a change of ownership license must provide to DHS a copy of a letter notifying the local health authority of the request for a change of ownership. The local health authority may provide recommendations to DHS regarding the status of compliance with local codes, ordinances, or regulations.

(4) Renewal. DHS sends the local health authority a copy of DHS's license renewal notice specifying the expiration date of the facility's current license. The local health authority may provide recommendations to DHS regarding the status of compliance with local codes, ordinances, or regulations. The local authority may also recommend that a state license be issued or denied; however, the final decision on licensure status remains with DHS.

(5) Inspection and Plan Review. Any existing building being considered for licensure must either submit a plan for review and approval or request a feasibility inspection to be performed by a representative of DHS to determine construction or renovation requirements. The fees for inspection and/or plan reviews must be in accordance with §19.301 of this title (relating to Fees for Plan Reviews, Construction Inspection Services, and Feasibility Inspection Services).

*§19.204. Applicant Disclosure Requirements.*

(a) Scope of section. No person may apply for a license, change of ownership, increase in capacity, or renewal of a license to operate or maintain a facility without making a disclosure of information as required in this section.

(b) Disclosure form. All applications must be made on forms prescribed by and available from the Texas Department of Human Services (DHS). Each application must be completed in accordance with DHS instructions, and it must be signed and notarized.

(c) General information required. An applicant must file with DHS an application which contains:

- (1) the name of the applicant and, if an individual, whether the applicant has attained the age of 18 years;
- (2) the type of facility;
- (3) the location of the facility;

(4) the name of the administrator;

(5) for initial applications and change of ownership only, evidence of the right to possession of the facility at the time the application will be granted, which may be satisfied by the submission of applicable portions of a lease agreement, deed or trust, or appropriate legal document. The names and addresses of any persons or organizations listed as owner of record in the real estate, including the buildings and grounds, must be disclosed to DHS;

(6) a certificate of good standing issued by the Comptroller of Public Accounts; and

(7) for initial applications and change of ownership only, the certificate of incorporation issued by the secretary of state for a corporation or a copy of the partnership agreement for a partnership.

(d) Disclosure requirements. Applicants must disclose the following information for the two-year period preceding the application date, concerning the applicant, persons with a disclosable interest, officers, affiliates, and manager, without regard to whether the data required relates to current or previous events:

(1) denial or revocation of a license to operate a nursing facility, facility serving persons with mental retardation or related conditions, personal care facility, or similar facility in any state;

(2) federal or state nursing facility sanctions or penalties, including, but not limited to, monetary penalties, downgrading the status of a facility license, proposals to decertify, directed plans of correction, or the denial of payment for new Medicaid admissions, but excluding compliance letters;

(3) state or federal criminal convictions for any offense that provides a penalty of incarceration;

(4) unsatisfied final judgements;

(5) operation of a facility that has been decertified in any state under Medicare or Medicaid;

(6) debarment, exclusion, or contract cancellation in any state from Medicare or Medicaid;

(7) eviction involving any property or space used as a facility in any state;

(8) orders from any court restraining or enjoining the applicant, manager, or any person with a controlling interest from operating a facility in any state; and

(9) any of the adverse actions referenced in this subsection taken against the applicant by all relevant licensing and

certification agencies in all other states in which the applicant owns, operates, or manages nursing facilities, facilities serving persons with mental retardation or related conditions, personal care facilities, or similar facilities in any state. The applicant must obtain letters or other documentation from those agencies attesting to the adverse actions or the absence of any adverse actions.

(e) Required ownership and management information for the past two years.

(1) Each applicant for a license to operate a facility must disclose to DHS the name and business address of:

(A) each limited partner and general partner if the applicant is a partnership;

(B) each director and officer if the applicant is a corporation; and

(C) each person having a beneficial ownership interest of 5.0% or more in the applicant corporation, partnership, or other business entity.

(2) If any person described in this section has served or currently serves as an administrator, general partner, limited partner, trustee or trust applicant, sole proprietor, or any applicant or licensee who is a sole proprietorship, executor, or corporate officer or director of or has held a beneficial ownership interest of 5.0% or more in any other long-term care facility, the applicant must disclose the relationship to DHS, including the name and current or last address of the facility and the date the relationship commenced, and, if applicable, the date it was terminated.

(3) If the applicant or licensee is a subsidiary of another organization, the information must include the names and addresses of the parent organization and the names and addresses of the officers and directors of the parent organization.

(4) If the facility is operated by, or proposed to be operated under, a management contract, the names and addresses of any person or organization, or both, having an ownership interest of 5.0% or more in the management company must be disclosed to DHS.

(5) The information required by this section must be provided to DHS upon initial application for licensure, and changes in the information must be provided to DHS on an annual basis, except that a licensee must notify DHS within 30 days of any change of the facility's administrator or management services.

(f) Exemptions. The provisions of this section do not apply to a bank, trust company, financial institution, title insurer,

escrow company, or underwriter title company to which a license is issued in a fiduciary capacity except for provisions that require disclosure relating to the manager of the facility.

#### *§19.208. Renewal Procedures and Qualifications.*

(a) Each license issued under this chapter must be renewed every two years. Each license expires two years from the date issued. A license issued under this chapter is not automatically renewed.

(b) Each license holder must, at least 45 days prior to the expiration of the current license, file an application for renewal with the Texas Department of Human Services (DHS). DHS considers that an individual has filed a timely and sufficient application for the renewal of a license if the license holder submits:

(1) a complete application to DHS, and DHS receives the complete application at least 45 days before the current license expires;

(2) an incomplete application to DHS with a letter explaining the circumstances which prevented the inclusion of the missing information, and DHS receives the incomplete application and letter at least 45 days before the current license expires; or

(3) a complete application to DHS, DHS receives the application during the 45-day period ending on the date the current license expires, and the individual pays a fine under the administrative penalties described under Offense P in §19.2112(h) of this title (relating to Administrative Penalties).

(c) If the application is postmarked by the filing deadline, the application will be considered to be timely if received in the Licensing Section of the state office of Long-Term Care-Regulatory, Texas Department of Human Services, within 15 days of the postmark.

(d) The application for renewal must contain the same information required for an original application as well as payment of the licensing fees.

(e) The renewal of a license may be denied for the same reasons an original application for a license may be denied. See §19.214 of this title (relating to Criteria for Denying a License or Renewal of a License).

#### *§19.210. Change of Ownership.*

(a) During the license term, a license holder may not transfer the license as a part of the sale or other transfer of ownership of the facility. Prior to the sale or other transfer of ownership of the facility, the

license holder must notify the Texas Department of Human Services (DHS) that a change of ownership is about to take place.

(b) To avoid a gap in the license because of a change in ownership of the facility, the prospective new owner must submit to DHS a complete application for a license under §19.201 of this title (relating to Criteria for Licensing) at least 30 days before the anticipated date of sale or other transfer of ownership. The applicant must meet all requirements for a license. If the applicant has filed a timely and sufficient application for a license and otherwise meets all requirements for a license, DHS will issue the applicant a license effective on the date of transfer of ownership. DHS considers an individual has filed a timely and sufficient application for a license if the individual submits:

(1) a complete application to DHS, and DHS receives the complete application at least 30 days before the anticipated date of sale or other transfer of ownership;

(2) an incomplete application to DHS with a letter explaining the circumstances which prevented the inclusion of the missing information, and DHS receives the incomplete application and letter at least 30 days before the anticipated date of sale or other transfer of ownership;

(3) a complete application to DHS, DHS receives the application during the 30-day period ending on the anticipated date of sale or other transfer of ownership, and the individual pays a fine under the administrative penalties described under Offense P in §19.2112 of this title (relating to Administrative Penalties); or

(4) an application to DHS, DHS receives the application by the date of sale or other transfer of ownership, and the individual proves to DHS's satisfaction that the health and safety of the facility residents required an emergency change of ownership.

(c) If the application is postmarked by the filing deadline, the application will be considered to be timely filed if received in the Licensing Section of the state office of Long-Term Care-Regulatory, Texas Department of Human Services, within 15 days of the postmark.

#### *§19.214. Criteria for Denying a License or Renewal of a License.*

(a) The Texas Department of Human Services (DHS) may deny an initial license or refuse to renew a license if an applicant, manager, or affiliate:

(1) substantially fails to comply with the requirements of this chapter, including, but not limited to:

(A) noncompliance that poses a serious threat to health and safety; or

(B) a failure to maintain compliance on a continuous basis;

(2) aids, abets, or permits a substantial violation described in paragraph (1) of this subsection about which the applicant, manager, or affiliate had or should have had knowledge;

(3) fails to provide the required information and facts and/or references;

(4) provides the following false or fraudulent information:

(A) knowingly submits to DHS false or intentionally misleading statements;

(B) uses subterfuge or other evasive means of filing;

(C) engages in subterfuge or other evasive means of filing on behalf of another who is unqualified for licensure;

(D) knowingly conceals a material fact; or

(E) is responsible for fraud;

(5) fails to pay the following fees, taxes, and assessments when due:

(A) licensing fees as described in §19.216 of this title (relating to License Fees);

(B) reimbursement of emergency assistance funds within one year from the date on which the funds were received by the trustee in accordance with the provisions of §19.2116(e) and (f) of this title (relating to Involuntary Appointment of a Trustee);

(C) administrative penalties within 60 days of the order assessing the penalties in accordance with §19.2112 of this title (relating to Administrative Penalties); or

(D) franchise taxes;

(6) discloses any of the following actions within the two-year period preceding the application:

(A) operation of a facility that has been decertified and/or had its contract canceled under the Medicare or Medicaid program in any state;

(B) federal or state nursing facility sanctions or penalties, including, but not limited to, monetary penalties, downgrading the status of a facility license, proposals to decertify, directed plans of correction or the denial of payment for new Medicaid admissions;

(C) state or federal criminal convictions for any offense that provides a penalty of incarceration;

(D) unsatisfied final judgments;

(E) eviction involving any property or space used as a facility in any state; or

(F) suspension of a license to operate a health care facility, long-term care facility, personal care facility, or a similar facility in any state.

(b) Concerning subsection (a)(6) of this section, DHS may consider exculpatory information provided by the applicant, manager, or affiliate and grant a license under subsection (a)(6) of this section if DHS finds the applicant, license holder, manager, or affiliate able to comply with the rules in this chapter.

(c) DHS will not issue a license to an applicant to operate a new facility if the applicant discloses any of the following actions during the two-year period preceding the application:

(1) revocation of a license to operate a health care facility, long-term care facility, personal care facility, or similar facility in any state;

(2) debarment or exclusion from the Medicare or Medicaid programs by the federal government or a state; or

(3) a court injunction prohibiting the applicant or manager from operating a facility.

(d) Only final actions are considered for purposes of subsections (a) (6) and (c) of this section. An action is final when routine administrative and judicial remedies are exhausted. All actions, whether pending or final, must be disclosed.

(e) If an applicant for a new license owns multiple facilities, the overall record of compliance in all of the facilities will be examined. Denial of an application for a new license will not preclude the renewal of licenses of other of the applicant's facilities with satisfactory records.

(f) If DHS denies a license or refuses to issue a renewal of a license, the

applicant or licensee may request an administrative hearing. Administrative hearings are held under the provisions of the Administrative Procedures Act (APA), Title 10 of the Texas Government Code, §§2001.051 et seq, and DHS's formal hearing rules in §§79.1601-79.1614 of this title (relating to Formal Hearings).

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.

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**Subchapter P. Pharmacy Services**

• **40 TAC §§19.1501-19.1504, 19.1506-19.1510**

The new sections are adopted under the Health and Safety Code, Chapter 242, which provides the department with the authority to regulate long-term care nursing facilities; the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The new sections implement the Health and Safety Code, §§242.001-242.186, and the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

*§19.1501. Pharmacy Services.* A licensed-only facility must assist the resident in obtaining routine drugs and biologicals and make emergency drugs readily available, or obtain them under an agreement described in §19.1906 of this title (relating to Use of Outside Resources). A Medicaid-certified facility must provide routine and emergency drugs and biologicals to its residents, or obtain them under an agreement described in §19.1906 of this title (relating to Use of Outside Resources). See also §19.901(12) and (13) of this title (relating to Quality of Care) for information concerning drug therapy and medication errors.

(1) **Methods and procedures.** The facility may permit unlicensed personnel to administer drugs, but only under the general supervision of a licensed nurse. The unlicensed individual must be a nursing stu-

dent, a medication aide student, or a medication aide with a current permit issued by the Texas Department of Human Services.

(2) Accuracy in service delivery. A facility must provide pharmaceutical services (including procedures that assure the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals) to meet the needs of each resident.

(3) Service Consultation. The facility must employ or obtain the services of a pharmacist, currently licensed by the Texas State Board of Pharmacy and in good standing, who:

(A) provides consultation on all aspects of the provision of pharmacy services in the facility;

(B) establishes a system of records of receipt and disposition of all controlled drugs in sufficient detail to enable an accurate reconciliation;

(C) determines that drug records are in order and that an account of all controlled drugs is maintained and periodically reconciled; and

(D) adheres to requirements in §19.1503 of this title (relating to Additional Supervision and Consultation Requirements).

(4) Drug regimen review.

(A) The drug regimen of each resident must be reviewed at least once a month by a licensed pharmacist.

(B) The pharmacist must report any irregularities to the attending physician and the director of nursing, and these reports must be acted upon.

(5) Labeling of drugs and biologicals. Drugs and biologicals used in the facility must be labeled in accordance with currently accepted professional principals and in compliance with the Texas State Board of Pharmacy Laws and Regulations, §291, including the appropriate accessory and cautionary instructions and the expiration date when applicable.

(6) Storage of drugs and biologicals.

(A) In accordance with state and federal laws, the facility must store all drugs and biologicals in locked compartments under proper temperature controls and permit only authorized personnel to have access to the keys.

(B) The facility must provide separately locked, permanently affixed compartments for storage of controlled drugs, listed in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1976, and of other drugs subject to abuse, except when the facility uses single-unit-package drug distribution systems in which the quantity stored is minimal and a missing dose can be readily detected (see §19.1509 of this title (relating to Controlled Substances)).

§19.1504. Drug Security.

(a) The facility must establish procedures for storing and disposing of drugs and biologicals in accordance with federal, state, and local laws.

(b) When not in use, a medication cart must be secured in a designated area.

(c) Small multiple-dose drug containers which are placed into another container must be labeled in a manner so that, if the two containers become separated, the small drug container still has a strip label attached containing the name of the resident and the prescription number.

(d) Self-administered medications may be kept in a locked cabinet in the resident's room. When medications are self-administered, the facility remains responsible for medication security, accurate information, and medication compliance.

(e) The facility must store each resident's drugs in their original containers.

(f) The facility must store drugs requiring refrigeration in a refrigerator in the medication room or in a separate locked medication storage box in a refrigerator near the nursing station. Only food and beverage items for resident use may be kept in the medication refrigerator, but they must be kept separate from the residents' drugs.

(g) The facility must store drugs used externally separately from internal drugs. The facility must store poisons separately from all drugs.

(h) Medications of deceased residents, medications which have passed the expiration date, and medications which have been discontinued must be securely stored and reconciled. These medications must be disposed of according to federal and state laws or rules on a quarterly basis. Discontinued drugs may be reinstated if reordered prior to destruction. These medications cannot be given to a family member or representative.

(i) When the directions for administration of a resident's medication have changed, but the existing supply of medication can still be administered accurately, the medication must not be destroyed. The facility must affix a change-of-direction ancillary

sticker or similar system and use the remaining medication. The medication label must be updated at the time of next dispensing.

§19.1510. Emergency Drugs. Stocks of inventoried emergency dangerous drugs may be kept in facilities.

(1) The contents of the emergency dangerous drug kit will be determined by the consultant pharmacist, medical director, and the director of nurses.

(2) Ownership of the emergency drugs is limited to a physician with the exception of controlled substances which are the property of a pharmacy.

(3) The facility must develop policies and procedures for the emergency dangerous drug kit that include the following:

(A) a requirement that the facility is responsible for proper control and accountability for emergency kits within the facility. A prescription number and balance verifiable by inventory of controlled substances at every shift change, as required by §19.1509 of this title (relating to Controlled Substances), is not applicable;

(B) a signed agreement for obtaining controlled drugs from a pharmacy; and

(C) a limitation on the type and quantity of controlled substances, as follows:

(i) the controlled drugs must be limited to injectable unit of use in dosage strengths generally recommended for single dose therapy;

(ii) analgesic controlled drugs must be limited to no more than three different drugs with a maximum total of six drugs;

(iii) anticonvulsant controlled drugs must be limited to no more than two different drugs with a maximum total of six doses; and

(iv) the controlled drugs selected by the facility must not exceed a total of ten doses for the overall quantity maintained by the facility.

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.

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**Subchapter V. Enforcement**  
**Enforcement Generally**

• **40 TAC §19.2102**

The new section is adopted under the Health and Safety Code, Chapter 242, which provides the department with the authority to regulate long-term care nursing facilities; the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The new section implements the Health and Safety Code, §§242.001-242.186, and the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

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**Licensing Remedies**

• **40 TAC §§19.2103, 19.2104,  
19.2106, 19.2108, 19.2110, 19.  
2112, 19.2116, 19.2118, 19.2119**

The new sections are adopted under the Health and Safety Code, Chapter 242, which provides the department with the authority to regulate long-term care nursing facilities; the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The new sections implement the Health and Safety Code, §§242.001-242.186, and the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

*§19.2108. Emergency Suspension and Closing Order.*

(a) The Texas Department of Human Services (DHS) will suspend a facility's license or order an immediate closing of part of the facility if:

(1) DHS finds that the facility is operating in violation of the licensure rules; and

(2) the violation creates an immediate threat to the health and safety of a resident.

(b) The order suspending a license or closing a part of a facility under this section is immediately effective on the date on which the license holder receives written notice or a later date specified in the order. Written notice includes notice by facsimile transmission.

(c) The order suspending a license or ordering an immediate closing of a part of the facility is valid for 10 days after the effective date of the order.

(d) When an emergency suspension has been ordered and the conditions in the facility indicate that residents should be relocated, the following rules apply unless superseded by DHS's Medicaid discharge rules in §19.502 of this title (relating to Transfer and Discharge in Medicaid-Certified Facilities):

(1) A resident's rights or freedom of choice in selecting treatment facilities must be respected.

(2) If a facility or part of a facility is closed:

(A) DHS will notify the local health department director, city or county health authority, and representatives of the appropriate state agencies of the closure;

(B) the facility staff must notify each resident's guardian or responsible party and attending physician, advising them of the action in process;

(C) the resident or the resident's guardian or responsible person must be given opportunity to designate a preference for a specific facility or for other arrangements;

(D) DHS must arrange for relocation to other facilities in the area in accordance with the resident's preference. A facility chosen for relocation must be in good standing with DHS and, if certified under Titles XVIII and XIX of the Social Security Act, must be in good standing under its contract. The facility chosen must be able to meet the needs of the resident;

(E) if absolutely necessary, to prevent transport over substantial distances, DHS will grant a waiver to a receiving facility to temporarily exceed its

licensed capacity, provided the health and safety of residents is not compromised and the facility can meet the increased demands for direct care personnel and dietary services. A facility may exceed its licensed capacity under these circumstances, monitored by DHS staff, until residents can be transferred to a permanent location;

(F) with each resident transferred, the following reports, records, and supplies must be transmitted to the receiving institution:

(i) a copy of the current physician's orders for medication, treatment, diet, and special services required;

(ii) personal information such as name and address of next of kin, guardian, or party responsible for the resident; attending physician; Medicare and Medicaid identification number; social security number; and other identification information as deemed necessary and available;

(iii) all medication dispensed in the name of the resident for which a physician's orders are current. The medications must be inventoried and transferred with the resident. Medications past an expiration date or discontinued by physician order must be inventoried for disposition in accordance with state law;

(iv) the residents' personal belongings, clothing, and toilet articles. An inventory of personal property and valuables must be made by the closing facility; and

(v) resident trust fund accounts maintained by the closing facility. All items must be properly inventoried and receipts obtained for audit purposes by the appropriate state agency;

(G) if the closed facility is allowed to reopen within 90 days, the relocated residents have the first right to return to the facility. Relocated residents may choose to return, may stay in the receiving facility (if the facility is not exceeding its licensed capacity), or choose any other accommodations;

(H) any return to the facility must be treated as a new admission in regard to exchange of medical information, medications, and completion of required forms; and

(I) a licensee whose facility is closed under this section is entitled to request an administrative hearing in accordance with §§79.1601-79.1614 of this title (relating to Formal Appeals), but requesting

a hearing does not suspend the effectiveness of the order.

*§19.2112. Administrative Penalties.*

(a) The Texas Department of Human Services (DHS) may recommend assessment of administrative penalties against a person who violates the Health and Safety Code, Chapter 242, as provided in this section.

(b) When a violation cited by DHS is determined to be within the scope and description of the penalty as stated in subsection (h) of this section, the violation is cause for assessment of a penalty as described in this section and as listed in subsection (h) of this section. In determining whether a violation limits the facility's ability to comply with the law, a violation must be:

(1) of a number of existing simultaneous occurrences such that a pattern or trend is established; or

(2) recurrent in nature and type; or

(3) one which presents danger to the health and safety of at least one resident; or

(4) of a magnitude or nature that constitutes a health and safety hazard having a direct or imminent adverse effect on resident health, safety, or security, or which presents even more serious danger or harm; or

(5) of a type established elsewhere in DHS's rules concerning licensing standards for long term care facilities.

(c) No facility will be penalized because of a physician's or consultant's non-performance beyond the facility's control or if documentation clearly indicates the violation is beyond the facility's control.

(d) An offense is defined as the sum of all deficiencies cited during a particular survey. The first offense carries the penalty shown in the "first offense" column under subsection (h) of this section. The second offense carries the penalty shown in the "second offense" column. The third offense carries the penalty shown in the "third offense" column. For purposes of determining a "first offense," this provision does not apply to Offense Q under subsection (h) of this section.

(e) The progression of offenses described in subsection (e) of this section applies to facilities regardless of license renewals; however, when a facility has not had an offense for a period of two years, the facility's next offense will be in the "first offense" column. A suspension of a license and subsequent reinstatement does not interrupt the progression.

(f) Within 20 days after the date on which written notice of recommended assessment of a penalty is sent to a facility, the facility must give DHS written consent to the penalty or make a written request for a hearing. If the facility does not make a response within the 20-day period, DHS will assess the penalty.

(g) The procedures for notification of recommended assessment, opportunity for hearing, actual assessment, payment of penalty, judicial review, and remittance will be in accordance with Health and Safety Code, §§242.067-242.069. Hearings will be held in accordance with DHS's formal hearing procedures in Chapter 79 of this title (relating to Legal Services).

(h) Conditions and assessments for violations warranting administrative penalties for licensed facilities are as follows: Figure 1: 40 TAC §19.2112(h)

*§19.2118. Appointment of a Trustee by Agreement.*

(a) A person holding a controlling interest in a facility may, at any time, request the Texas Department of Human Services (DHS) to assume the operation of the facility through the appointment of a trustee.

(b) If DHS believes that the appointment of a trustee is desirable, DHS may enter into an agreement with the person holding the controlling interest for appointment of the trustee to take charge of the facility.

(c) Any agreement entered into under this section must:

(1) specify all terms and conditions of the trustee's appointment and authority; and

(2) preserve all rights of the residents as granted by law.

(d) The agreement will terminate either at a time specified in the agreement or upon receipt of notice of intent to terminate sent by either party.

(e) If DHS determines that termination of the agreement by the person holding a controlling interest in the facility would not be in the best interest of the residents, DHS will petition a court for an involuntary appointment under the terms of §19.2116 of this title (relating to Involuntary Appointment of a Trustee).

(f) The appointment of a trustee by agreement does not suspend the obligation of a facility to pay assessed monetary, civil, or administrative penalties.

*§19.2119. Open Hearing.*

(a) The Texas Department of Human Services (DHS) will hold an open hearing in a facility if DHS:

(1) has taken a punitive action against the facility in the preceding 12 months; or

(2) receives a complaint that DHS has reasonable cause to believe is valid from an ombudsman, advocate, resident, or relative of a resident relating to a serious or potentially serious problem in the facility.

(b) Only one hearing regarding a specific facility will be held each year unless DHS determines that, in the interest of resident health and safety, more should be held.

(c) Notice of the time, date, and place of the hearing will be mailed not less than ten days before the hearing to:

(1) the facility;

(2) the designated closest living relative or legal guardian of each resident; and

(3) appropriate state and federal agencies that work with the facility.

(d) The facility is responsible for furnishing DHS a listing of the name and current mailing address of each resident's designated closest living relative, legal guardian, or responsible party.

(e) DHS may exclude a facility's administrator and personnel from the hearing.

(f) DHS will notify, confidentially, the complainant of the results of the investigation which followed the complaint.

(g) DHS will notify the facility of any complaints which are received at the hearing and provide a summary of those complaints to the facility. In providing this information to the facility, the source of the complaints will not be identified.

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 March 15, 1995.

TRD-9503234

Nancy Murphy  
Section Manager, Media  
and Policy Services  
Texas Department of  
Human Services

Effective date: May 1, 1995

Proposal publication date: September 30, 1994

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

## Medicaid Remedies

- 40 TAC §§19.2120-19.2122, 19.2124, 19.2126, 19.2128, 19.2130-19.2132, 19.2134, 19.2136, 19.2138, 19.2142

The new sections are adopted under the Health and Safety Code, Chapter 242, which provides the department with the authority to regulate long-term care nursing facilities; the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The new sections implement the Health and Safety Code, §§242.001-242.186, and the Human Resources Code, §§22.001-22.024 and §§32.001-32.042.

### §19.2130. Contract Cancellation for Medicaid Resident-Related Contract Violations.

(a) The Texas Department of Human Services (DHS) notifies the facility in writing of its intention to cancel the facility's contract when either of the following situations occurs:

(1) DHS terminates the facility's certification. DHS makes no payment for services provided by the facility after the effective date of the termination of a facility's certification; or

(2) the facility has received three notifications within an accountability period of resident-related contract violations, excluding violations that do not limit the facility's ability to render adequate care, as specified in §19.2121(b)(1)(C) of this title (relating to Medicaid Remedies for Resident-Related Contract Violations), and the imposition of remedies, excluding facility-developed plans of correction or compliance letters. If the contract cancellation is:

(A) not appealed, the contract is canceled on the 20th day after the facility receives notice of DHS's decision to cancel the contract; or

(B) appealed, the contract will be canceled on the date the administrative law judge's decision upholding the cancellation becomes final.

(b) DHS may continue payments for no more than 30 days from the date DHS cancels a facility's contract if DHS determines that:

(1) reasonable efforts are being made to transfer the residents to another facility, to community care, or to other alternate care; and

(2) additional time is needed to effect an orderly transfer of the residents.

(c) When a facility's contract is canceled by DHS under the provisions of subsection (a) of this section, there is a 30-day period of no vendor payment to the facility. If the facility reapplies for a contract, DHS conducts an on-site visit to determine if the facility is complying with Medicaid requirements. If the facility is complying with Medicaid requirements and a contract with the facility is not prohibited by DHS debarment rules, DHS enters into a contract with the facility.

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 March 15, 1995.

TRD-9503235

Nancy Murphy  
Section Manager, Media  
and Policy Services  
Texas Department of  
Human Services

Effective date: May 1, 1995

Proposal publication date: September 30, 1994

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

## Part VI. Texas Commission for the Deaf And Hearing Impaired

### Chapter 183. Board for Evaluation of Interpreters and Interpreter Certification

#### Subchapter A. Definitions and Board Operations

- 40 TAC §183.29

The Texas Commission for the Deaf and Hearing Impaired adopts an amendment to §183.29, concerning Contracted Evaluators, without changes to the proposed text as published in the January 17, 1995, issue of the *Texas Register* (20 TexReg 281).

This amendment will provide clarification of the requirements which must be met by individuals seeking contracts as evaluators for the Board for Evaluation of Interpreters.

No comments were received regarding adoption of this amendment.

The amendment is adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and 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 authority.

Issued in Austin, Texas, on March 10, 1995.

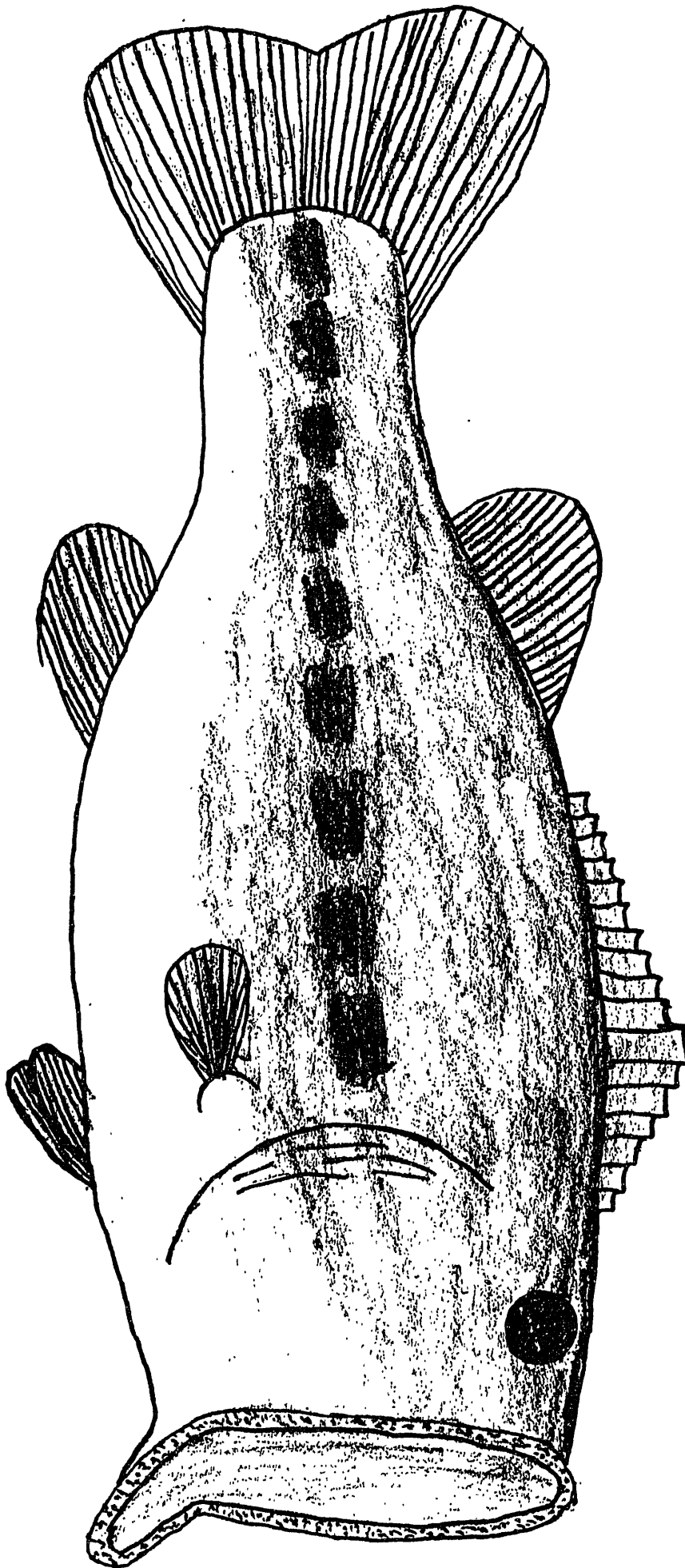
TRD-9503104

David W Myers  
Executive Director  
Texas Commission for the  
Deaf and Hearing  
Impaired

Effective date: April 3, 1995

Proposal publication date: January 17, 1995

For further information, please call: (512) 451-8494



Name: Chatham Clary  
Grade: 7  
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# TABLES AND GRAPHICS

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Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph and so on. Multiple graphics in a rule are designated as "Figure 1" followed by the TAC citation, "Figure 2" followed by the TAC citation.

**SOUND TRANSMISSION LIMITATIONS**

	AIRBORNE SOUND TRANSMISSIONS CLASS (STC) <sup>(a)</sup>	
	PARTITIONS	FLOORS
Patient room to patient room	15	40
Public space to patient room (b)	40	40
Service areas to patient room (c)	45	45
Seclusion rooms	45	45

- (a) Sound transmission class (STC) shall be determined by tests in accordance with methods set forth in American Society for Testing and Materials (ASTM) Standard E 90 and ASTM Standard E 413. Where partitions do not extend to the structure above, sound transmission through ceilings and composite STC performance must be considered.
- (b) Public space includes lobbies, dining rooms, recreation rooms, treatment rooms, and similar space.
- (c) Service areas include kitchens, elevators, elevator machine rooms, laundries, garages, maintenance rooms, boiler and mechanical equipment rooms, and similar spaces of high noises. Mechanical equipment located on the same floor or above patient rooms, offices, nurses stations, and similarly occupied space shall be effectively isolated from the floor.

As an example of general types of construction that may meet these requirements, the following may be assumed: single 3-1/2" stud construction with 5/8" gypsum drywall on each side for a STC of 35; single 3-1/2" stud construction with 3" mineral wool insulation and 5/8" gypsum drywall on each side for a STC of 40; single 3-1/2" stud construction with double layer of 5/8" gypsum drywall on each side for a STC of 45. This assumes that junctions and joints of walls and partitions will be sealed to prevent sound leakage under, over, or through the separation. Outlets shall be insulated and separated. Penetration by ducts and pipes shall be carefully done to minimize sound transmission.

1-3/4" solid core wood or equivalent doors without perimeter seal shall be acceptable for general care areas.

The above should not be construed as recommendations for any specific type of construction. Values given can be equalled or exceeded by other types of construction.

NOTE: The above is for a reasonable degree of privacy. Rooms requiring confidentiality, such as psychiatric examination rooms and rooms with extraordinary noise generation, will require additional sound insulation including acoustical doors and seals.

As part of the sound control requirements, special attention shall be given to noise, vibration, and impact control of mechanical and plumbing systems, ductborne noise, elevators, chutes, pneumatic tubes, play rooms, and exercise areas including the need for appropriate insulations, separation, location, and isolation. Additional consideration shall be given to noise control in work areas such as boiler and equipment rooms. Acoustical treatment, baffles, partitions, and enclosures shall be provided to ensure that workers will not be exposed to a continuous noise level that may cause damage to hearing.

**FLAME SPREAD AND SMOKE PRODUCTION LIMITATIONS ON INTERIOR FINISHES**

		Flame Spread Rating	Smoke Production Rating
Walls and Ceiling	Exit access, storage rooms, and areas of unusual fire hazard	ASTM Standard E84 25 or less	NFPA 255 450 or less*
	All other areas	ASTM Standard E84 75 or less	
Floors**		No Requirements	

\* Average of flaming and nonflaming values.

\*\* See §133.93(1) of this title (relating to Construction and Building) for requirements relative to carpeting in areas that may be subject to use by handicapped individuals. Such areas include offices and waiting spaces as well as corridors that might be used by handicapped employees visitors or staff.

Textile materials having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings unless such materials have a Class A rating and are only installed in rooms or areas protected by an approved automatic fire sprinkler system. Cellular or foamed plastic materials shall not be used as interior wall and ceiling finishes.

**VENTILATION REQUIREMENTS FOR HOSPITAL AREAS AFFECTING PATIENT CARE <sup>(1)</sup>**

Area Designation	Air Movement Relationship To Adjacent Area (2)	Minimum Air Changes Outside Air Per Hour (3)	Minimum Total Air Changes Per Hour (8)	Recirculated By Means of Room Units (4)	All Air Exhausted Directly Outdoors (5)	Relative Humidity (Percent) (6)	Design Temperature (Degrees) (7)
Operating Room	Out	4	20	No	--	45-60	70/75
Trauma Room (9)	Out	3	15	No	--	45-60	70/75
Delivery and Birthing Rooms	Out	3	15	No	--	45-60	70/75
X-ray Cardiac Catheterization Special Procedure	Out	3	15	No	--	45-60	70/75
Nursery Suite	Out	1	6	No	--	30-60	75
Recovery Room	--	--	6	No	--	30-60	75
Intensive Care	--	--	6	No	--	30-60	70/75
Patient Room	--	--	2	--	--	--	75
Patient Corridor	--	--	2	--	--	--	--
Isolation or Seclusion Room (10)	In	--	10	No	Yes	--	70/75
Isolation or Seclusion Alcove or Anteroom	Out	--	10	No	Yes	--	--
Examination Room	--	--	6	--	--	--	75
Medication Room	--	--	4	--	--	--	--
Pharmacy	--	--	4	--	--	--	--
Treatment Room	--	--	6	--	--	--	75
X-ray	--	--	6	--	--	--	75
Darkroom	(In)	--	10	--	Yes	--	--
Physical Therapy and Hydrotherapy	--	--	6	--	--	--	75
Soiled Utility	In	--	10	No	Yes	--	--
Clean Utility	--	--	4	--	--	--	--
Autopsy	(In)	--	12	No	Yes	--	--
Unrefrigerated Body Holding Room (12)	(In)	--	10	--	Yes	--	--
Sterilizer Room (Equipment)	(In)	--	10	--	Yes	--	--
Linen and Trash Chute Rooms	In	--	10	No	Yes	--	--



**VENTILATION REQUIREMENTS FOR HOSPITAL AREAS AFFECTING PATIENT CARE <sup>(1)</sup>**  
(Continued)

Area Designation	Air Movement Relationship To Adjacent Area (2)	Minimum Air Changes Outside Air Per Hour (3)	Minimum Total Air Changes Per Hour (8)	Recirculated By Means of Room Units (4)	All Air Exhausted Directly Outdoors (5)	Relative Humidity (Percent) (6)	Design Temperature (Degrees) (7)
Toilet Room	(In)	--	10	--	Yes	--	70
Bedpan Room	(In)	--	10	--	Yes	--	--
Bathroom	--	--	10	--	--	--	75
Janitor Closet	In	--	10	No	Yes	--	--
Laboratory General	--	--	6	--	--	--	--
Laboratory (Biochemistry)	(Out)	--	6	No	--	--	--
Laboratory (Histology)	(In)	--	6	No	Yes	--	--
Laboratory (Bacteriology)	(In)	--	6	No	Yes	--	--
Laboratory (Serology)	(Out)	--	6	No	--	--	--
Laboratory (Glasswashing)	In	--	10	--	Yes	--	--
Laboratory (Sterilizing)	(In)	--	10	--	Yes	--	--
Food Preparation Center (11)	--	--	10	No	--	--	--
Warewashing	(In)	--	10	No	Yes	--	--
Dietary Day Storage	(In)	--	2	--	--	--	--
Laundry, General	--	--	10	--	Yes	--	--
Soiled Linen (Sorting and Storage)	(In)	--	10	No	Yes	--	--
Clean Linen	--	--	2	--	--	--	--
Anesthesia Storage (see code requirements)	--	--	8	--	Yes	--	--
Central Medical and Surgical Supply	--	--	--	--	--	--	--
Central Medical and Surgical Supply (Soiled Room)	(In)	--	6	No	Yes	--	--
Central Medical and Surgical Supply (Clean Workroom and Sterile Storage)	(Out)	--	4	No	--	Maximum 70	75
Bone Marrow Transplantation (BMT) Isolation Rooms	Out	20	20	No	Yes	30-60	70-78
BMT Ante Rooms	In	10	10	No	Yes	30	75
BMT Common Units	--	1	6	No	No	30	--

**Notes applicable to Table 3:  
"Ventilation Requirements for Hospital Areas Affecting Patient Care"**

- (1) This table covers ventilation requirements for comfort, as well as for asepsis and odor control, in areas of acute care hospitals that directly affect patient care. Areas where specific requirements are not given shall be ventilated in accordance with American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE) Standard 62.1, "Ventilation for Acceptable Indoor Air Quality Including Requirements for Outside Air." Specialized patient care areas including organ transplant units and burn units shall have additional ventilation provisions for air quality control as may be appropriate.
- (2) Design of the ventilation system shall, insofar as possible, provide that air movement is from clean to less clean areas. Continuous compliance may be impractical with full utilization of some forms of variable air volume and load shedding systems which may be used for energy conservation. Those areas which do require positive and continuous control are noted with "out" or "in" to indicate the required direction of air movement in relation to the space named. Rate of air movement may be varied as needed within the limits required for positive control. Where indication of air movement direction is enclosed in parentheses, continuous directional control is required only when the room is in use or where room use may otherwise compromise the intent of movement from clean to less clean. Air movement for rooms with dashes and nonpatient areas may vary as necessary to satisfy the system used. Additional adjustments may be needed when space is unused or unoccupied and air systems are shut down or reduced.
- (3) To satisfy exhaust needs, replacement air from outside is necessary. Table 3 does not attempt to describe specific amounts of outside air to be supplied to individual spaces except for certain areas such as operating, trauma, delivery, nursery, recovery, and special procedure rooms. Distribution of the outside air added to the system to balance required exhaust shall be as required by good engineering practice.
- (4) Because of cleaning difficulty and potential for buildup of contamination, recirculating room units shall not be used in critical areas marked with "no". The use of standard type recirculating room units may also be impractical for primary control where exhaust to the outside is required. However, these may be utilized as supplementary temperature controls unless otherwise prohibited. Isolation and intensive care rooms may be ventilated by reheat induction units in which only the primary air supply from a central system passes through the reheat unit.
- (5) Air from areas with contamination or odor problems shall be exhausted to the outside and not recirculated to other areas. Individual circumstances may require special considerations for air exhaust to outside, e.g. an intensive care unit where patients with pulmonary infection might be expected and rooms for burn patients.
- (6) The ranges listed are the minimum and maximum limits where control is specifically needed.

**Notes applicable to Table 3:  
"Ventilation Requirements for Hospital Areas Affecting Patient Care"  
(continued)**

- (7) Dual temperature indications (such as 70/75) are for an upper and lower variable range within which the room temperature must be controlled. A single figure indicates a heating or cooling capacity of at least the indicated temperature. This is usually applicable when patients may be undressed and require a warmer environment. Nothing in this document shall be construed as precluding the use of temperatures lower than those noted when the patients' comfort and medical conditions make lower temperatures desirable. Occupied areas not normally utilized by inpatients may have design temperatures of 68° F for heating and 78° F for cooling. Unoccupied areas such as storage shall have temperatures appropriate for the function intended.
- (8) Number of air changes may be reduced when the room is unoccupied if provisions are made to ensure that the number of air changes indicated is reestablished any time the space is being utilized. Adjustments shall include provisions to ensure that the direction of air movement shall remain the same when the number of air changes is reduced. Areas not indicated as having continuous directional control may have ventilation systems shut down when space is unoccupied and ventilation is not otherwise needed.
- (9) The term "trauma room" as used here is the operating room space in the trauma center that is routinely used for emergency surgery. The first aid room or emergency room used for general initial treatment of accident victims may be ventilated as noted for the treatment room.
- (10) The isolation rooms described in these requirements are those that might be utilized in the average community hospital. The assumption is made that most isolation procedures will be for infectious patients and that the room should also be suitable for normal private patient use when not needed for isolation. The design should consider types and numbers of patients that might need this separation within the hospital. When need is indicated by program, it may be desirable to provide more complete control with a separate ante-room as an air lock to minimize potential for airborne particulate from patient areas reaching adjacent areas. Certain types of patients such as organ transplants, burn victims will require special considerations including reverse isolation. Where these are part of the anticipated patient load, ventilation shall be modified as necessary. **VARIABLE EXHAUST THAT ALLOWS MAXIMUM ROOM SPACE FLEXIBILITY WITH REVERSIBLE AIR FLOW DIRECTION WOULD BE USEFUL ONLY IF APPROPRIATE ADJUSTMENTS CAN BE ASSURED FOR DIFFERENT TYPES OF ISOLATION PROCEDURES.**
- (11) Food preparation centers shall have ventilation systems that have an excess of air supply for out air movement when hoods are not in operation. The number of air changes may be reduced or varied to any extent required for odor control when the space is not in use. For hoods, see §133.99(e)(2)(B)(xvi) of this title (relating to Construction Requirements).
- (12) The unrefrigerated body holding room is applicable only for those facilities that do not perform autopsies on-site and utilize the space for short periods while waiting for body transfers to be completed. Design temperature given is for cooling.

**FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR-CONDITIONING SYSTEMS**

AREA DESIGNATION	NUMBER OF FILTER BEDS	FILTER EFFICIENCIES (Percent)	
		FILTER BED Number 1	FILTER BED Number 2
All Areas for Patient Care, Treatment, or Diagnosis, and Those Areas Providing Direct Service of Clean Supplies such as Laboratories, Sterile and Clean Processing	2	25	90
Food Preparation Areas and Laundries	1	80	--
Administrative, Bulk Storage and Soiled Holding Areas	1	25	--
BMT Isolation Room	HEPA	HEPA	HEPA

NOTE: Ratings shall be based on ASHRAE Standard 52.1.

**HOT WATER USE**

	Clinical	Dietary (1)	Laundry
Gallons per Hour per Bed*	3	2	2
Temperature (°C)**	43	49	71**
Temperature (°F)**	110	120	160**

(1) Provisions shall be made to provide 82°C (180°F) rinse water at warewasher. (May be by separate booster).

\* Quantities indicated for design demand of hot water are for general reference minimums and shall not substitute for accepted engineering design procedures using actual number and types of fixtures to be installed. Design will also be affected by temperatures of cold water used for mixing, length of run, and insulation relative to heat loss. As an example, total quantity of hot water needed will be less when temperature available at the outlet is very nearly that of the source tank, and the cold water used for tempering is relatively warm.

\*\* Provisions shall be made to provide 71°C (160°F) hot water at the laundry equipment when needed. (This may be by steam jet or separate booster heater.) However, it is emphasized that this does not imply that all water used will be at this temperature. Water temperatures required for acceptable laundry results shall vary according to type of cycle, time of operation, and formula of soap and bleach as well as type and degree of soil. Lower temperatures may be adequate for most procedures in many facilities but the higher 71°C (160°F) should be available when needed for special conditions.

**STATION OUTLETS FOR OXYGEN, MEDICAL AIR, AND VACUUM (SUCTION) SYSTEMS**

(Number of outlets are per patient unless noted otherwise)

LOCATION	OXYGEN	VACUUM	AIR
Patient Rooms for Medical, Surgical, and Obstetrics	1 (A)	1 (A)	—
Patient Rooms for Pediatrics	1 (A)	1 (A)	1 (A)
Examination or Treatment for Nursing Units	1 (A)	1 (A)	—
Intensive Care (including Coronary Intensive Care)	2 (B)	3	1 (A)
Nursery (including Pediatric Nursery)	1 (A)	1 (A)	1 (A)
General Operating Rooms and C-section Room	2	3	2
Cystoscope and Special Procedures	1	3	2
Recovery (Except Obstetrical)	1	3	1 (A)
Obstetrical Recovery	2	3	1
Delivery and Birthing Rooms (1)	2	3	1
Labor Rooms	1	1 (A)	1 (A)
First Aid & Emergency Treatment	1	1	1
Emergency Trauma Rooms used for Surgery	2	3	2
Autopsy	—	1/Station	1/Station
Anesthesia Workroom	1/Station	—	1/Station

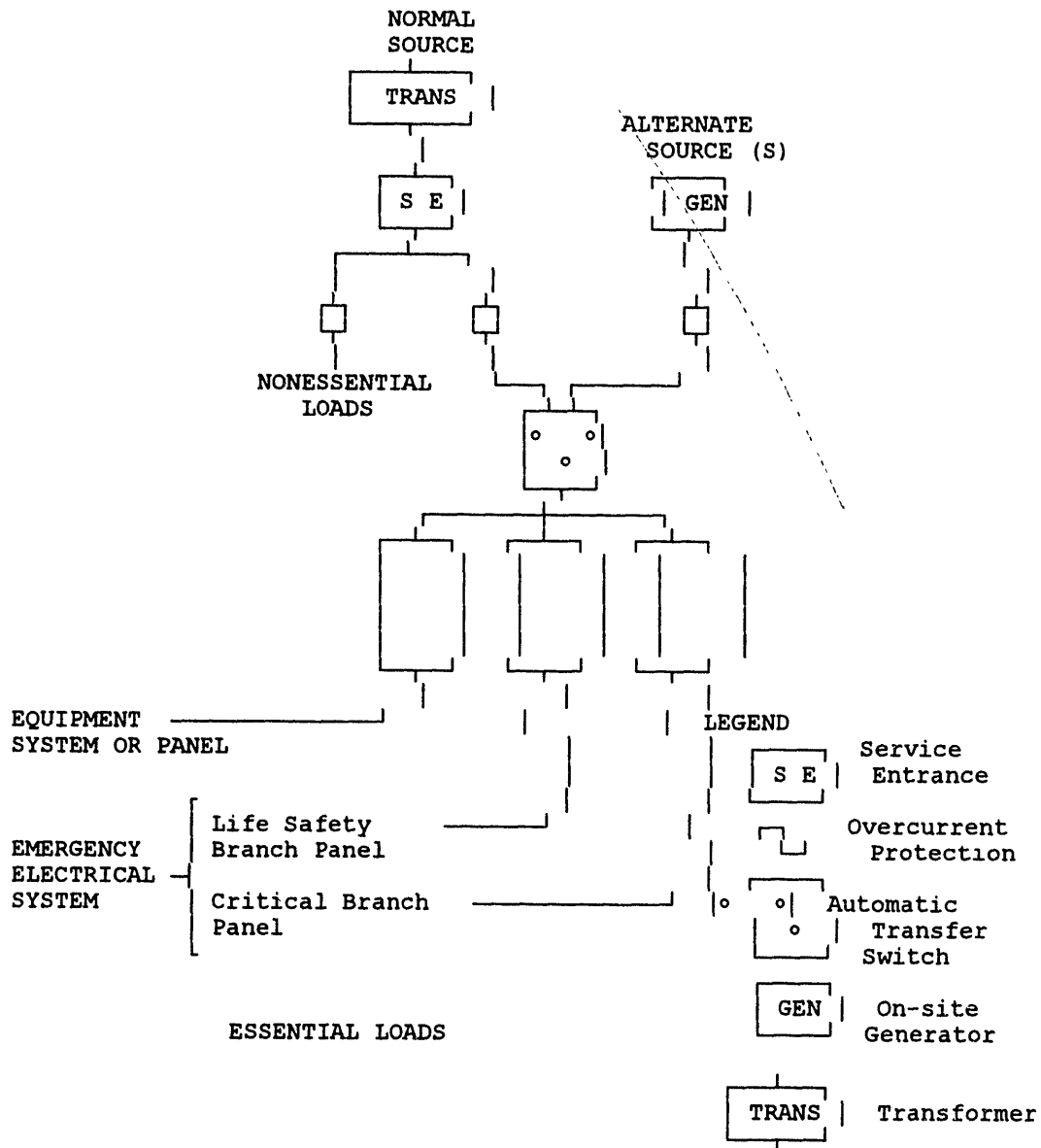
(A) One outlet accessible to each bed (one outlet may serve 2 beds if accessible to each)

(B) Two outlets for each bed (or one outlet with Y fitting)

(1) In birthing rooms (LDR or LDRP) provide one additional outlet each of oxygen, vacuum, and air for the infant. The outlets shall be located near the bassinets.

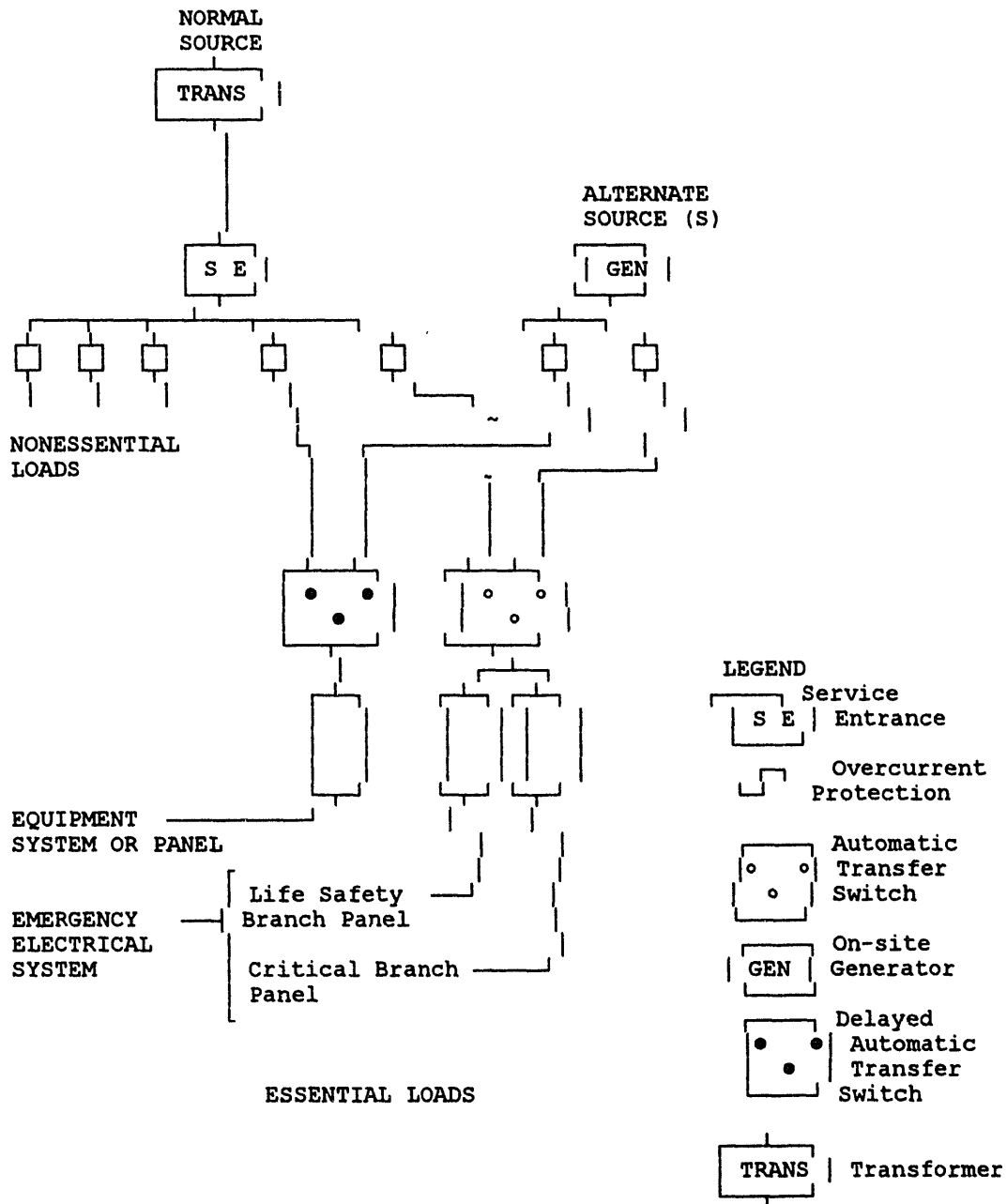
NOTE: Vacuum outlets required are in addition to any that might be used as part of a scavenging system for removal of anesthetizing gases. Refer to NFPA 99.

**Minimum Requirements for an Essential Electrical System in a Small Hospital**



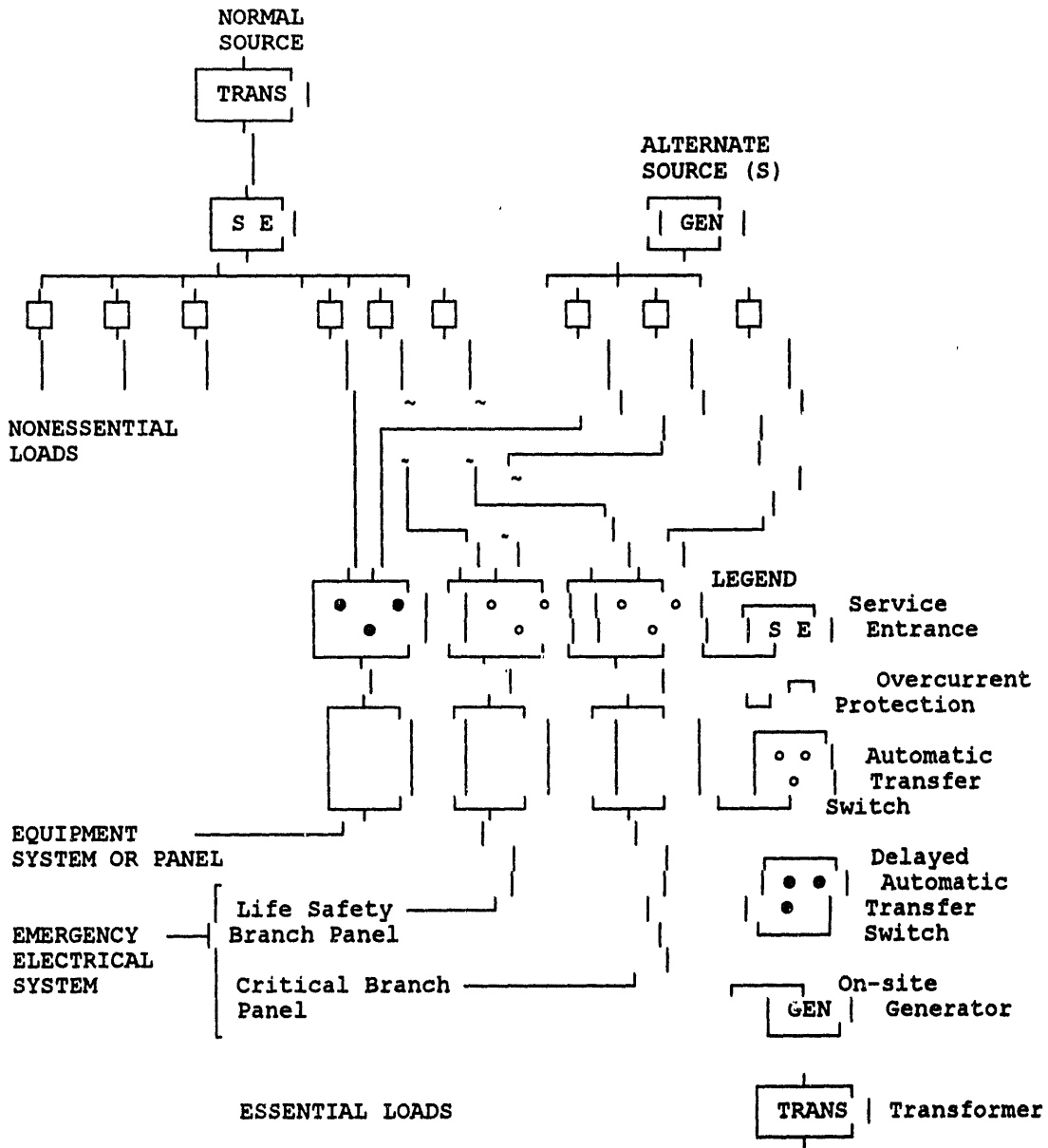
Maximum demand on the essential electrical system shall not exceed 150 KVA.

**Minimum Requirements for an Essential Electrical System in a Medium Hospital**



Maximum demand on the emergency electrical system shall be limited to 150 KVA.

**Minimum Requirements for an Essential Electrical System in a Large Hospital**





**Notes applicable to Figures 1 - 3  
Minimum Requirements for an Essential Electrical System**

The life safety branch (and panels) shall serve only those six functions listed in NFPA 99 and no others.

The critical branch shall serve only those functions listed in NFPA 99 for the critical branch.

Equipment listed in NFPA 99 shall be connected to the equipment branch.

The following paragraph is reprinted with permission from NFPA 70, National Electric Code, Copyright 1990, National Fire Protection Association, Quincy, Massachusetts 02269. This reprinted material is not the complete and official position of the NFPA on the referenced subject which is represented only by the standard in its entirety.

NFPA 70, 1990, 517-3-(c):

**Wiring Requirements.** The life safety branch and the critical branch of the emergency system shall be kept entirely independent of all other wiring and equipment and shall not enter the same raceways, boxes, or cabinets with each other or other wiring, except as follows:

- a. in transfer switches,
- b. in exit or emergency lighting fixtures supplied from two sources (normal and emergency),
- c. in a common junction box attached to exit or emergency lighting fixtures supplied from two sources.

The wiring of the equipment system shall be permitted to occupy the same raceways, boxes, or cabinets of other circuits that are not part of the emergency system.

Figure: 30 TAC §116.211(f)

**STANDARD EXEMPTION LIST**

(Also See 30 TAC Chapter 116, Permits)

1. Any facility constructed and operated at a domestic residence for domestic use.

2. Dual-chambered incinerators which meet the following:

(a) Design requirements:

(1) A burner in the secondary chamber shall maintain a temperature of 1,200 degrees Fahrenheit or higher in the secondary chamber;

(2) The manufacturer's rated capacity (burn rate) shall be 1,000 pounds per hour or less for Type 0, Type 1, and Type 2 waste only, in which:

Type 0 (Trash) wastes - Principal components are highly combustible waste, paper, wood, cardboard cartons, including up to 10% treated papers, plastic, or rubber scraps. Moisture content less than or equal to 10%; noncombustible solids less than or equal to 5.0%, and

Type 1 (Rubbish) wastes - Principal components are trash, rags, wood scraps, garbage (animal and vegetable wastes), and combustible floor sweepings. Garbage content cannot exceed 20%. Moisture content less than or equal to 25%; noncombustible solids less than or equal to 10%, and

Type 2 (Refuse) wastes - Principal components are trash and rubbish. Garbage content cannot exceed 50%. Moisture content less than or equal to 50%; noncombustible solids less than or equal to 7.0%, and

(3) There shall be no obstruction to stack flow, such as by rain caps, unless such devices are designed to automatically open when the incinerator is operated. Properly installed and maintained spark arrestors are not considered obstructions;

(b) Operational conditions:

(1) Manufacturer's recommended operating instructions shall be posted at the incinerator and the unit shall be operated in accordance with these instructions;

(2) Fuel for the incinerator shall be limited to sweet natural gas, liquid petroleum gas, Number 2 fuel oil with less than 0.5% sulfur by weight, or electric power; and

(3) This facility shall be used solely for the disposal of waste materials generated on-site. Incinerators used in the processing or recovery of materials or to dispose of pathological\*, hospital, and/or infectious waste are not covered by this exemption. Heat recovery, where no auxiliary fuel is burned, is allowed by this exemption.

- \* Pathological waste shall be defined only as carcasses, gauze dressings, blood, body fluids, tissue, human and/or animal remains, and the associated wood, cardboard, paper, or non-chlorinated plastic waste containers.
3. Combustion units designed and used exclusively for comfort heating purposes employing liquid petroleum gas, natural gas, or solid wood as fuel. Combustion of bark chips, sawdust, wood chips, treated wood, or wood contaminated with chemicals is not included.
  4. Comfort air conditioning systems or comfort ventilating systems which are not used to remove air contaminants generated by or released from specific units of equipment.
  5. Internal combustion engine and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable, emergency, and/or standby services, provided that the maximum annual operating hours shall not exceed 10% of the normal annual operating schedule of the primary equipment; and all electric motors.

For purposes of this exemption, "standby" means to be used as a "substitute for" and not "in addition to" other equipment.

6. Gas or liquid fuel-fired stationary internal combustion reciprocating engines or gas turbines that operate in compliance with the following conditions:
  - (a) The facility shall be registered by submitting Form PI-7, Texas Natural Resource Conservation Commission (TNRCC) Table 29, for each proposed reciprocating engine, and TNRCC Table 31 for each proposed gas turbine to the TNRCC Office of Air Quality in Austin within 10 days after construction begins. Engines and turbines rated less than 240 horsepower need not be registered, but must meet conditions (e) and (f) of this exemption, relating to fuel and protection of air quality.
  - (b) For any engine rated\* 500 horsepower (hp) or greater:
    - (1) The emissions of nitrogen oxides (NO<sub>x</sub>) shall not exceed the following limits:
      - (A) 2.0 grams per horsepower-hour (g/hp-hr) under all operating conditions for any gas-fired rich-burn engine.
      - (B) 2.0 g/hp-hr at manufacturer's rated full load and speed, and other operating conditions, except 5.0 g/hp-hr under reduced speed, 80-100% of full torque conditions, for any spark-ignited, gas-fired lean-burn engine, or any compression-ignited dual fuel-fired engine manufactured new after June 18, 1992.
      - (C) 5.0 g/hp-hr under all operating conditions for any spark-ignited, gas-fired, lean-burn two-cycle or four-cycle engine or any compression-ignited dual fuel-fired engine rated 825 hp or greater and manufactured after September 23, 1982, but prior to June 18, 1992.

- (D) 5.0 g/hp-hr at manufacturer's rated full load and speed and other operating conditions, except 8.0 g/hp-hr under reduced speed, 80-100% of full torque conditions for any spark-ignited, gas-fired, lean-burn four-cycle engine, or any compression-ignited dual fuel-fired engine that:
  - (i) was manufactured prior to June 18, 1992 and is rated less than 825 hp; or
  - (ii) was manufactured prior to September 23, 1982.
- (E) 8.0 g/hp-hr under all operating conditions for any spark-ignited, gas-fired, two-cycle lean-burn engine that:
  - (i) was manufactured prior to June 18, 1992 and is rated less than 825 hp; or
  - (ii) was manufactured prior to September 23, 1982.
- (F) 11.0 g/hp-hr for any compression-ignited liquid-fired engine.

\* Engine hp rating shall be based on the engine manufacturer's maximum continuous load rating at the lesser of the engine or driven equipment's maximum published continuous speed. A rich-burn engine is a gas-fired spark-ignited engine that is operated with an exhaust oxygen content less than 4.0 % by volume. A lean-burn engine is a gas-fired spark-ignited engine that is operated with an exhaust oxygen content of 4.0% by volume, or greater.

- (2) For such engines which are spark-ignited gas-fired or compression-ignited dual fuel-fired, the engine shall be equipped as necessary with an automatic air-fuel ratio (AFR) controller which maintains AFR in the range required to meet the emission limits of (b)(1) of this exemption. An AFR controller shall be deemed necessary for any engine controlled with a non-selective catalytic reduction (NSCR) converter and for applications where the fuel heating value varies more than  $\pm 50$  British thermal unit/standard cubic feet from the design lower heating value of the fuel. If a NSCR converter is used to reduce  $\text{NO}_x$ , the automatic controller shall operate on exhaust oxygen control.
- (3) Records shall be created and maintained by the owner or operator for a period of at least two years, made available, upon request, to the TNRCC and any local air pollution control agency having jurisdiction, and shall include the following:
  - (A) Documentation for each AFR controller, manufacturer's or supplier's recommended maintenance that has been performed, including replacement of the oxygen sensor as necessary for oxygen sensor-based controllers. The oxygen sensor shall be replaced at least quarterly in the absence of a specific written recommendation.
  - (B) Documentation on proper operation of the engine by recorded measurements of  $\text{NO}_x$  and carbon monoxide (CO) emissions as soon as practicable, but no later than seven days following each occurrence of engine maintenance which may reasonably be expected to increase emissions, changes of fuel quality in

engines without oxygen sensor-based AFR controllers which may reasonably be expected to increase emissions, oxygen sensor replacement, or catalyst cleaning or catalyst replacement. Stain tube indicators specifically designed to measure NO<sub>x</sub> and CO concentrations shall be acceptable for this documentation, provided a hot air probe or equivalent device is used to prevent error due to high stack temperature, and three sets of concentration measurements are made and averaged. Portable NO<sub>x</sub> and CO analyzers shall also be acceptable for this documentation.

- (C) Documentation within 60 days following initial engine start-up and biennially thereafter, for emissions of NO<sub>x</sub> and CO, measured in accordance with United States Environmental Protection Agency (EPA) Reference Method 7E or 20 for NO<sub>x</sub> and Method 10 for CO. Exhaust flow rate may be determined from measured fuel flow rate and EPA Method 19. California Air Resources Board Method A-100 (adopted June 29, 1983) is an acceptable alternate to EPA test methods. Modifications to these methods will be subject to the prior approval of the Source and Mobile Monitoring Division of the TNRCC. Emissions shall be measured and recorded in the as-found operating condition; however, compliance determinations shall not be established during start-up, shutdown, or under breakdown conditions. An owner or operator may submit to the appropriate regional office a report of a valid emissions test performed in Texas, on the same engine, conducted no more than 12 months prior to the most recent start of construction date, in lieu of performing an emissions test within 60 days following engine start-up at the new site. Any such engine shall be sampled no less frequently than biennially (or every 15,000 hours of elapsed run time, as recorded by an elapsed run time meter) and upon request of the Executive Director of the TNRCC. Following the initial compliance test, in lieu of performing stack sampling on a biennial calendar basis, an owner or operator may elect to install and operate an elapsed operating time meter and shall test the engine within 15,000 hours of engine operation after the previous emission test. The owner or operator who elects to test on an operating hour schedule shall submit in writing, to the appropriate regional office, biennially after initial sampling, documentation of the actual recorded hours of engine operation since the previous emission test, and an estimate of the date of the next required sampling.

(c) For any gas turbine rated 500 hp or more:

- (1) The emissions of NO<sub>x</sub> shall not exceed 3.0 g/hp-hr for gas-firing; and
- (2) The turbine shall meet all applicable NO<sub>x</sub> and sulfur dioxide (SO<sub>2</sub>) (or fuel sulfur) emissions limitations, monitoring requirements, and reporting requirements of EPA New Source Performance Standards Subpart GG--Standards of Performance for Stationary Gas Turbines.

Turbine hp rating shall be based on turbine base load, fuel lower heating value, and International Standards Organization Standard Day Conditions of 59 degrees Fahrenheit, 1.0 atmosphere and 60% relative humidity.

- (d) Any engine or turbine rated less than 500 hp or used for temporary replacement purposes shall be exempt from the emission limitations of paragraphs (b) and (c) of this exemption. Temporary replacement engines or turbines shall be limited to a maximum of 90 days of operation after which they shall be removed or rendered physically inoperable.
- (e) Gas fuel shall be limited to: sweet natural gas or liquid petroleum gas, fuel gas containing no more than 10 grains total sulfur per 100 dry standard cubic feet, or field gas. If field gas contains more than 1.5 grains hydrogen sulfide or 30 grains total sulfur compounds per 100 standard cubic feet (sour gas), the engine owner or operator shall maintain records, including at least quarterly measurements of fuel hydrogen sulfide and total sulfur content, which demonstrate that the annual SO<sub>2</sub> emissions from the facility do not exceed 25 tons per year (tpy). Liquid fuel shall be petroleum distillate oil that is not a blend containing waste oils or solvents and contains less than 0.3% by weight sulfur.
- (f) There will be no violations of any National Ambient Air Quality Standard (NAAQS) in the area of the proposed facility. Compliance with this condition shall be demonstrated by one of the following three methods:
  - (1) Ambient sampling or dispersion modeling accomplished pursuant to guidance obtained from the Executive Director.

Unless otherwise documented by actual test data, the following nitrogen dioxide (NO<sub>2</sub>)/NO<sub>x</sub> ratios shall be used for modeling NO<sub>2</sub> NAAQS:

<u>Device</u>	<u>NO<sub>x</sub> Emission Rate (Q) g/hp-hr</u>	<u>NO<sub>2</sub>/NO<sub>x</sub> Ratio</u>
IC Engine	Less than 2.0	0.4
IC Engine	2.0 thru 10.0	0.15 + (0.5/Q)
IC Engine	Greater than 10.0	0.2
Turbines		0.25
IC Engine with catalytic converter		0.85

- or (2) All existing and proposed engine and turbine exhausts are released to the atmosphere at a height at least twice the height of any surrounding obstructions to wind flow. Buildings, open-sided roofs, tanks, separators, heaters, covers, and any other type of structure are considered as obstructions to wind flow if the distance from the nearest point on the obstruction to the nearest exhaust stack is less than five times the lesser of the height, H<sub>b</sub>, and the width, W<sub>b</sub>, where:

H<sub>b</sub> = maximum height of the obstruction, and  
 W<sub>b</sub> = projected width of obstruction =

$$2\sqrt{\frac{lw}{3.141}}$$

where:

L = length of obstruction

W = width of obstruction

- or (3) The total emissions of  $\text{NO}_x$  (nitrogen oxide plus  $\text{NO}_2$ ) from all existing and proposed facilities on the property do not exceed the most restrictive of the following: (1) 250 tpy, (2) the value  $(0.3125 D)$  tpy, where D equals the shortest distance in feet from any existing or proposed stack to the nearest property line.
7. Boilers, heaters, drying or curing ovens, furnaces, or other combustion units, but not including stationary internal combustion engines or turbines, provided that the following conditions are met:
- (a) The only emissions shall be products of combustion of the fuel.
  - (b) The maximum heat input shall be 40 million British thermal unit (Btu) per hour with the fuel being:
    - (1) Sweet natural gas, or
    - (2) Liquid petroleum gas, or
    - (3) Fuel gas containing no more than 0.1 grain of total sulfur compounds, calculated as sulfur, per dry standard cubic foot, or
    - (4) Combinations of the above fuels.
    - (5) Distillate fuel oil fired as a backup fuel only. Firing shall be limited to 720 hours per year. The fuel oil shall contain less than 0.3% sulfur by weight and shall not be blended with waste oils or solvents.
  - (c) All gas fired heaters and boilers with a heat input greater than 10 million Btu per hour (higher heating value) shall be designed such that the emissions of nitrogen oxide shall not exceed 0.1 lb per million Btu heat input.
  - (d) Records of hours of fuel oil firing and fuel oil purchases shall be maintained on-site on a two-year rolling retention period and made available upon request to the Texas Natural Resource Conservation Commission or any local air pollution control agency having jurisdiction.
8. Water cooling towers, water treating systems for process cooling water or boiler feedwater, and water tanks, reservoirs, or other water containers designed to cool, store, or otherwise handle water (including rainwater) that have not been used in direct contact with gaseous or liquid process streams containing carbon compounds, sulfur compounds, halogens or halogen compounds, cyanide compounds, inorganic acids, or acid gases.
9. Equipment used exclusively for steam or dry cleaning of fabrics, plastics, rubber, wood, or vehicle engines or drive trains.
10. Presses used exclusively for extruding metals, minerals, plastics, rubber, or wood except where halogenated carbon compounds or hydrocarbon solvents are used as foaming agents. Presses used for extruding scrap materials or reclaiming scrap materials are not exempt.

11. Presses used for the curing of rubber products and plastic products.
12. Equipment used for hydraulic or hydrostatic testing.
13. Printing presses, provided that all the following conditions are satisfied:
  - (a) The emission of volatile organic compounds (VOC) and solvents (including, but not limited to, those used for printing, cleanup, or makeup) shall not exceed the following rates:
    - (1) 15 tons per year (tpy) for any press proposed to be covered by this standard exemption, and
    - (2) 25 tpy for all printing presses on the property covered by standard exemptions.
  - (b) Printing presses covered by this standard exemption shall not utilize heat set, thermo set, or oven dried inks.
  - (c) If total VOC emissions and solvents (including, but not limited to, printing, cleanup, and makeup solvents) from the property exceed 10 tpy, the owner or operator of the facility shall keep records in sufficient detail to enable the Texas Natural Resource Conservation Commission to determine ink and solvent usage in pounds (minus water) on a monthly and calendar year-to-date basis. Documentation of the usage determination method and all data shall be maintained for a two-year rolling retention period. This information must be in sufficient detail to show compliance with condition (a) of this exemption.
14. Equipment used exclusively to store and dispense motor fuels into heavy and light-duty motor vehicles, and marine vessels or other watercraft, aircraft, and railroad locomotive engines.
15. Equipment used exclusively for the dyeing or stripping of textiles.
16. Equipment used exclusively to mill or grind coatings and molding compounds where all materials charged are in a paste form.
17. Crucible or pot furnaces with a brim full capacity of less than 450 cubic inches of any molten metal.
18. Equipment used exclusively for the melting or application of wax.
19. Equipment used exclusively for bonding lining to brake shoes.
20. Equipment used in eating establishments for the purpose of preparing food for human consumption.
21. Equipment used exclusively to store or hold dry natural gas.
22. All closed tumblers used for the cleaning or deburring of metal products without abrasive blasting, and all open tumblers with a batch capacity of 1,000 pounds or less.
23. Shell core and shell mold manufacturing machines.
24. Sand or investment molds with a capacity of 100 pounds or less used for the casting of metals.



25. Batch mixers with rated capacity of five cubic feet or less for mixing cement, sand, aggregate, additives, and/or water or similar materials.
26. Equipment used exclusively for the packaging of lubricants or greases.
27. Equipment used exclusively for conveying and storing plastic and/or rubber solid materials, provided that no visible emissions occur and:
  - (a) Equipment used for conveying of powders or resins to storage silos must be equipped with fabric filter(s) having a maximum filtering velocity of 4.0 feet per minute (ft/min) with mechanical shaking or 7.0 ft/min with air cleaning, and
  - (b) Transfer of powders or resins is accomplished in an enclosed system.
28. Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.
29. Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 100 square feet.
30. Platen presses used for laminating.
31. Blast cleaning equipment using a suspension of abrasives in water.
32. Ovens, mixers, blenders, barbecue pits, and cookers if the products are edible and intended for human consumption.
33. Kilns used for firing ceramic ware, heated exclusively by natural gas, liquid petroleum gas, electricity, or any combination thereof where:
  - (a) the total heat input is 10 million British therman units per hour or less, and
  - (b) there are no emissions of lead, beryllium, or fluorides, and emissions of sulfur dioxide and particulate matter from both the material being fired and fuel burned do not exceed 25 tons per year of either air contaminant.
34. Bench scale laboratory equipment, and laboratory equipment used exclusively for chemical and physical analyses.
35. Equipment used for inspection of metal products.
36. Equipment used exclusively for rolling, forging, pressing, drawing, spinning, or extruding either hot or cold metals by some mechanical means.
37. Die casting machines.
38. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.
39. Brazing, soldering, or welding equipment, except those which emit 0.6 ton per year or more of lead.

40. Hand-held or manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of ceramic art work, ceramic precision parts, leather, metals, plastics, fiber board, masonry, carbon, glass, graphite, or wood.
41. Equipment using aqueous solutions for anodizing, electrodeposition, electroless plating, electrolytic polishing, and stripping of brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals; and for cleaning, stripping, etching, or other surface preparation; but not including chemical milling or electrolytic metal recovery and reclaiming systems.
42. Equipment used for washing or drying products fabricated from metal or glass, provided no volatile organic materials are used in the process and no oil or solid fuel is burned.
43. Laundry dryers, extractors, or tumblers used for fabrics cleaned with water solutions of bleach or detergents.
44. Foundry sand mold forming equipment to which no heat is applied.
45. Equipment used for compression molding and injection molding of plastics.
46. Mixers, blenders, roll mills, or calenders for rubber or plastics, provided the following conditions are satisfied:
  - (a) Organic solvents, diluents, or thinners shall not be used.
  - (b) Material in powder form shall not be added unless the mixer, blender, roll mill, or calender is vented to a fabric filter having a maximum filtering velocity of 4.0 feet per minute (ft/min) with mechanical cleaning, or 7.0 ft/min with automatic air cleaning.
  - (c) There shall be no visible emissions.Mixers, blenders, roll mills, or calenders handling or adding asbestos shall not be eligible for this exemption.
47. Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.
48. Roll mills or calenders for rubber or plastics in which organic solvents, diluents, or thinners are used, provided that before construction begins, the facility is registered with Form PI-7 and information regarding process rate and type of material emitted is submitted.
49. Vacuum producing devices used in laboratory operations.
50. Containers, reservoirs, or tanks used exclusively for dipping operations for coating objects with oils, waxes, or greases where no organic solvents, diluents, or thinners are used; or dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.
51. Liquid loading or unloading equipment for railcars, tank trucks, or drums; storage containers, reservoirs, tanks; and change of service of material loaded, unloaded, or stored, provided that no visible emissions result and the chemicals loaded, unloaded, or stored are limited to:

(a) the following list:

asphalt	waxes	wax emulsions
resins	polymers	vegetable oils
soaps	detergents	greases
lube oils	lube oil additives	animal fats
fuel oils	kerosene	diesel fuels

(b) water or wastewater,

(c) aqueous salt solutions,

(d) aqueous caustic solutions, except ammonia solutions,

(e) inorganic acids except oleum, hydrofluoric, and hydrochloric acids,

(f) aqueous ammonia solutions if vented through a water scrubber,

(g) hydrochloric acid if vented through a water scrubber,

(h) acetic acid if vented through a water scrubber,

(i) organic liquids having an initial boiling point of 300 degrees Fahrenheit or greater. Facilities loading, unloading, or storing butyric acid, isobutyric acid, methacrylic acid, mercaptans, croton oil, 2-methyl styrene, or any other compound with an initial boiling point of 300 degrees Fahrenheit or greater listed in 40 Code of Federal Regulations 261, Appendix VIII shall be located at least 500 feet from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.

52. Reserved.

53. Organic liquids loading or unloading equipment for railcars, tank trucks, or drums; and storage containers, tanks, or change of service of the material loaded, unloaded, or stored, provided that all of the following conditions are met:

(a) Uncontrolled emissions calculated using the version of AP-42 in effect at the time are less than 25 tons per year of organic compounds or of any other air contaminant.

(b) The loading rate of the facilities does not exceed 20,000 gallons per day averaged over any consecutive 30-day period.

(c) The capacity of any tank does not exceed 25,000 gallons except that tanks having a capacity of less than 40,000 gallons may be used to store sweet crude oil, sweet natural gas condensate, gasoline, and petroleum fuels.

(d) The facilities are used exclusively for the loading, unloading, or storage of:

(1) Organic liquids normally used as solvents, diluents, thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins, or other surface coatings.

(2) Petroleum, petroleum fuels, other motor vehicle fuels, and natural

gas liquids, none of which have a true vapor pressure of 11.0 psia or greater at maximum temperature of use.

- (e) The facilities will meet any applicable requirements of 30 TAC Chapter 115.
  - (f) Facilities used for the loading, unloading, or storage of any compound listed in 40 Code of Federal Regulations 261, Appendix VIII are not exempt under this standard exemption.
54. Reserved.
55. Reserved.
56. Reserved.
57. Electrically heated or sweet natural gas or liquid petroleum gas fueled equipment used exclusively for heat treating, soaking, case hardening, or surface conditioning of metal objects, such as carbonizing, cyaniding, nitriding, carbonitriding, siliconizing, or diffusion treating.
58. Metal Melting and Holding Furnaces as specified below:
- (a) Crucible furnaces, pot furnaces, or induction furnaces with a holding capacity of 1,000 pounds or less, with the following limitations:
    - (1) No smelting, reduction, sweating, metal separation, or distilling is conducted.
    - (2) In ferrous melting furnaces where gray iron or steel is melted.
      - (A) Ductile iron is not produced, and
      - (B) The furnace charge is free of oil, grease, and paint.
    - (3) In nonferrous melting furnaces, only the following metals are melted, poured, or held in a molten state:
      - (A) Aluminum or any alloy containing over 50% aluminum.
      - (B) Magnesium or any alloy containing over 50% magnesium.
      - (C) Tin or any alloy containing over 50% tin.
      - (D) Zinc or any alloy containing over 50% zinc.
      - (E) Copper.
      - (F) Precious metals.
    - (4) No lead, leaded brass, leaded bronze, or magnesium bronze is melted, poured, or held in a molten state.
  - (b) Aluminum melting or holding furnaces with a holding capacity of 2,000 pounds or less that melt only clean aluminum ingots or pigs and in which no refining, smelting, metal separation, sweating, distilling, or fluxing is performed.

59. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
60. Sewage treatment facilities (excluding combustion or incineration equipment, land farms, or grease trap waste handling or treatment facilities).
61. Water and wastewater treatment units, provided the following conditions are met:
  - (a) The facility performs only the following functions:
    - (1) disinfection\*,
    - (2) softening,
    - (3) filtration,
    - (4) flocculation,
    - (5) stabilization,
    - (6) taste and odor control,
    - (7) clarification,
    - (8) carbonation,
    - (9) sedimentation,
    - (10) neutralization,
    - (11) chlorine removal,
    - (12) activated sludge treatment, anaerobic treatment, and associated control of gases from these treatments,
    - (13) aerobic oxidation/biodegradation using oxygen or peroxide in the absence of nitrogen or other gas that would cause stripping of volatile organic compounds (VOC) from the water,
    - (14) stripping VOC, ammonia, or other air contaminants from the water with air or other gas provided the stripped gases are controlled with an abatement system that meets the requirements of Standard Exemption 68(e). For ammonia or hydrogen chloride (HCl) or other acid gas emissions, abatement may include a water or caustic scrubbing system as a means of complying with this exemption. Final emissions of HCl resulting from combustion of chlorine or chlorine-containing compounds shall not exceed 0.1 pounds per hour,
    - (15) liquid phase separation of VOC and water in which: (1) the sum of the partial pressures of all species of VOC in any sample is less than 1.5 psia or (2) the separator is enclosed and emissions are vented through an emission abatement system meeting the requirements specified above for stripped VOC and ammonia.

- \* Chlorine or sulfur dioxide (SO<sub>2</sub>) shall be used only in containers approved by the United States Department of Transportation and emissions of chlorine or SO<sub>2</sub> from treatment of water or decontamination of equipment at any water treatment plant shall not exceed 10 tons per year.
- (b) The following shall not be exempted by this exemption:
- (1) gas stripping or aeration facilities where VOC or other air contaminants are stripped from water directly to the atmosphere,
  - (2) disposal facilities using land surface treatment,
  - (3) surface facilities associated with injection wells,
  - (4) cooling towers in which VOC or other air contaminants may be stripped to the atmosphere.
62. Confined feeding operations which satisfy the following conditions:
- (a) Livestock animal feedlots designed to feed less than 1,000 animals.
  - (b) Ranged turkey feeding operations, caged egg laying operations, and caged pullet operations designed to feed less than 20,000 birds when a dry manure handling and storage system is used.
  - (c) All housed broiler, pullet, turkey, breeder hen, and egg laying operations when wood shavings or similar material are used as litter.
  - (d) All caged egg laying and caged pullet operations designed to feed more than 20,000 hens when a dry manure storage and handling system is used and when located at least ¼ mile from any recreational area or residence or other structure not occupied or used solely by the owner of the egg laying or caged pullet operation. Before construction of the caged laying and caged pullet operations begins; written site approval shall be received from the Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) and the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7.
63. Livestock auction sales facilities, provided the following conditions are satisfied:
- (a) All holding pens shall be covered by a roof.
  - (b) All traffic areas shall be paved and cleaned, oiled, or sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions.
  - (c) Manure shall be cleaned from pens as necessary to prevent an odor nuisance and disposed of in a manner which will not create a nuisance.
  - (d) Dead animals shall be properly disposed of within 24 hours after death.
  - (e) The facility shall be located at least 600 feet from any recreational area or residence or other structure not occupied or used solely by the owner or operator of this facility.

- (f) Before construction of the facility begins, written site approval shall be received from the Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) and the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7.
64. Modifications to feed milling operations which satisfy the following:
- (a) In conjunction with the installation of additional grain or feed storage silos, including bins used for loading out finished feed, all materials shall be transported in a closed conveying system when handled mechanically or pneumatically. Exhaust air to the atmosphere shall be vented through a fabric filter having a maximum filtering velocity of 4.0 feet per minute (ft/min) with mechanical cleaning or 7.0 ft/min with automatic air cleaning.
  - (b) In conjunction with the installation of a pellet mill/pellet cooler system, the air from the pellet cooler shall be vented through a high efficiency cyclone collector which has a cone length at least twice the diameter of the cyclone.
65. Salt water disposal facilities used to handle aqueous liquid wastes from petroleum production operations and water injection facilities, provided that the following conditions are met:
- (a) Any facility processing salt water which emits a sour gas shall be located at least  $\frac{1}{4}$  mile from any recreational area or residence or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located.
  - (b) Any open storage of salt water shall be operated in such a manner as to prevent the occurrence of a nuisance condition off-property.
  - (c) All plant roads and truck loading and unloading areas must be operated and/or maintained as necessary to prevent dust emissions from the property which would cause or contribute to a nuisance condition. Appropriate operating activities may include reduction of speed of vehicles, use of alternate routes, and covering of dust-producing loads being hauled. Appropriate maintenance activities may include watering, treatment with dust suppressant chemicals, oiling, paving, and cleaning dust-producing surfaces.
66. Any oil or gas production facility\*, carbon dioxide separation facility\*, or oil or gas pipeline facility\* consisting of one or more tanks, separators, dehydration units, free water knockouts, gunbarrels, heater treaters, natural gas liquids recovery units, or gas sweetening and other gas conditioning facilities, including sulfur recovery units at facilities conditioning produced gas containing less than two long tons per day of sulfur compounds as sulfur, provided that the following conditions are met:
- (a) Compressors and flares shall meet the requirements of Standard Exemptions 6 and 80, respectively.
  - (b) Total emissions, including process fugitives, combustion unit stacks, separator, or other process vents, tank vents, and loading emissions from all such facilities constructed at a site under this exemption shall not exceed 25 tons per year (tpy) each of sulfur dioxide (SO<sub>2</sub>), all other sulfur compounds combined, or all volatile organic compounds (VOC) combined; and 250 tpy each of nitrogen oxide and carbon monoxide. Emissions

of VOC and sulfur compounds other than SO<sub>2</sub> must include gas lost by equilibrium flash as well as gas lost by conventional evaporation.

- (c) Any facility handling sour gas shall be located at least ¼ mile from any recreational area or residence or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located.
- (d) Total emissions of sulfur compounds, excluding sulfur oxides, from all vents shall not exceed 4.0 pounds per hour (lb/hr) and the height of each vent emitting sulfur compounds shall meet the following requirements except in no case shall the height be less than 20 feet:

<u>Total as Hydrogen Sulfide, lb/hr</u>	<u>Minimum vent height, feet</u>
0.27	20
0.60	30
1.94	50
3.00	60
4.00	68

NOTE: Other values may be interpolated.

- (e) Before operation begins, facilities handling sour gas shall be registered with the Texas Natural Resource Conservation Commission Office of Air Quality in Austin using Form PI-7 along with supporting documentation that all requirements of this exemption will be met. For facilities constructed under Standard Exemption 67, the registration is required before operation under Standard Exemption 66 can begin. If the facilities cannot meet Standard Exemption 66, a permit is required prior to continuing operation of the facilities.
- \* This exemption applies only to those facilities named above which handle gases and liquids associated with the production, conditioning, processing, and pipeline transfer of fluids found in geologic formations beneath the earth's surface.
67. Temporary separators, tanks, meters, and fluid-handling equipment used for a period not to exceed 90 operating days, provided that all the following conditions are satisfied:
- (a) The purpose of the 90-day period is to test the content of a subsurface stratum believed to contain oil or gas and/or to establish the proper design of a permanent fluid-handling facility.
  - (b) Any sour gas produced during this test period shall be burned in a smokeless flare which meets the requirements of conditions (a)(4), (b)(1), and (b)(3) of Standard Exemption 80.
  - (c) Total emissions of reduced sulfur compounds, excluding sulfur oxides, but including hydrogen sulfide, shall not exceed 4.0 pounds per hour and the emission point height of any vent of reduced sulfur compounds shall meet the requirements of Standard Exemption 66(d).
  - (d) Operation of a facility authorized by this exemption beyond the 90-day period shall not be allowed unless such operation is authorized under another Standard Exemption or is permitted under §116.1 or §116.7.



68. Equipment used to reclaim or destroy chemicals removed from contaminated ground water, contaminated water condensate in tank and pipeline systems, or contaminated soil, for the purpose of remedial action, provided all the following conditions are satisfied:
- (a) Applicability shall pertain to soil and water remediation at the property where the original contamination of the ground water or soil occurred or at a nearby property secondarily affected by the contamination, but not to any soil or water treatment facility where soils or water are brought in from another property. Such facilities are subject to §116.1, relating to Permit Requirements.
  - (b) For treating groundwater or soil contaminated with petroleum compounds, the total emissions of petroleum hydrocarbons shall not exceed 1.0 pound per hour (lb/hr), except that benzene emissions also must meet the conditions of Standard Exemption 118(c) and (d). For purposes of this exemption, petroleum is considered to include: (1) liquids or gases produced from natural formations of crude oil, tar sands, shale, coal and natural gas, or (2) refinery fuel products to include fuel additives.
  - (c) For treating groundwater or soil contaminated with chemicals other than petroleum, emissions must meet the requirements of Standard Exemption 118(b), (c), and (d). If the groundwater or soil is contaminated with both petroleum and other chemicals, the petroleum compound emissions must meet condition (b) of this exemption and the other chemical emissions must meet the requirements of Standard Exemption 118(b), (c), and (d). The emission of any chemical not having a Limit (L) Value in Table 118A of Standard Exemption 118 is limited to 1.0 lb/hr.
  - (d) The handling and processing (screening, crushing, etc.) of contaminated soil and the handling and conditioning (adding moisture) of remediated soil shall be controlled such that there are no visible emissions with the exception of moisture.
  - (e) If abatement equipment is used to meet conditions (b) and (c), the equipment must satisfy one of the following conditions:
    - (1) The vapors shall be burned in a direct-flame combustion device (incinerator, furnace, boiler, heater, or other enclosed direct-flame device) operated in compliance with Standard Exemption 88(b) and (c).
    - (2) The vapors shall be burned in a flare which meets the requirements of Standard Exemption 80 and the requirements of 40 Code of Federal Regulations 60.18 which shall take precedence over Standard Exemption 80 in any conflicting requirements whether or not New Source Performance Standards apply to the flare.
    - (3) The vapors shall be burned in a catalytic oxidizer which destroys at least 90% of the vapors. An evaluation of oxidizer effectiveness shall be made at least weekly using a portable flame or photoionization detector or equivalent instrument to determine the quantity of carbon compounds in the inlet and outlet of the catalytic oxidizer. Records of oxidizer performance shall be maintained in accordance with condition (g).
    - (4) The vapors shall be routed through a carbon adsorption system (CAS) consisting of at least two activated carbon canisters that are

connected in series. The system shall meet the following additional requirements:

- (A) The CAS shall be sampled and recorded weekly to determine breakthrough of volatile organic compounds (VOC). Breakthrough is defined as a measured VOC concentration of 50 parts per million by volume (ppmv) in the outlet of the initial canister. The sampling point shall be at the outlet of the initial canister, but before the inlet to the second or final polishing canister. Sampling shall be performed while venting maximum emissions to the CAS. (Example: during loading of tank trucks, during tank filling, during process venting.)
- (B) A flame ionization detector (FID) shall be used for VOC sampling. The FID shall be calibrated prior to sampling with certified gas mixtures (propane in air) of 10 ppmv  $\pm$  2.0% and of 100 ppmv  $\pm$  2.0%.
- (C) When the VOC breakthrough is measured, the waste gas flow shall be switched to the second canister immediately. Within four hours of detection of breakthrough, a fresh canister shall be placed as the new final polishing canister. Sufficient fresh activated carbon canisters shall be maintained at the site to ensure fresh polishing canisters are installed within four hours of detection of breakthrough.
- (D) Records of the CAS monitoring maintained at the plant site shall include, but are not limited to, the following:
  - 1. sample time and date,
  - 2. monitoring results (ppmv),
  - 3. corrective action taken, including the time and date of the action, and
  - 4. process operations occurring at the time of sampling.
- (E) The registration shall include a demonstration that activated carbon is an appropriate choice for control of the organic compounds to be stripped.
- (f) Before construction of the facility begins, the facility shall be registered with the Texas Natural Resource Conservation Commission (TNRCC) Office of Air Quality in Austin using Form PI-7. The registration shall contain specific information concerning the basis (measured or calculated) for the expected emissions from the facility. The registration shall also explain details as to why the emission control system can be expected to perform as represented.
- (g) Records required by applicable paragraphs of this exemption shall be maintained at the site and made available to personnel from the TNRCC or any local agency having jurisdiction. These records shall be made available to representatives of the TNRCC and local programs upon request and shall be retained for at least two years following the date that the data is obtained.

69. Replacement or addition of cotton gin stands where no other equipment change

or additions are involved.

70. Repairs or maintenance not involving structural changes where no new or permanent facilities are installed.
71. Any permanently or temporarily located concrete plant\* that accomplishes wet batching, dry batching, or central mixing, and operates in compliance with the following conditions:
- (a) All stockpiles shall be sprinkled with water and/or dust-suppressant chemicals as necessary to achieve maximum control of dust emissions. The stockpile sprinkler system shall be operable at all times.
  - (b) A mechanism shall be installed on each bulk storage silo to warn operators when the silo is full.
  - (c) All permanent in-plant roads (batch truck and material delivery truck roads) shall be paved with a cohesive hard surface that can be repeatedly swept, washed, and maintained intact and cleaned as necessary to achieve maximum control of dust emissions. All batch trucks and material delivery trucks shall remain on a paved surface when entering, conducting primary function, and leaving the property. Other areas on the property subject to vehicle traffic shall be watered, treated with dust-suppressant chemicals, oiled, or paved and cleaned as necessary to achieve maximum control of dust emissions.
  - (d) The cement weigh hopper shall be vented to its own fabric filter or the central collection system specified in condition (f).
  - (e) All bulk storage silos shall be equipped with fabric filter(s) having a maximum filtering velocity of 4.0 feet per minute (ft/min) with mechanical cleaning or 7.0 ft/min with automatic air cleaning or shall be vented to the central collection system specified in condition (f).
  - (f) The dust emissions at the batch drop point (drum feed for central mix plants) shall be controlled by a shroud or other pickup device delivering a minimum of 4,000 actual cubic feet per minute of air to a fabric filter with automatic air cleaning and a 7.0 ft/min maximum filtering velocity, or automatic sequenced mechanical cleaning (not manually activated) and a 5.25 ft/min maximum filtering velocity.
  - (g) Unless the facility is to be located temporarily in or contiguous to the right-of-way of a public works project, public notice and opportunity for public hearing, as specified in §116.10(a)(3) and (4) and (b), must be published and documentation provided to the Texas Natural Resource Conservation Commission (TNRCC). A temporarily located plant exempt from public notice may provide concrete for the same contractor for project segments with the same governmental entity, but may not produce concrete for other unrelated projects or other governmental entities.
  - (h) Spillage of cement and fly ash used in the batch shall be cleaned up immediately and contained or dampened so that dust emissions from wind erosion and/or vehicle traffic are minimized.
  - (i) All open-bodied vehicles transporting material from a dry batch plant to the paving mixer(s) shall be loaded with a final layer of wet sand and/or the truck shall be covered with a tarp to reduce the emissions of dust to the minimum level possible under existing conditions.

- (j) Before construction of the facility begins, written site approval shall be received from the Executive Director of the TNRCC, and the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7, including a current TNRCC Table 20.
  - \* A temporarily located concrete facility occupies a designated site for not more than 180 consecutive days or supplies concrete for a single public works project or for the same contractor for related project segments, but not other unrelated projects.
72. Reserved.
73. Any portable rock crusher with a production rate of 200 tons per hour or less that operates according to the following conditions:
- (a) Operating schedule of the plant does not exceed 1,600 hours per year.
  - (b) All in-plant haul roads and stockpiles are sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions.
  - (c) Water sprays are located at all belt transfer points, shaker screens, and inlet and outlet of all crushers and used as necessary to achieve maximum control of dust emissions.
  - (d) The plant is located at least  $\frac{1}{4}$  mile from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.
  - (e) The plant is located at least 1,000 feet from any state or federal highway not currently under maintenance or construction.
  - (f) Before construction of the facility begins, written site approval is received from the Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) and the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7, including a current Table 17.
74. Any grain handling, storage, and drying facility which meets conditions (a), (b), or (c) below.
- (a) The facility is in noncommercial use only - that is, used only to handle, dry, and/or store grain produced by the owner(s) of the facility if the following conditions are satisfied:
    - (1) The total storage capacity does not exceed 750,000 bushels.
    - (2) The grain handling capacity does not exceed 4,000 bushels per hour.
    - (3) The facility is located at least 500 feet from any recreational area or residence or business not occupied or used solely by the owner of the facility.
  - (b) The facility is in commercial use and the following conditions are satisfied:
    - (1) The total storage capacity of the new and any existing facility or facilities does not exceed 1,500,000 bushels.

- (2) The facility shall be located at least  $\frac{1}{2}$  mile from any recreational area or residence or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located.
  - (3) Before construction of the facility begins, written site approval shall be received from the Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) and the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7.
- (c) The installation of additional grain storage capacity which satisfies the following conditions:
- (1) There shall be no increase in hourly grain handling capacity.
  - (2) Existing grain receiving and loadout facilities are utilized.
  - (3) Grain shall be conveyed by closed conveying systems and air suction shall not be pulled on any conveying unit.
  - (4) Written site approval shall be received from the Executive Director of the TNRCC before construction begins for facilities utilizing existing grain receiving facilities when new gravity or auger loadout systems are to be installed.
75. Surface coating or stripping facilities, excluding vehicle repair and refinish shops must meet all of the following conditions:
- (a) There shall be no volatile organic compounds (VOC) or exempt solvent (non-VOC) control equipment used to meet the limits of this exemption.
  - (b) No metal spraying or metalizing (the deposition or spraying of molten metal onto a surface to form a coating) is allowed. This does not exclude the use of metallic coating pigments.
  - (c) The total uncontrolled emission of VOC and exempt solvents that are contained in the coating materials as applied and used for cleanup must not exceed the following for all operations:
    - (1) 25 tons per year (tpy) of VOC and 10 tpy of exempt solvents for all surface coating and stripping operations (sources) covered by standard exemption at a site.
    - (2) 30 pounds per hour (lb/hr) of VOC and 5.0 lb/hr of exempt solvents for all surface coating and stripping operations (sources) covered by standard exemption at a site.
    - (3) 6.0 lb/hr of VOC, averaged over any four-hour period, and 500 pounds per week on a per source basis.
    - (4) If emissions are less than 0.25 lb/hr of VOC and/or exempt solvents, a facility is exempt from the requirements of conditions (e), (g), (i), (j), (k), and (l).
  - (d) Facilities using non-electric drying or curing ovens that accelerate the release of VOC from the applied coatings (provided that there is no increase in the total emission of VOC from the applied coatings) must

meet the following conditions:

- (1) The maximum heat input to any oven shall not exceed 40 million British thermal units per hour, and
  - (2) Heat shall be provided by the combustion of sweet natural gas, liquid petroleum gas, fuel gas containing no more than 5.0 grains of total sulfur compounds (calculated as sulfur) per 100 dry standard cubic foot, or Number 2 fuel oil with not more than 0.3% sulfur by weight.
- (e) The following records shall be maintained in sufficient detail to demonstrate compliance with this standard exemption:
- (1) Material Safety Data Sheets for all coating materials and solvents currently in use and those in use for the two previous years shall be kept at the plant site.
  - (2) Data of daily coatings and solvent use and the actual hours of operation of each coating or stripping operation (source).
    - (i) Data shall be reduced monthly and a report produced monthly that represents hours of operation each day, and emissions from each source in pounds per hour, pounds per day, pounds per week and tons emitted from the site during the previous 12-month period.
    - (ii) The reports shall be completed no later than the 15th day of the following month.
  - (3) The records required shall be kept on-site with examples of the method of data reduction including units, conversion factors, assumptions, and the basis of the assumptions.
  - (4) Records shall be maintained on a rolling two-year retention period and be made immediately available to the Texas Natural Resource Conservation Commission (TNRCC) or any air pollution control agency with jurisdiction.
- (f) All facilities covered by this exemption at a site shall implement good housekeeping procedures to minimize fugitive emissions, including the following:
- (1) All spills shall be cleaned up immediately.
  - (2) All spray gun and equipment clean up shall be performed with the booth or work area fans operating. As much of the waste solvent shall be collected as possible.
  - (3) All waste coatings, solvents, and spent cleanup solvents shall be stored in sealed containers until removal from the site by an authorized disposal service or until emptying into authorized on-site waste management facilities.
  - (4) There shall be no visible dust emissions from handling, storage, and disposal of particulate matter captured in the spray booth dust collection systems.

- (g) Opacity of emissions from any emission point must not exceed 5.0% as determined by the United States Environmental Protection Agency Method 9 averaged over a six-minute period, except for those periods described in 30 TAC §111.111(a) (1) (E) .
- (h) Facilities located in ozone nonattainment counties shall meet the requirements of 30 TAC Chapter 115, Subchapter B, concerning general vent gas control and Subchapter E, concerning surface coating processes.
- (i) Before construction begins, the facility must be registered with the TNRCC Office of Air Quality using Form PI-7.
- (j) A spray booth or work area is considered enclosed for the purposes of this exemption if the average velocity of ventilating air through the spray booth or work area for electrostatic spray application systems has a minimum velocity of 60 feet per minute (ft/min). All other systems shall have a minimum ventilating air velocity of 100 ft/min. Additionally, all spray booths and work areas shall have a minimum face velocity at the opening of 50 ft/min. The following conditions apply to surface coating operations performed indoors or in an enclosed work area:
  - (1) Spraying operations shall be conducted in a spray booth or enclosed work area in which the emissions of particulate matter are controlled by either a water wash system or a dry filter system. For either system, the particulate removal efficiency shall be at least 95% as documented by the filter media or water wash system manufacturer; and:
    - (A) The face velocity at the filter media shall not exceed 250 ft/min or that specified by the filter media manufacturer. The pressure drop across the filter as recommended by the filter media manufacturer shall be used.
    - (B) Spray booth emissions shall be exhausted through elevated stacks that extend at least 1.5 times the building height above grade. All stacks shall have vertical discharges and be equipped with rain protection that produces no restrictions or obstructions to vertical flow.
  - (2) Dipping, brushing, rolling, or other non-spraying operations shall be conducted in a booth or enclosed work area such that the emissions shall be exhausted through elevated stacks that extend at least 1.5 times the building height above grade. All stacks shall have vertical discharges and be equipped with rain protection that produces no restrictions or obstructions to vertical flow.
- (k) For surface coating operations that are performed outdoors or in a non-enclosed work area (areas which do not meet the requirements of (j)), the following conditions apply:
  - (1) Only one outdoor or non-enclosed source may be in operation at any time.
  - (2) Spray applied coating materials shall not contain any chromates, lead, cadmium, selenium, strontium, or cobalt.
  - (3) Coating materials that contain chromates, lead, cadmium, selenium, strontium, or cobalt may be used with application equipment (such

as brushes, rollers, dipping or flow coating) that does not produce particulate emissions.

- (4) Coating shall be conducted at least 50 feet from the property line and at least 250 feet from any recreational area, residence, or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located.
  - (5) Before construction of the facility begins, written site approval shall be received from the appropriate air program regional office of the TNRCC and any local program having jurisdiction in the area.
- (1) Outdoor or nonenclosed surface coating operations that meet all of the following conditions are exempt from the control requirements.
- (1) Only one outdoor or non-enclosed coating operation may be conducted at any time.
  - (2) VOC and exempt solvent, paint, cleanup solvent and stripper emissions do not exceed 2,000 pounds per year, 240 pounds per week, and 6.0 lb/hr averaged over any four-hour period.
  - (3) Coating shall be conducted at least 50 feet from the property line and at least 250 feet from any recreational area, residence, or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located.
  - (4) Before construction of the facility begins, written site approval shall be received from the appropriate air program regional office of the TNRCC and any local program having jurisdiction in the area.
76. Any new or modified pilot plant, provided the following conditions are met:
- (a) For purposes of this exemption, a pilot plant is defined as a facility that is constructed and operated only for one of the following purposes:
    - (1) testing the manufacturing or marketing potential of a proposed product, or
    - (2) defining the design of a larger plant, or
    - (3) studying the behavior of an existing plant through modeling in the pilot plant.
  - (b) The sum of product, co-product, and by-product production design capacity from the pilot plant shall not exceed five million pounds per year.
  - (c) Operation of the pilot plant for purposes of testing market potential of a product, co-product, or by-product may not occur beyond the end of the fifth calendar year from the year of initial production (year 1) of the specific product, co-product, or by-product, unless a permit is obtained pursuant to 30 TAC §116.1, relating to Permit Requirements. This five-year limit on pilot plant activity applies to equipment devoted to development of one specific product or process; therefore, that equipment can be subsequently used for development of other process(es) or prod-



uct(s), setting a new time limit for its use.

- (d) The pilot plant shall be located at least 500 feet from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.
  - (e) New or increased emissions shall not exceed 6.0 pounds per hour (lb/hr) and 10 tons per year in total (including fugitives) and shall not exceed 1.0 lb/hr at any single stack (excluding fugitives). In addition, total new or increased emissions of each specific chemical shall not exceed the most stringent applicable requirement of the following:
    - (1) the chemical-specific emission limits determined by paragraph (c) of Standard Exemption 118;
    - (2) the chemical-specific emission limits determined by paragraph (d) of Standard Exemption 106; or
    - (3) 6.0 lb/hr for any simple asphyxiant as defined by the American Conference of Governmental Industrial Hygienists.
77. Any wet sand and gravel production facility that obtains its material from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone and whose production rate is 500 tons per hour or less. All permanent in-plant roads shall be paved and cleaned as necessary or watered as necessary to achieve maximum control of dust emissions.
78. Hydrochloric acid storage tanks used exclusively for the storage of hydrochloric acid with an acid strength of 38% by weight or less. If an acid more concentrated than 20% by weight is stored, the tank vent must be controlled to reduce emissions by at least 99%.
79. Iron sponge gas treating units processing streams containing less than 60 pounds per hour of hydrogen sulfide provided that the following conditions are satisfied:
- (a) The plant is located at least  $\frac{1}{4}$  mile from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.
  - (b) During replacement of the iron oxide impregnated chips, the unit is: (a) isolated from the main system and the pressure is reduced to 0.5 psia or less through a gas-fired flare, or (b) sulfur compound emissions to the atmosphere do not exceed one ton per replacement.
  - (c) The spent iron oxide chips being replaced are properly handled to avoid spontaneous ignition and avoid an odor nuisance.
80. Smokeless gas flares which meet the following:
- (a) Design requirements:
    - (1) The flare shall be equipped with a flare tip designed to provide good mixing with air, flame stability, and a tip velocity less than 60 feet per second (ft/sec) for gases having a lower heating value less than 1,000 British thermal units per cubic foot (Btu/ft<sup>3</sup>) or

a tip velocity less than 400 ft/sec for gases having a lower heating value greater than 1,000 Btu/ft<sup>3</sup>.

- (2) The flare shall be equipped with a continuously burning pilot or other automatic ignition system that assures gas ignition and provides immediate notification of appropriate personnel when the ignition system ceases to function. A gas flare which emits no more than 4.0 pounds per hour (lb/hr) of reduced sulfur compounds, excluding sulfur oxides, is exempted from the immediate notification requirement provided the emission point height meets the requirements of condition (d) of Standard Exemption 66.
- (3) A flare which burns gases containing more than 24 parts per million by volume (ppmv) of sulfur, chlorine, or compounds containing either element shall be located at least ¼ mile from any recreational area or residence or other structure not occupied or used solely by the owner or operator of the flare or the owner of the property upon which the flare is located.
- (4) The heat release of a flare which emits sulfur dioxide (SO<sub>2</sub>) or hydrogen chloride (HCl) shall be greater than or equal to the following values:

$$\text{For HCl } Q = 2.73 \times 10^5 \times \text{HCl}$$

$$\text{For SO}_2 \text{ } Q = 0.53 \times 10^5 \times \text{SO}_2$$

Where  $Q$  = heat release, British thermal units per hour, based on lower heating value

HCl = HCl emission rate, lb/hr

SO<sub>2</sub> = SO<sub>2</sub> emission rate, lb/hr

(b) Operational conditions:

- (1) The flare shall burn a combustible mixture of gases containing only carbon, hydrogen, nitrogen, oxygen, sulfur, chlorine, or compounds derived from these elements. When the gas stream to be burned has a net or lower heating value of more than 200 Btu/ft<sup>3</sup> prior to the addition of air, it may be considered combustible.
- (2) A flare which burns gases containing more than 24 ppmv of sulfur, chlorine, or compounds containing either element shall be registered with the Texas Natural Resource Conservation Commission Office of Air Quality in Austin using Form PI-7 prior to construction of a new flare or prior to the use of an existing flare for the new service.
- (3) Under no circumstances shall liquids be burned in the flare.

81. Facilities that repackage chlorine, provided all the following conditions are satisfied:

- (a) The repackaging shall be in United States Department of Transportation approved chlorine cylinders not exceeding one ton in capacity.
- (b) There shall be no more than two tons of chlorine on the property at any

time.

- (c) All handling of chlorine shall be in accordance with applicable Chlorine Institute Guidelines.
  - (d) The facilities shall be located no closer than 300 feet from any recreational area or residence or other structure not occupied or used solely by the owner or operator of the facilities or the owner of the property upon which the facilities are located.
  - (e) The repackaging system shall be operated under vacuum at all times and all venting of lines and cylinders shall be routed to a caustic scrubbing system that prevents release of chlorine to the atmosphere during all operating and maintenance activities. When the scrubbing system is not operating properly, no chlorine shall be repackaged.
  - (f) Chlorine gas shall not be vented directly to the atmosphere under any circumstances.
82. Any vessel storing carbon compounds composed only of carbon, hydrogen, or oxygen, provided that the vessel vent is directed to an incinerator, boiler, or other firebox having a stationary flue or a waste gas flare system that will operate with no visible emissions except as provided by 30 TAC Chapter 101 for periods of maintenance or operational upset. However, vessels not exceeding 100 barrels capacity and storing only liquid petroleum gas may have the safety relief valve vent directly to the atmosphere. Also, any tank having a capacity not to exceed 1,000 gallons and storing only commercial odorants used to odorize petroleum gases may have the safety relief valve vent directly to the atmosphere.
83. Any tank or other container storing carbon compounds, provided that the tank or container pressure is sufficient at all times to prevent vapor or gas loss to the atmosphere or the tank or container is equipped with a relief valve which directs all vapors or gases to an incinerator, boiler, or other firebox having a stationary flue or a waste gas smokeless flare system. The vapors or gases and any necessary fuel gas shall be mixed thoroughly upstream of the heater burner(s) or the flare tip such that the mixed gases have a minimum net or lower heating value of 200 British thermal units per cubic foot. The flare also shall meet the other requirements of Standard Exemption 80.
84. Anhydrous ammonia storage tanks and distribution facilities that meet the following conditions:
- (a) All valves, connectors, and hoses shall be properly maintained in leak-proof condition at all times.
  - (b) The capacity of the storage tanks is 30,000 gallons or less.
  - (c) When transferring ammonia, all vapors shall be vented back to the host tank and never to the atmosphere.
  - (d) When relieving pressure from connectors and hoses, all vapors shall be bled into an adequate volume of water and never to the atmosphere.
  - (e) Each tank is equipped to prevent unauthorized operation.

- (f) Before construction begins, written site approval must be received from the Regional Director and the owner or operator shall file with the Texas Natural Resource Conservation Commission Office of Air Quality in Austin a completed Form PI-7 and supporting documentation demonstrating that all of the requirements of the exemption will be met.
  - (g) The tank is located at least  $\frac{1}{4}$  mile from any recreational area or residence or other structure not occupied or used solely by the owner of the property upon which the facility is located.
85. All aqueous fertilizer storage tanks.
86. Any fixed or floating roof storage tank, or change of service in any tank, used to store chemicals or mixtures of chemicals shown in the enclosed Table 86A provided that the following conditions are met:
- (a) The tank is located at least 500 feet away from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.
  - (b) The true vapor pressure of the compound to be stored is less than 11.0 psia at the maximum storage temperature.
  - (c) For those compounds that have a true vapor pressure greater than 0.5 psia and less than 11.0 psia at the maximum storage temperature, any storage vessel larger than 40,000 gallons capacity shall be equipped with an internal floating cover or equivalent control.
    - (1) An open top tank containing an external floating roof using double seal technology shall be an approved control alternative equivalent to an internal floating cover tank, provided the primary seal consists of either a mechanical shoe seal or a liquid-mounted seal. Double seals having a vapor-mounted primary seal are an approved alternative for existing open top floating roof tanks undergoing a change of service.
    - (2) The floating cover or floating roof design shall incorporate sufficient flotation to conform to the requirements of American Petroleum Institute Code 650, Appendix C or an equivalent degree of flotation.
  - (d) Compounds with a true vapor pressure of 0.5 psia or less at the maximum storage temperature may be stored in a fixed roof or cone roof tank which includes a submerged fill pipe or utilizes bottom loading.
  - (e) For fixed or cone roof tanks having no internal floating cover, all uninsulated tank exterior surfaces exposed to the sun shall be painted chalk white except where a dark color is necessary to help the tank absorb or retain heat in order to maintain the material in the tank in a liquid state.
  - (f) Emissions shall be calculated by methods specified in Section 4.3 of the current edition of the United States Environmental Protection Agency Publication AP-42. This document may be obtained from the Superintendent of Documents, Washington D.C. 20402. It is Stock Number 0550000251-7, Volume I.

- (g) Before construction begins, storage tanks of 25,000 gallons or greater capacity and located in a designated nonattainment area for ozone shall be registered with the Texas Natural Resource Conservation Commission Office of Air Quality in Austin using Form PI-7. The registration shall include a list of all tanks, calculated emissions for each carbon compound in tons per year for each tank, and a Table 7 of Form PI-2 for each different tank design.
- (h) Mixtures of the chemicals listed in Table 86A which contain more than a total of 1.0% by volume of all other chemicals not listed in Table 86A are not covered by this exemption.

Table 86A

Approved Chemical List for Standard Exemption 86\*

- A. Compounds of the following classes containing only atoms of carbon and hydrogen, not including aromatic compounds:
  - Paraffins. Examples: hexane, pentane, octane, isooctane.
  - Cycloparaffins (except cyclopentane). Examples: cyclohexane, methyl cyclopentane.
  - Olefins (except butadiene). Examples: octene, isoprene.
  - Cycloolefins. Examples: cyclopentadiene, cyclohexene.
- B. Aromatic hydrocarbons only as follows: Ethyl benzene, styrene, xylenes.
- C. Compounds of the following classes containing only atoms of carbon, hydrogen, and oxygen:
  - Alcohols (except allyl alcohol, isobutyl alcohol, and propargyl alcohol). Examples of approved alcohols: butyl alcohol, ethylene glycol.
  - Ethers (except vinyl ethers, glycol ethers, epoxides, and other ringed oxide compounds such as ketenes, furans, and pyrans). Examples of approved ethers: butyl ether, isopropyl ether.
  - Esters (except acrylates, methacrylates, allyl acetate, vinyl acetate, isopropyl formate). Examples of approved esters: ethyl acetate, butyl formate, methyl propionate.
  - Ketones (except allyl acetone, methyl ethyl ketone, methyl normal butyl ketone, acetophenone, and vinyl ketones). Examples of approved ketones: acetone, hexanone.
- D. Additional chemicals:
  - Crude oil and refinery petroleum fractions (except pyrolysis naphthas and pyrolysis gasolines) containing less than 10% benzene. Examples of approved petroleum fractions: intermediate and finished gasolines, naphthas, alkylates, fluid catalytic cracking unit feed, fuel oils, distillates, other liquid fuels, and condensates.

Natural gas and crude oil condensates that do not emit sour gas.

\* NOTE: Other chemicals not specifically included within the classes defined above are not approved. Examples of non-approved chemicals: aromatics (other than those listed or those found in the crude oil and refinery liquids as listed); aldehydes; amines; amides; imines; nitriles; halogenated compounds; sulfonated chemicals; cyanates; organic acids; ethylene oxide (EtO), propylene oxide, and other oxygenated compounds not listed; organometallic compounds; pesticides.

87. Heat cleaning devices (such as ovens, furnaces, and/or direct flame incinerators) used to thermally remove residual combustible or semi-combustible materials from noncombustible electrical or mechanical parts, provided the following conditions are satisfied:
- (a) Before construction begins, the facility shall be registered with the Texas Natural Resource Conservation Commission Office of Air Quality in Austin using Form PI-7.
  - (b) The combustible material shall not exceed 10% by weight of the total load to the oven, furnace, and/or incinerator.
  - (c) The combustible material shall contain no halogenated organic compounds.
  - (d) The oven, furnace, and/or incinerator shall be equipped with an after-burner automatically controlled to operate with a minimum temperature of 1,400 degrees Fahrenheit and a gas retention time of 0.5 second or greater.
  - (e) Opacity of emissions from the oven, furnace, and/or incinerator shall not exceed 5.0% averaged over a five-minute period.
  - (f) Manufacturer's recommended operating instructions shall be posted at each oven, furnace, and/or incinerator; and each unit shall be operated in accordance with these instructions.
  - (g) Heat shall be provided by the combustion of sweet natural gas, liquid petroleum gas, or Number 2 fuel oil with no more than 0.5% sulfur by weight; or by electric power.
  - (h) The emission of any air contaminant shall not exceed 0.5 pounds per hour and 2.0 tons per year.
88. Direct flame incinerators installed for the purpose of reducing or eliminating non-halogenated volatile organic compound vapors and/or aerosols (but not liquids or solids), provided the following conditions are satisfied:
- (a) Before construction begins, the facility shall be registered with the Texas Natural Resource Conservation Commission (TNRCC) Office of Air Quality in Austin using Form PI-7.
  - (b) Each direct flame incinerator shall be automatically controlled to maintain a minimum temperature of 1,400 degrees Fahrenheit in the combustion chamber (secondary chamber if dual chambered) and a gas retention time of 0.5 second or greater.
  - (c) Continuous temperature monitors to record the temperature of the com-

bustion chamber (secondary chamber if dual chambered) shall be installed and maintained. Temperature data shall be maintained on a rolling two-year retention basis and shall be made available at the request of personnel from the TNRCC or any local air pollution control program having jurisdiction.

- (d) Manufacturer's recommended operating instructions shall be posted at each incinerator and each unit shall be operated in accordance with these instructions.
  - (e) Opacity of emissions from the incinerator shall not exceed 5.0% averaged over a five-minute period.
  - (f) There shall be no obstructions to stack flow, such as by rain caps, unless such devices are designed to automatically open when the incinerator is in operation. Properly installed and maintained spark arrestors are not considered obstructions.
  - (g) Heat for the incinerator shall be provided by the combustion of sweet natural gas, liquid petroleum gas, or Number 2 fuel oil with no more than 0.5% sulfur by weight or by electric power.
  - (h) The gases being incinerated shall contain no halogenated organic compounds.
  - (i) This standard exemption shall not apply to catalytic incinerators, or direct flame incinerators installed to control emissions from new or modified facilities subject to the requirements of 30 TAC Chapter 116.
89. Ethylene oxide (EO) sterilizing chambers/operations provided that the following conditions are satisfied:
- (a) All sterilizers must meet the following conditions:
    - (1) EO shall only be handled by medical professionals or appropriately trained personnel in medical and industrial use areas.
    - (2) Written records shall be maintained for a minimum of two years and shall be made available to representatives of the Texas Natural Resource Conservation Commission (TNRCC) upon request. Records shall include:
      - (A) Documentation of the date and time of each sterilizer operation cycle.
      - (B) The total pounds of EO purchased and used per calendar year listed as monthly totals.
      - (C) Leak test results.
    - (3) Leak tests of each sterilizer system shall be performed at least every six months. Results of the tests shall be made available to the TNRCC upon request.
    - (4) EO shall only be used alone or in combination with carbon dioxide, nitrogen, chlorofluorocarbon, hydrochlorofluorocarbon diluent gases, or other mixtures as approved by the Executive Director.

- (5) The sterilizer vent system exhaust stack shall meet the following conditions:
  - (A) The stack shall be uncapped and exhaust vertically upward.
  - (B) The stack height shall be extended to at least 15 feet above the roof line of the building; and the stack tip shall be located at least 25 feet from any opening to the building interior, such as fresh air intake, unsealed windows, or pedestrian traffic areas. Stacks on multi-level roofs must only extend 15 feet above the roof upon which the stack is located.
  - (C) Stack exit velocity shall be at least 50 feet per second.
- (b) The following conditions apply only to sterilizers that use less than 100 pounds of EO per year:
  - (1) Sterilizer systems which vent entirely to atmosphere shall not exceed 0.5 pounds of EO used per cycle. Sterilizer systems which use nonrecirculating, water sealed vacuum systems shall not exceed two pounds of EO charged per cycle. For facilities with multiple sterilizers, the usage rate is based on total EO usage at any given time.
  - (2) Any combination of sterilizers located on the same or contiguous property under common ownership shall not exceed a total EO usage of less than 100 pounds per year.
- (c) The following conditions apply only to sterilizers that use between 100 and 1,000 pounds of EO per year:
  - (1) Before construction begins, the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7.
  - (2) The sterilizer chamber exhaust shall vent through an emission control device that will continuously achieve a minimum EO removal efficiency of 99%. Thermal incineration shall not be used to control sterilizer exhaust emissions if chlorofluorocarbons are used as a diluent. Within 60 days of start-up, the control device performance must be verified through stack testing or other TNRCC approved test methods or procedures.
  - (3) There shall be no discharge of water containing dissolved EO through a sanitary sewer system.
  - (4) Any combination of sterilizers located on the same or contiguous property under common ownership shall be limited to a total EO usage of 1,000 pounds per year.
  - (5) Existing facilities which emit 100 or more pounds per year and can meet the conditions of this exemption, shall have the control measures in place no later than March 1, 1994.



90. Pathological waste\* incinerators which meet the following:

(a) Design requirements:

- (1) The manufacturer's rated capacity (burn rate) for pathological waste shall be 200 pounds per hour or less;
- (2) The incinerator shall be a dual-chamber design;
- (3) Burners shall be located in each chamber, sized to manufacturer's specifications, and automatically operated when the unit is charged with waste;
- (4) Excluding crematories, the secondary chamber must be designed to maintain a temperature of 1,600 degrees Fahrenheit or more with a gas residence time of  $\frac{1}{2}$  second or more; and
- (5) There shall be no obstructions to stack flow, such as by rain caps, unless such devices are designed to automatically open when the incinerator is operated. Properly installed and maintained spark arrestors are not considered obstructions.

(b) Operational conditions:

- (1) Before construction begins, the facility shall be registered with the Texas Natural Resource Conservation Commission Office of Air Quality in Austin using Form PI-7;
- (2) Manufacturer's recommended operating instructions shall be posted at the unit and the unit shall be operated in accordance with these instructions;
- (3) The opacity of emissions from the incinerator shall not exceed 5.0% averaged over a five-minute period;
- (4) Heat shall be provided by the combustion of sweet natural gas, liquid petroleum gas, or Number 2 fuel oil with less than 0.5% sulfur by weight, or by electric power;
- (5) This facility, except crematories, shall be used solely for the disposal of pathological waste generated on-site. Incinerators used in the processing or recovery of materials, or in the commercial disposal of wastes not generated on-site, are not covered by this standard exemption. Heat recovery, where no auxiliary fuel is burned, is allowed by this exemption; and
- (6) Incinerators installed and operated in accordance with the conditions of this standard exemption shall not be used to dispose of any hospital waste, other than pathological waste as defined in this standard exemption.

\* Pathological waste shall be defined only as carcasses, gauze dressings, blood, body fluids, tissue, human and/or animal remains, and the associated wood, cardboard, paper, or non-chlorinated plastic waste containers.

91. All bulk mineral product (except asbestos) handling facilities that operate in compliance with the following conditions:

- (a) All material shall be transported in a closed conveying system and all exhaust air to the atmosphere shall be vented through a fabric filter having a maximum filtering velocity of 4.0 feet per minute (ft/min) with mechanical cleaning or 7.0 ft/min with automatic air cleaning.

- (b) All permanent in-plant roads and vehicle work areas shall be watered, treated with dust-suppressant chemicals, oiled, or paved and cleaned as necessary to achieve maximum control of dust emissions.
  - (c) The facility (including associated stationary equipment and stockpiles) shall be located at least 300 feet from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the property upon which the facility is located.
  - (d) Before construction begins, written site approval must be received from the Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) and the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7.
92. All oil well servicing bulk sand handling facilities that operate according to the following conditions:
- (a) All sand shall be prewashed.
  - (b) All handling of sand shall be mechanical or, if conveyed pneumatically, the conveying air shall be vented to the atmosphere through a fabric filter(s) having a maximum filtering velocity of 4.0 feet per minute (ft/min) with mechanical cleaning or 7.0 ft/min with air cleaning.
  - (c) All permanent in-plant roads and vehicle work areas shall be watered, treated with dust-suppressant chemicals, oiled, or paved and cleaned as necessary to achieve maximum control of dust emissions.
  - (d) The facility (including associated stationary equipment and stockpiles) shall be located at least 300 feet from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the property upon which the facility is located.
  - (e) Before construction begins, the owner or operator shall file with the Texas Natural Resource Conservation Commission Office of Air Quality in Austin a completed Form PI-7 and supporting documentation demonstrating that all of the requirements of the exemption will be met.
93. Any temporarily located concrete facility\* that accomplishes wet batching, dry batching, or central mixing and operates according to the following conditions:
- (a) All bulk storage silos, including auxiliary bulk storage trailers (pigs), shall be equipped with fabric filter(s) having a maximum filtering velocity of 4.0 feet per minute (ft/min) with mechanical cleaning or 7.0 ft/min with automatic air cleaning or are vented to the central collection system specified in condition (f).
  - (b) The cement weigh hopper shall be vented to a control device which eliminates visible emissions or vented inside the charging hopper of the transit mix truck if controlled by a suction shroud.
  - (c) A visible and/or audible warning mechanism shall be installed on each silo or auxiliary bulk storage trailer to warn operators that the silo or trailer (pig) is full.
  - (d) All in-plant roads (batch truck and material delivery truck roads) and areas between stockpiles and conveyor hoppers shall be watered, treated with dust-suppressant chemicals, oiled, or paved with a cohesive hard surface that can be repeatedly swept, washed, and maintained intact and cleaned as necessary to achieve maximum control of dust emissions.

- (e) All stockpiles shall be sprinkled with water and/or dust-suppressant chemicals as necessary to achieve maximum control of dust emissions. An operable stockpile watering system shall be on-site at all times.
- (f) Loading of rotary mix trucks at wet batch plants shall be through a discharge spout equipped with a water fog ring having low-velocity fog nozzles spaced to create a continuous fog curtain that controls dust emissions, or through a suction shroud which is vented to a central collection system with a minimum of 4,000 actual cubic feet per minute (acfm) of air to a fabric filter with air cleaning and a 7.0 ft/min maximum filtering velocity or automatic sequenced mechanical cleaning and a 5.25 ft/min maximum filtering velocity.
- (g) Dust emissions from the loading of open-bodied trucks at the batch drop point of dry batch plants, or dust emissions from the drum feed for central mix plants shall be controlled by a suction shroud which is vented to a central collection system with a minimum of 4,000 acfm of air to a fabric filter with air cleaning and a 7.0 ft/min maximum filtering velocity or automatic sequenced mechanical cleaning (not manually activated) and a 5.25 ft/min maximum filtering velocity. Suction shrouds at dry batch plants shall be used for closure over the receiving vehicle compartment or bed.
- (h) Spillage of cement and fly ash used in the batch shall be cleaned up immediately and contained or dampened so that dust emissions from wind erosion and/or vehicle traffic are minimized.
- (i) The facility (including associated stationary equipment and stockpiles) shall be located at least 300 feet from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the property upon which the facility is located. This distance limitation does not apply to structures within the boundaries of the project for which the facility is to pour concrete when the facility is located on or contiguous to the project.
- (j) Unless the facility is to be located temporarily in or contiguous to the right-of-way of a public works project, public notice and opportunity for public hearing, as specified in 30 TAC §116.10(a)(3) and (4) and (b), must be published and documentation provided to the Texas Natural Resource Conservation Commission (TNRCC). The temporarily located plant exempt from public notice may provide concrete for the same contractor for project segments with the same governmental entity, but may not produce concrete for other unrelated projects or other governmental entities.
- (k) All open-bodied vehicles transporting material from a dry batch plant to the paving mixer(s) shall be loaded with a final layer of wet sand and/or the truck shall be covered with a tarp to reduce the emissions of dust to the minimum level possible under existing conditions.
- (l) Before construction of the facility begins, written site approval shall be received from the Executive Director of the TNRCC and the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7, including a current TNRCC Table 20. The current Table 20 shall be on file at each plant site.
- (m) The appropriate regional office and local air pollution agency shall be notified when the plant changes location and prior to starting operations

at each plant site.

- \* A temporarily located concrete facility occupies a designated site for not more than 180 consecutive days or supplies concrete for a single public works project or for the same contractor for related project segments, but not other unrelated projects.
94. Any soil stabilization facility that operates according to the following conditions:
- (a) All bulk storage silos shall be equipped with fabric filter(s) having a maximum filtering velocity of 4.0 feet per minute (ft/min) with mechanical cleaning or 7.0 ft/min with automatic air cleaning.
  - (b) All conveyor belts transferring dry material to the pug mill shall be top covered.
  - (c) The pug mill used to mix the materials shall be covered.
  - (d) All permanent in-plant roads and vehicle work areas shall be watered, oiled, or paved and cleaned as necessary to achieve maximum control of dust emissions.
  - (e) An audible and/or visible mechanism shall be installed on the storage silo(s) to notify operators that the silo is full.
  - (f) All stockpiles shall be sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions.
  - (g) When emulsified asphalt is used as the stabilizing admixture, the emulsified asphalt shall be stored in a container used exclusively for emulsified asphalt storage. Transfer of emulsified asphalt from the storage tank to the pug mill shall be accomplished by means of a pump and metering device.
  - (h) Before construction of the facility begins, written site approval shall be received from the Executive Director of the Texas Natural Resource Conservation Commission (TNRCC), and the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7.
  - (i) The facility shall be located at least 300 feet from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located. This distance limitation does not apply to structures within the boundaries of the project for which the facility is to process stabilized soil when the facility is located on or contiguous to the project.
95. Uranium in-situ solution recovery facility producing yellowcake, provided that the facility operates according to the following conditions:
- (a) The facility is located at least  $\frac{1}{4}$  mile from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.
  - (b) The facility shall have no emissions other than: (a) ammonia which shall not exceed an emission rate of 2.0 pounds per hour (lb/hr), and (b) par-

ticulate dust from yellowcake drying not to exceed 0.1 lb/hr.

- (c) The facility shall have no visible particulate emissions from any part of the process.
  - (d) Before construction begins, the facility shall be registered with the Texas Natural Resource Conservation Commission Office of Air Quality in Austin using Form PI-7.
96. Dry hearth reverberatory type holding chamber aluminum or copper metal reclamation/sweat furnaces in which no fluxing, degassing, or refining is conducted, which operate according to the following conditions and limitations:
- (a) Scrap metal charges shall consist primarily of copper or aluminum metal. Operation of the furnace for reclamation or lead, tin, zinc, or magnesium metals is prohibited.
  - (b) The maximum furnace charging rate shall be 2,000 pounds per hour or less.
  - (c) The furnace charge door shall remain closed except during charging and furnace cleaning operations.
  - (d) The furnace shall be equipped with an afterburner which will provide a minimum retention time of 0.1 second at a minimum temperature of 1,300 degrees Fahrenheit for all furnace exhaust gases.
  - (e) The incineration of any insulated wire or cable containing chlorine compounds in the insulation, such as polyvinyl chloride insulation, is expressly prohibited.
  - (f) The owner or operator of the furnace shall initiate and maintain a program of furnace operator training in the recognition of chlorine-bearing wire or cable insulation and shall demonstrate, upon request by the Executive Director, acceptable proficiency in the recognition of chlorine-bearing wire or cable insulation such as polyvinyl chloride insulation.
  - (g) Fuel for the furnace shall be sweet natural gas as defined in 30 TAC Chapter 101 as adopted by the Texas Natural Resource Conservation Commission (TNRCC) or liquid petroleum gas, diesel, or Number 2 fuel oil.
  - (h) Before construction begins, the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7.
97. Any trench burner that operates according to the following conditions:
- (a) The trench burner shall be operated at least 300 feet from any recreational area, residence, or other structure not occupied or used solely by the owner of the trench burner or the owner of the property upon which the trench burner is located.
  - (b) The trench shall be opened in undisturbed soil not previously excavated, built up, compacted, or used in any type of landfill operation.
  - (c) The trench shall be no wider than 12 feet with a minimum depth of 10 feet. The maximum length of the burning area as measured along the bottom of the trench shall not exceed by more than five feet the length of the manifold. The walls of the trench must be maintained such that

they remain vertical.

- (d) Operation of this trench burner is limited to the hours between 8:00 a.m. and 6:00 p.m., and is limited to a total of eight hours per day and 1,000 hours per year. A written record or log of the hours of operation of this trench burner shall be maintained at the site and made available at the request of personnel from the Texas Natural Resource Conservation Commission (TNRCC) or any local air pollution control program having jurisdiction. This record or log shall be organized such that the compliance status of this special condition can be readily determined.
- (e) Material shall not be added to the trench such that the material will not be consumed by 6:00 p.m.
- (f) The blower shall remain on until all material is consumed so that any remaining material in the trench will not smoke when the blower is turned off.
- (g) This trench burner shall not be operated when an air stagnation advisory is in effect for the area in which the trench burner is located.
- (h) Opacity of emissions from the trench and from operation of the blower shall not exceed 20% averaged over a five-minute period, except for a start-up period which shall not exceed 20 minutes. Opacity shall be measured as outlined in Chapter 13, "Visible Emissions Evaluation," of the TNRCC Sampling Procedures Manual, as published in January 1983, and as subsequently revised.
- (i) Material to be burned in the trench is limited to not more than 7.0 ton per hour of trees, brush, and untreated lumber. Material not being worked and material being stockpiled to be burned at a later date must be kept at least 75 feet from the trench.
- (j) Material shall not be added to the trench in such a manner as to be stacked above the air curtain at any time.
- (k) The ash generated by this operation shall be removed from the trench as necessary in order to maintain the minimum trench depth of 10 feet. The ash shall be removed in such a manner as to minimize the ash becoming airborne. All material removed from the trench must be completely extinguished before being landfilled or placed in contact with combustible material to prevent combustion outside of the trench or in the landfill.
- (l) A copy of this exemption shall be kept at the burn site and made available at the request of personnel from the TNRCC or any local air pollution control program having jurisdiction.
- (m) Operating instructions shall be posted at the burn site and all operators shall read and have knowledge of these instructions. The operating instructions shall be made available at the request of personnel from the TNRCC or any local air pollution control program having jurisdiction.
- (n) An operator shall remain with the trench burner at all times when it is operating.
- (o) Upon notification by a representative of the TNRCC or any local air pollution control program having jurisdiction that the trench burner is

not complying with the conditions of this exemption, no additional material shall be added to the trench until compliance with such conditions has been effected.

- (p) The Texas Department of Health (TDH) shall be notified by the owner or operator of the trench burner prior to use of the trench burner at a TDH permitted landfill.
  - (q) Upon removal of the trench burner from the burn site, the trench shall be completely filled with uncombustible material.
  - (r) Before operation of the facility begins at any site, written site approval shall be received from the Executive Director of the TNRCC and any local air pollution control program having jurisdiction in the area and the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7.
98. Ethyl alcohol (ethanol) production facilities having a capacity of less than 200 gallons of ethanol per day when natural gas, liquid petroleum gas, or Number 2 fuel oil is used to supply heat for cooking and distillation and when the spent (distillers) grain and water stillage are not dried.
99. Any asphalt concrete facility that complies with Federal Regulation 40 Code of Federal Regulations Part 60, Subparts A and I and operates according to the following conditions:
- (a) A New Source Performance Standard pretest meeting concerning the required stack sampling shall be held with personnel of the Texas Natural Resource Conservation Commission (TNRCC) before the required tests are performed. Air contaminants to be tested for will be determined at the pretest meeting. Stack sampling requirements will not be required by the Executive Director, provided that:
    - (1) The applicant submits adequate documentation (including copies of previous test results of the model hot mix plant proposed, including a description of the aggregate materials used in previous tests) demonstrating compliance with the 0.04 grain per dry standard cubic feet allowable.
    - (2) Visible emissions from the exhaust stack are documented at 5.0% or less opacity averaged over six consecutive minutes.
  - (b) Fuel for dryers shall be sweet natural gas as defined in 30 TAC Chapter 101 as adopted by the TNRCC or liquid petroleum gas, diesel, or fuel oil with a maximum sulfur content of 1.5%.
  - (c) All aggregate stockpiles shall be sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions.
  - (d) All permanent in-plant roads shall be watered, oiled, or paved and cleaned as necessary to achieve maximum control of dust emissions.
  - (e) The plant is located at least ½ mile from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.
  - (f) Before construction of the facility begins, written site approval shall be received from the Executive Director of the TNRCC and the facility

shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7, including a current Table 22.

- (g) Emissions of particulate matter, sulfur dioxide, or organic compounds shall not exceed 25 tons per year each.
100. Metering, purging, and maintenance operations for gaseous and liquid petroleum pipelines (including ethylene, propylene, butylene, and butadiene pipelines) provided that operations are conducted according to the following conditions:
- (a) Emissions of volatile organic compounds, except fugitive emissions, are burned in a smokeless flare; or
  - (b) Total emissions of any air contaminant will not exceed one ton during any metering, purging, or maintenance operation.
  - (c) Venting of sweet, commercial grade natural gas from pipelines is exempt from (a) and (b) of this standard exemption. Care must be taken not to vent the gas in an area where an ignition source may exist or where accidental ignition of the venting gas may increase risk of fire at nearby tanks or other facilities.
101. Any air separation, or other industrial gas production, storage, or packaging facility. Industrial gases, for purposes of this exemption, include only oxygen, nitrogen, helium, neon, argon, krypton, and xenon.
102. Any abrasive cleaning operation that will satisfy condition (a) or (b):
- (a) Enclosed abrasive cleaning:
    - (1) The particulate matter emissions are evacuated through a fabric filter with a maximum filtering velocity of 4.0 feet per minute (ft/min) with mechanical cleaning or 7.0 ft/min with air cleaning; and
    - (2) There are no visible fugitive emissions from the facility.
  - (b) Outside blast cleaning:
    - (1) Abrasive usage rate shall not exceed 150 tons per year, 15 tons per month, and one ton per day; and
    - (2) The blast cleaning is performed at least 500 feet from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located; and
    - (3) Records shall be maintained of operating hours and abrasive material usage; and
    - (4) Before construction begins the facility is registered with the Texas Natural Resource Conservation Commission (TNRCC) Office of Air Quality in Austin using Form PI-7; and
    - (5) Before construction of the facility begins, written site approval shall be received from the Executive Director of the TNRCC.
103. Refrigeration systems, including storage tanks used in refrigeration systems.



104. Surface coating operations utilizing powder coating materials with the powder applied by an electrostatic powder spray gun or an electrostatic fluidized bed.
105. Woodworking shops which satisfy the following conditions:
- (a) Commercial woodworking shops shall be equipped with a sawdust collection system exhausting to either:
    - (1) a fabric or cartridge filter with air cleaning and a filtering velocity no greater than 7.0 feet per minute (ft/min), or automatic sequenced mechanical cleaning and a filtering velocity no greater than 5.0 ft/min. The filter unit may vent back into the process building or to the atmosphere.
    - or (2) a fabric or cartridge filter (may be preceded by a cyclone collector) which vents back into the process building when the doors and windows remain closed during plant operations except for persons entering and leaving the building.
  - (b) Commercial woodworking shops shall dispose of collected material in a manner which will prevent the material from becoming airborne, and there shall be no visible fugitive emissions from the facility.
  - (c) Woodworking shops used solely for instructional purposes at public, private, and vocational schools shall be exempt from the requirements of conditions (a) and (b) provided that the dust collection, storage, and disposal system(s) prevents dust emissions from creating a nuisance condition as described in 30 TAC §101.4.
106. Facilities, or physical or operational changes to a facility, provided that all of the following conditions are satisfied:
- (a) This exemption shall not be used to authorize construction of or any change to a facility authorized in another standard exemption (See Exemption 118(a)).
  - (b) The facilities or changes shall be located at least 100 feet from any recreational area or residence or other structure not occupied or used solely by the owner or operator of the facilities or the owner of the property upon which the facilities are located.
  - (c) Total new or increased emissions, including fugitives, shall not exceed 6.0 pounds per hour (lb/hr) and 10 tons per year of the following materials:

Acetylene, argon, butane, crude oil, refinery petroleum fractions (except for pyrolysis naphthas and pyrolysis gasolines) containing less than 10 volume percent benzene, carbon monoxide, cyclohexane, cyclohexene, cyclopentane, ethyl acetate, ethanol, ethyl ether, ethylene, fluorocarbons Numbers 11, 12, 13, 14, 21, 22, 23, 113, 114, 115, and 116, helium, hydrogen, isohexane, isopropyl alcohol, methyl acetylene, methyl chloroform, methyl cyclohexane, neon, nonane, oxides of nitrogen, propane, propyl alcohol, propylene, propyl ether, sulfur dioxide, alumina, calcium carbonate, calcium silicate, cellulose fiber, cement dust, emery dust, glycerin mist, gypsum, iron oxide dust, kaolin, limestone, magnesite, marble, pentaerythritol, plaster of paris, silicon, silicon carbide, starch, sucrose, zinc stearate, zinc oxide.

- (d) Total new or increased emissions, including fugitives, shall not exceed 1.0 lb/hr of any chemical having a limit value (L) greater than 200 milligrams per cubic meter ( $\text{mg}/\text{m}^3$ ) as listed and referenced in Table 118A of the Standard Exemption List or of any other chemical not listed or referenced in Table 118A. Emissions of a chemical with a limit value of less than  $200 \text{ mg}/\text{m}^3$  are not allowed under this exemption.
  - (e) For physical changes or modifications to existing facilities, there shall be no changes to or additions of any air pollution abatement equipment.
  - (f) Visible emissions, except uncombined water, to the atmosphere from any point or fugitive source shall not exceed 5.0% opacity in any five-minute period.
107. Any degreasing unit that satisfies the following conditions:
- (a) The following general requirements are applicable to all degreasers unless specifically exempted by the conditions of this exemption:
    - (1) Units subject to sections (c), (d), and (e) shall meet the following:
      - (A) Register with the Texas Natural Resource Conservation Commission Office of Air Quality in Austin using Form PI-7 and a Form 107 Checklist.
      - (B) On a monthly basis, records shall be kept of total solvent makeup (gross usage minus waste disposal).
    - (2) Waste solvent from all degreasing operations shall be stored in covered containers, and be removed by a licensed disposal service or until emptying into an authorized on-site waste management facility.
    - (3) Porous or absorbent materials, such as cloth, leather, wood, or rope shall not be degreased.
    - (4) Leaks shall be repaired immediately or the degreaser shall be shut down until repairs are completed.
    - (5) A permanent and conspicuous label summarizing proper operating procedures to minimize emissions shall be posted on or near the degreaser.
    - (6) Each unit, regardless of the county in which it is located, shall meet the requirements of 30 TAC §115.412 and §115.415, concerning degreasing processes.
  - (b) The following conditions apply only to remote reservoir cleaners:
    - (1) The cleaner shall be designed to prevent exposure of the solvent reservoir to the atmosphere except for the drain openings. The drain openings shall not exceed 3.0% of the total cleaner open area and shall under no conditions exceed 16 square inches.
    - (2) All solvent sprays shall be a solid fluid stream (not a fine, atomized, or shower type spray) and at a minimal operating pressure that is necessary to prevent excessive splashing, but not to exceed

10 psig.

- (3) The true vapor pressure of the solvent shall not exceed 0.6 psia as measured or calculated at an operating temperature of 100 degrees Fahrenheit (°F).
- (4) The solvent shall not be heated.

(c) The following conditions apply only to cold solvent cleaners:

- (1) The cleaner shall have a freeboard that has a minimum four-inch water cover or provides a freeboard ratio (the distance from top of the solvent level to the top edge of the degreasing tank divided by the degreaser width) equal to or greater than 0.7. For water covers, the solvent must be insoluble in and heavier than water.
- (2) The unit shall be equipped with a cover which is closed whenever parts are not being handled in the cleaner. Also, the cover must be designed for easy one-handed operation if any of the following conditions are present:
  - (A) The true vapor pressure of the solvent is greater than 0.3 psia as measured or calculated at 100°F.
  - (B) The solvent is agitated.
  - (C) The solvent is heated.
- (3) If a solvent spray is used, it shall be a solid fluid stream (not a fine, atomized, or shower-type spray) with a minimal operating pressure that is necessary to prevent splashing above the acceptable freeboard. The operating pressure shall not exceed 10 psig.
- (4) An internal-cleaned parts drainage rack or facility, for enclosed draining under a cover, shall be provided. An external-cleaned parts drainage rack or facility, for enclosed draining under a cover, may be used if the vapor pressure of the solvent is less than 0.6 psia at 100°F. In all cases, parts shall be drained for at least 15 seconds or until dripping ceases.
- (5) The Form PI-7 registration is not required if total solvent makeup (gross usage minus waste disposal) is 110 gallons per year (gallon/yr) or less.
- (6) Total solvent makeup shall not exceed the following:
  - (A) Chlorinated solvents - 660 gallons/yr
  - (B) All other solvents - 1,500 gallons/yr

(d) The following conditions apply only to open top solvent vapor degreasers:

- (1) The surface area of the solvent shall not exceed 15 square feet.
- (2) The unit shall be equipped with a cover that can be opened and closed easily without disturbing the vapor zone. If the degreaser opening exceeds 10 square feet, a powered cover shall be required.

- (3) The cover shall be closed at all times except when parts are moved into and out of the degreaser.
  - (4) The unit shall be equipped with a properly sized refrigerated chiller, or the unit shall have a freeboard ratio (the distance from top of the vapor level to the top edge of the degreasing tank divided by the degreaser width) equal to or greater than 0.75.
  - (5) Exhaust ventilation for the unit shall operate between 50 and 65 cubic feet per minute (cfm) per square foot of degreaser open area unless this conflicts with Occupational Safety and Health Administration (OSHA) requirements. Ventilation fans or other sources of air agitation shall not be operated near the degreaser opening.
  - (6) The exhaust stacks shall discharge vertically with no restrictions or obstructions to flow. The stack height shall extend at least 1.3 times the building height as measured from ground level.
  - (7) Total solvent makeup (gross usage minus waste disposal) shall not exceed the following:
    - (A) Chlorinated solvents - 660 gallons/yr
    - (B) All other solvents - 1500 gallons/yr
- (e) The following conditions apply only to conveyORIZED degreasers:
- (1) The inlet and outlet openings shall be closed at all times except when processing work through the degreaser.
  - (2) The unit shall be equipped with a properly sized refrigerated chiller which has a volatile organic compound removal efficiency of at least 85%, or the unit shall have a freeboard ratio (the distance from top of the vapor level to the top edge of the degreasing tank divided by the degreaser width) equal to or greater than 0.75.
  - (3) A drying tunnel or other means of control shall be used to limit liquid or vapor carry-out.
  - (4) Entrances and exits to the degreaser shall be designed to silhouette work loads.
  - (5) Exhaust ventilation for the unit shall operate between 50 and 65 cfm per square foot of degreaser opening unless this conflicts with OSHA requirements. Ventilation fans or other sources of air agitation shall not be operated near the degreaser openings.
  - (6) The exhaust stacks shall discharge vertically with no restrictions or obstructions to flow. The stack height shall extend at least 1.5 times the building height as measured from ground level.
  - (7) Total solvent makeup (gross usage minus waste disposal) shall not exceed the following:
    - (A) Chlorinated solvents - 660 gallons/yr
    - (B) All other solvents - 1,500 gallons/yr

108. Portable pipe reactor facilities used to process liquid fertilizer that operate according to the following conditions:
- (a) Before construction begins, the facility shall be registered with the Texas Natural Resource Conservation Commission Office of Air Quality in Austin using Form PI-7.
  - (b) All valves, piping, flanges, hoses, and disconnects must be free of leaks.
  - (c) Opacity from any process vent shall not exceed 20% except for those periods of start-up described in 30 TAC §111.111(a)(1)(E).
  - (d) Emissions from the facility shall not cause or contribute to a condition of air pollution as defined in the Texas Health and Safety Code, §382.003(3).
  - (e) Operating schedule must not exceed 72 hours within a four-month period.
109. Any facility where animals or poultry are slaughtered and prepared for human consumption provided that waste products such as blood, offal, and feathers are stored in such a manner as to prevent the creation of a nuisance condition and these waste products are removed from the premises daily or stored under refrigeration until removed. In addition, areas used to hold animals or poultry for slaughter shall be kept dry and clean to control odors.
110. Municipal solid waste landfills and waste transfer stations operating in compliance with the Texas Solid Waste Disposal Act.
111. A facility which replaces an existing facility provided that the following conditions are satisfied:
- (a) The replacement facility functions in the same or similar manner as the facility to be replaced.
  - (b) The emissions from the replacement facility are not more than nor have different characteristics than those from the facility to be replaced.
  - (c) The emissions from the replacement facility will not exceed 25 tons per year of any air contaminant.
  - (d) The physical location of the replacement facility is the same or immediately adjacent to the facility being replaced.
  - (e) There will be no increase in capacity, production rate, or throughput as a result of the replacement.
  - (f) Notwithstanding the provisions of (c) above, the emissions from the replacement facility will not contain any compounds (other than carbon monoxide, nitrogen oxide, or sulfur dioxide) listed or proposed to be listed as hazardous constituents in 40 Code of Federal Regulations 261, Appendix VIII.
  - (g) Notification of the replacement is provided to the Executive Director within 10 days following installation of the replacement facility.
112. Railcar or truck unloading of wet sand, gravel, aggregate, coal, lignite, and scrap iron or scrap steel (but not including metal ores, metal oxides, battery

parts, or fine dry materials) into trucks or other railcars for transportation to other locations, provided the following conditions are met:

- (a) Bulk materials shall not be stored on-site.
  - (b) Water sprays or the equivalent must be installed and used as necessary at material handling operations to achieve maximum control of dust emissions.
  - (c) All permanent in-plant roads and vehicle work areas shall be watered, treated with dust-suppressant chemicals, oiled, or paved and cleaned as necessary to achieve maximum control of dust emissions.
113. Facilities using thermoset resins (including, but not limited to, polyester resins) to manufacture or repair products, provided that the following conditions are satisfied for (a) and either (b) or (c):
- (a) The following requirements shall apply to all thermoset resin facilities:
    - (1) Before construction begins, the owner or operator shall file with the Texas Natural Resource Conservation Commission (TNRCC) Office of Air Quality in Austin a completed Form PI-7 and supporting documentation demonstrating that all of the requirements of this exemption will be met. A copy of the registration form and all supporting documents shall be sent to the appropriate Regional Office and any local air pollution program having jurisdiction.
    - (2) The owner or operator of this facility shall keep records of resin and acetone usage in pounds on a monthly and calendar year-to-date basis, and shall maintain these records on a calendar year basis with a two-year rolling retention period. This information shall be in sufficient detail to demonstrate compliance with part (b) or (c) as follows, and shall be made available at the request of personnel from the TNRCC or any local air pollution control agency having jurisdiction.
    - (3) All resin fabrication and cleaning operations shall be conducted during daylight hours. The exhaust fan(s) must be operating during and for at least 30 minutes after any usage of resin and/or cleaning solvents.
  - (b) The following requirements shall apply to facilities that have spraying operations (the facilities may include non-spraying operations):
    - (1) No more than 75 tons of resin and gelcoat combined and 0.75 tons of acetone shall be used per year (gross usage minus waste disposal).
    - (2) All solid trim grinding operations shall be vented through a dry filter system or a water wash system which has a particulate removal efficiency of at least 95%. Particulates trapped in the dry filter system or water wash sludge shall be handled and stored in such manner as to prevent the escape of fugitive dust emissions.
    - (3) All resin spraying operations shall be conducted in a booth or an enclosed work area and the emissions shall be exhausted

through elevated stack(s). All stacks shall discharge vertically to the atmosphere with no restrictions or obstructions to flow. Each stack shall meet one of the following requirements:

- (A) a stack height at least 25 feet above grade and a minimum flow rate of 20,000 actual cubic feet per minute (acfm), or
- (B) a stack height at least 30 feet above grade and a minimum flow rate of 15,000 acfm.

- (4) If annual resin usage is less than 1,000 pounds, then the owner or operator of this facility shall be exempt from all requirements of this exemption except recordkeeping [See 113(a)(2)].

(c) The following requirements shall apply only to non-spraying operations:

- (1) No more than 150 tons of resin and gelcoat combined and 1.5 tons of acetone shall be used per year (gross usage minus waste disposal).
- (2) All solid trim grinding operations shall be vented through a dry filter system or a water wash system which has a particulate removal efficiency of at least 95%. Particulates trapped in the dry filter system or water wash sludge shall be handled and stored in such a manner as to prevent the escape of fugitive dust emissions.
- (3) All resin operations shall be conducted in a booth or an enclosed work area or the manufacturing building and the emissions shall be exhausted through elevated stack(s). All stacks shall discharge vertically to the atmosphere with no restrictions or obstructions to flow. Each stack shall meet one of the following requirements:
  - (A) a stack height at least 25 feet above grade and a minimum flow rate of 20,000 acfm, or
  - (B) a stack height at least 30 feet above grade and a minimum flow rate of 15,000 acfm.
- (4) If annual resin usage is less than 3,000 pounds, then the owner or operator of this facility are exempt from all requirements of this exemption except recordkeeping [See 113 (a) (2)].

114. Any sand and gravel production facility that obtains its material from deposits of sand and gravel consisting of natural disintegration of rock and stone, provided that the following conditions are satisfied:

- (a) Crushing or breaking operations are not used.
- (b) No blasting is conducted to obtain the material.
- (c) Water sprays are installed on the plant at all screens and transfer points and used as necessary to achieve maximum control of dust emissions.
- (d) The area where the sand and gravel is obtained shall be sprinkled with

water as necessary to achieve maximum control of dust emissions before the material is removed and transported for processing.

- (e) All in-plant roads shall be paved and cleaned or sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions.
  - (f) The plant is located at least  $\frac{1}{4}$  mile from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.
  - (g) The production rate is 50 tons per hour or less.
115. Changes or additions to existing semiconductor manufacturing operations provided that all such changes satisfy the following conditions:
- (a) A permit has been issued by the Texas Natural Resource Conservation Commission (TNRCC) for at least one emission source owned by the person using the exemption on the same property.
  - (b) For purposes of this standard exemption, and before this exemption is used for the first time at a property, the baseline emissions and the predicted ground level concentration (GLC) for each air contaminant shall be established by the person using the exemption. These baseline emissions and GLCs may be those provided with the most recent permit application if that application included all emissions from the site, otherwise new baselines shall be provided. The baseline GLC for each air contaminant is defined as the maximum off-property concentration of that contaminant which: (1) has been determined by atmospheric dispersion modeling accomplished pursuant to guidance obtained from the Executive Director, (2) is based on allowable emissions under all existing authorizations such as permits, special permits, standard exemptions and special exemptions, and actual emissions from grandfathered facilities, and (3) has been subjected to a previous health effect review in the issuance of an authorization to construct.
  - (c) Before construction begins, the changes shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7.
  - (d) The increase (if any) in the emissions of the following air contaminants in tons per year does not exceed the values specified:
    - (1) Particulate matter 5 tpy
    - (2) Volatile Organic Compounds 15 tpy
    - (3) Acid gases or vapors 5 tpy
    - (4) Nonvolatile hydrocarbon emissions 10 tpy
    - (5) Any other air contaminant 5 tpy
    - (6) Total of all air contaminants 25 tpy
  - (e) Data from air emissions monitoring or an emissions inventory is compiled and/or updated on an annual basis for all emission sources on the property, maintained on a three-year rolling retention cycle, and made available upon request by the Executive Director or his designated representative.
  - (f) Emissions of each specific air contaminant from the facility shall be provided with the Form PI-7. The total increase in emissions for any



contaminant through any single or cumulative use of this exemption shall not exceed 25% of the baseline emissions and 25% of the baseline GLC as defined in (b) above. Emissions of an air contaminant may be substituted for a previously approved contaminant included in the baseline emissions under (b) above, if it meets the criteria that;

$$(E_2)(OEL_1) \leq (E_1)(OEL_2)$$

where:  $E_1$  is the emission rate of contaminant (1) approved for the baseline in (b).

$E_2$  is the emission of the air contaminant (2) to be substituted.

$OEL_1$  is the occupational exposure level for contaminant 1.

$OEL_2$  is the occupational exposure level for contaminant 2.

For the purposes of this exemption, the occupational limit to be used in the formula above shall be the lowest of those published as: 1) Occupation Safety and Health Administration permissible exposure limit, 2) National Institute for Occupational Safety and Health recommended exposure limit, or 3) the current American Conference of Governmental Industrial Hygienists Threshold Limit Value (TLV), with the following exceptions:

methylene chloride - use 26 milligrams per cubic meter ( $\text{mg}/\text{m}^3$ );  
perchloroethylene - use  $33.5 \text{ mg}/\text{m}^3$ ; and  
propylene oxide - use  $5 \text{ mg}/\text{m}^3$ .

- (g) Emissions from each existing and proposed stack, hood, vent, or opening to the atmosphere shall have no visible emissions.
- (h) This standard exemption is intended to include, but not be limited to, the following example type operations:
  - (1) Changes to and/or rearrangement of existing equipment.
  - (2) Research, development, engineering, quality control, and analytical processes.
  - (3) Plating, coating, stripping, cleaning, dispensing, testing, curing, drying, trimming, marking, and packaging operations.
  - (4) Liquid and gaseous hydrogen or carbon dioxide storage, distribution, and/or containment facilities.
  - (5) Semiconductor material alloying, crystal growing, deposition, annealing, polishing, sizing, thermal diffusion, and ion implantation, provided the GLC of each specific air contaminant is provided in accordance with above condition (f) prior to use.
  - (6) Semiconductor processes for deposition of metallic contacts, insulative oxides and composites, electron beam techniques, plasma and plasma enhanced operations, reactive ion and laser material displacement, photolithography patterning, and mask fabrication.
  - (7) Facilities for the storage and/or handling of containerized chemicals, provided that:

- (A) Chemicals are stored in closed, non-leaking, Department of Transportation approved containers maintained in good condition,
- (B) No portable container exceeds 300 gallons in volume capacity,
- (C) Incompatible chemicals are stored with sufficient separation such that inadvertent spillage or leakage will not allow mixing that could produce or cause a reaction which could cause emissions to occur, and
- (D) Any spillage is promptly cleaned up and removed for proper disposal.

116. Automobile restoration facilities, provided the following conditions are met:

- (a) All automobile body/chassis abrasive blast cleaning and coating operations shall be performed in a closed building or enclosure; or the facility shall be located a minimum of 300 feet from any recreational area or residence not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located, except that structures occupied by security or watch personnel may be located contiguously.
- (b) Total abrasive usage shall be less than 100 pounds per hour, 500 pounds per day, and five tons per year.
- (c) Total cleaning or paint usage, including solvents used for any cleaning and/or thinning purposes, shall be less than five gallons per day and 100 gallons per year.
- (d) The owner or operator of the facility shall maintain daily and annual records of the usage of all abrasives and coating materials used at the facility, and these records shall be made available at the request of personnel from the Texas Natural Resource Conservation Commission or any local air pollution control program having jurisdiction.

These records shall be organized such that the compliance status of this standard exemption can be readily determined.

117. Any specialty wet batch, concrete, mortar, grout mixing, or pre-cast concrete products plant that operates according to the following conditions:

- (a) Plant capacity shall not exceed 30 cubic yards per hour with mixer size not to exceed 2.5 cubic yards.
- (b) All stockpiles are sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions.
- (c) Dust emissions at the batch mixer feed shall be controlled by a water spray device which eliminates visible emissions, or a pickup device delivering air to a fabric filter with automatic air cleaning and a 7.0 feet per minute (ft/min) maximum filtering velocity, or automatic sequenced mechanical cleaning and a 5.25 ft/min maximum filtering velocity, or the entire mixing operation is conducted inside the enclosed process building such that no visible emissions from the building occur during mixing activities, or the batch mixer feed is enclosed such that no visible emissions occur.

- (d) Fabric filter(s) with a maximum filtering velocity of 4.0 ft/min with an acceptable method of cleaning shall be installed on each storage silo or the silo is vented to the control collection system.
  - (e) A visible and/or audible warning mechanism shall be installed on each silo for warning operators that the silo is full, so that it will not be overloaded at any time.
  - (f) All permanent in-plant roads (batch truck and material delivery truck roads) are oiled or paved and cleaned as necessary to achieve maximum control of dust emissions. Other areas on the property subject to vehicle traffic shall be oiled or sprinkled with water as necessary to achieve maximum control of dust emissions.
  - (g) The transfer of cement from the storage silo(s) shall be handled through closed conveying systems with no visible fugitive emissions.
  - (h) The cement weigh hopper shall be vented to a control device which eliminates visible emissions, or shall be vented inside the batch mixer.
  - (i) Good housekeeping measures shall be maintained at all times.
  - (j) Before construction of the facility begins, written site approval is received from the Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) and the facility shall be registered with the TNRCC Office of Air Quality in Austin using Form PI-7, including a current Table 20.
  - (k) Unless the plant is to be located temporarily in the right-of-way of a public works project, public notice and opportunity for public hearing, as specified in 30 TAC §116.10(a)(3) and (4) and (b), has been published and documentation thereof has been provided to the TNRCC.
118. Facilities, or physical or operational changes to a facility, provided that all of the following conditions are satisfied:
- (a) This exemption shall not be used to authorize construction or any change to a facility specifically authorized in another standard exemption, but not meeting the requirements of that exemption. However, once the requirements of a specific exemption are met, Exemption 118(c) and (d) may be used to qualify the use of other chemicals at the facility.
  - (b) Emission points associated with the facilities or changes shall be located at least 100 feet from any off-plant receptor\*.
  - (c) New or increased emissions, including fugitives, of chemicals shall not be emitted in a quantity greater than five tons per year nor in a quantity greater than E as determined using the equation  $E = L/K$  and the following table.

Texas Natural Resource  
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 Standard Exemption List

<u>D, Feet</u>	K	
100	326	E = maximum allowable hourly emission, and never to exceed 6 pounds per hour.
200	200	
300	139	
400	104	
500	81	L = value as listed or referenced in Table 118A.
600	65	
700	54	
800	46	K = value from the table on this page. (interpolate intermediate values)
900	39	
1,000	34	
2,000	14	D = distance to the nearest off-plant receptor.
3,000 or more	8	

- (d) Notification must be provided using Form PI-7 within 10 days following the installation or modification of the facilities. The notification shall include a description of the project, calculations, and data identifying specific chemical names, L values, D values, and a description of pollution control equipment, if any.

TABLE 118A  
LIMIT VALUES (L) FOR USE WITH STANDARD EXEMPTION 118

Values included in this table represent screening levels for determining the applicability of Standard Exemption 118 and other standard exemptions using the Exemption 118 equation. The values are not to be interpreted as acceptable health effects values relative to the issuance of construction permits, special permits, or operating permits under 30 TAC Chapter 116.

<u>Compound</u>	<u>Limit (L) Milligrams Per Cubic Meter</u>
Acetone	590
Acetaldehyde	9
Acetone Cyanohydrin	4
Acetonitrile	34
Acetylene	2662
Adiponitrile	18
Aldrin	0.15
Sec-Amyl Acetate	1.1
Arsenic	0.01
Benzene	3
Beryllium and Compounds	0.0005
Butyl Acrylate	19
Butyl Glycidyl Ether	30
Butyl Mercaptan	0.3
Butyraldehyde	1.4
Butyric Acid	7.3
Butyronitrile	22
Carbon Tetrachloride	12
Chloroform	10
Chlorophenol	0.2
Chloroprene	3.6
Chromic Acid	0.05
Chromium and Compounds	0.025
Coal Tar Pitch Volatiles	0.1
Creosote	0.1
Cresol	0.12
Cumene	43
o-Dichlorobenzene	180
p-Dichlorobenzene	108
1,2-dichloroethylene	79
Dicyclopentadiene	3.1
Diethylaminoethanol	5.5
Diisobutyl Ketone	140
Dimethyl Aniline	6.4
Dimethylhydrazine	0.15
Dioxane	3.6
Dipropylamine	8.4
Ethyl Acrylate	0.5
Ethylene Dibromide	1
Ethylene Glycol Dinitrate	0.1
Ethylene Oxide	0.18
Ethyl Mercaptan	0.15
Ethyl Sulfide	1.6

TABLE 118A Cont'd.

<u>Compound</u>	<u>Limit (L)</u> <u>Milligrams Per Cubic Meter</u>
Fibrous Glass Dust	5
Gylcolonitrile	5
Heptane	350
Hydrazine	0.04
Hydrogen Chloride	1
Hydrogen Sulfide	1.1
Isoamyl Acetate	13
Isoamyl Alcohol	15
Isobutyronitrile	22
Isophorone Diisocyanate	0.045
Kepone	0.001
Kerosene	100
Malononitrile	8
Mercury, Inorganic	0.05
Mesityl Oxide	40
Methyl Acrylate	1.7
Methyl Amyl Ketone	5.8
Methyl Butyl Ketone	4
Methyl Disulfide	2.2
Methylenebis (Chloroaniline) MOCA	0.003
Methylenebis (Phenyl isocyanate)	0.05
Methylene Chloride	26
Methylhydrazine	0.08
Methyl Isoamyl Ketone	5.8
Methyl Mercaptan	0.3
Methyl Methacrylate	34
Methyl Propyl Ketone	530
Methyl Sulfide	0.5
Mineral Spirits	350
Naphtha	350
Nickel, Inorganic Compounds	0.015
Nitroglycerine	0.1
Nitropropane	36
Octane	350
Parathion	0.05
Pentane	350
Perchloroethylene	33.5
Petroleum Ether	350
Phenyl Glycidyl Ether	5
Phenylhydrazine	0.6
Phenyl Mercaptan	0.4
Propionitrile	14
Propyl Acetate	281
Propylene Oxide	5
Propyl Mercaptan	0.08
Stoddard Solvent	350
Styrene	21
Succinonitrile	20
Tolidine	0.02
Trichloroethylene	135
Trimethylamine	0.1

TABLE 118A Cont'd.

<u>Compound</u>	<u>Limit (L)</u> <u>Milligrams Per Cubic Meter</u>
Valeric Acid	0.34
Vinyl Acetate	15
Vinyl Chloride	2

The time weighted average Threshold Limit Value (TLV) published by the American Conference of Governmental Industrial Hygienists (ACGIH), (1985-1986 Edition) shall be used for compounds not included in the table. Standard Exemption 118 cannot be used if the compound is not listed in the table or does not have a published TLV in the ACGIH.

- (e) The facilities in which the following chemicals will be handled shall be located at least 300 feet from the nearest property line and 600 feet from any off-plant receptor and the cumulative amount of any of the following chemicals resulting from one or more authorizations under this exemption (but not including permit authorizations) shall not exceed 500 pounds on the plant property and all listed chemicals shall be handled only in unheated containers operated in compliance with the United States Department of Transportation regulations (49 Code of Federal Regulations Parts 171 through 178): acrolein, ammonia, arsine, boron trifluoride, bromine, carbon disulfide, chlorine, chlorine dioxide, chlorine trifluoride, chloroacetaldehyde, chloropicrin, chloroprene, diazomethane, diborane, dimethylhydrazine, ethyl mercaptan, fluorine, formaldehyde, hydrogen bromide, hydrogen chloride, hydrogen cyanide, hydrogen fluoride, hydrogen selenide, hydrogen sulfide, ketene, methylamine, methyl bromide, methylhydrazine, methyl isocyanate, methyl mercaptan, nickel carbonyl, nitric oxide, nitrogen dioxide, oxygen difluoride, ozone, pentaborane, perchloromethyl mercaptan, perchloryl fluoride, phosgene, phosphine, phosphorus trichloride, selenium hexafluoride, stibine, liquified sulfur dioxide, sulfur pentafluoride, and tellurium hexafluoride. Containers of these chemicals may not be vented or opened directly to the atmosphere at any time.
  - (f) For physical changes or modifications to existing facilities, there shall be no changes or additions of air pollution abatement equipment.
  - (g) Visible emissions, except uncombined water, to the atmosphere from any point or fugitive source shall not exceed 5.0% opacity in any five-minute period.
  - \* Off-plant receptor means any recreational area or residence or other structure not occupied or used solely by the owner or operator of the facilities or the owner of the property upon which the facilities are located.
119. Any feed grinding operation which is used only for noncommercial purposes.
120. Sawmills processing no more than 25 million board feet, green lumber tally of wood per year, in which no mechanical drying of lumber is performed and which meet all of the following provisions:

- (a) The mill shall be located at least 500 feet from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.
  - (b) All in-plant roads and vehicle work areas shall be watered, oiled, or paved and cleaned as necessary to achieve maximum control of dust emissions.
  - (c) All sawmill residues (sawdust, shavings, chips, bark) from debarking, planing, saw areas, etc., shall be removed or contained to minimize fugitive particulate emissions. Spillage of wood residues shall be cleaned up as soon as possible and contained such that dust emissions from wind erosion and/or vehicle traffic are minimized.
  - (d) All sawmill residues shall be mechanically conveyed by belts and/or drag chains to a collection area for disposal or if a pneumatic collection system is utilized, the air must exhaust to a fabric or cartridge filter with air cleaning and a filtering velocity no greater than 7.0 ft/min (air-to-cloth ratio = 7.0), or automatic sequenced mechanical cleaning and a filtering velocity no greater than 5.0 ft/min (air-to-cloth ratio = 5.0), or a system found to be equivalent by the appropriate Regional Office.
  - (e) Disposal of collected sawmill residues must be accomplished in a manner which will prevent the material from becoming airborne. Disposal by means of burning is prohibited unless it is conducted in an approved incinerator.
  - (f) All open-bodied vehicles transporting sawmill residues (sawdust, shavings, chips, bark) shall be covered with a tarp to achieve maximum control of particulate emissions.
  - (g) There will be no visible emissions at the property line from the facility or equipment.
  - (h) Before construction of the facility begins, written site approval must be received from the director of the Texas Natural Resource Conservation Commission Office of Air Quality in Austin and the facility shall be registered with that office using Form PI-7.
121. Any lime slaking facility used to mix quicklime with water, provided the following conditions are met:
- (a) The mixing vessel shall be horizontal.
  - (b) The mixing vessel shall use interior mechanical agitation parallel to the bottom and agitate the water over the full length of the vessel.
  - (c) Quicklime shall be injected into the mixing vessel as follows:
    - (1) Where injection is from a pneumatic transfer system, the quicklime shall be injected at a point at least 12 inches under the surface of the agitated water; or
    - (2) Where injection is from a non-pneumatic conveying system unloading at the top of the vessel, emissions from any vent on the vessel shall be controlled by an appropriately sized wet scrubber.



- (d) There shall be no visible emissions (other than uncombined water).
122. Any silo used to store hot mix asphalt or asphalt emulsion concrete mixtures which meets the following conditions:
- (a) No cutback asphalt mixtures are stored;
  - (b) For silos on location for more than six months, all truck traffic areas are paved and cleaned as necessary to achieve maximum control of dust emissions and for those silos on location for six months or less, the truck traffic areas are sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions.
  - (c) Fuel used for heating the silo is sweet natural gas as defined in 30 TAC Chapter 101 as adopted by the Texas Natural Resource Conservation Commission (TNRCC) or liquid petroleum gas or first run refinery grade diesel or Number 2 fuel oil that is not a blend containing waste oils or solvents and that contains less than 0.5% by weight sulfur.
  - (d) The silo(s) is located at least 300 feet from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the property upon which the silo(s) is located.
  - (e) Before construction begins, written site approval is received from the Executive Director of the TNRCC and the facility is registered with the TNRCC Office of Air Quality in Austin using Form PI-7.
123. Any new aerospace equipment and parts manufacturing plant, or physical and operational change to an existing aerospace equipment and parts manufacturing plant, provided that the following conditions are satisfied:
- (a) For purposes of this exemption, aerospace equipment and parts manufacturing plant means the entire operation on the property which engages in the fabrication or assembly of parts, tools, or completed components of any aircraft, helicopter, dirigible, balloon, missile, drone, rocket, or space vehicle. This exemption will not include composite aerospace equipment and parts manufacturing plants. Composite plants are defined to be plants whose products are less than 50% metal, by weight, based on annual production figures. This definition excludes those operations specifically authorized by other exemptions. For example, a boiler would not be considered a part of the aerospace manufacturing plant, but could be authorized under Standard Exemption Number 7 if all pertinent requirements were met.
  - (b) Emission points associated with the aerospace equipment and parts manufacturing plant or changes to that plant shall be located at least 100 feet from any off-plant receptor\*.
  - (c) The total annual emissions, in tons per year, of the following air contaminants authorized under this exemption, on a cumulative basis, from the entire aerospace manufacturing plant does not exceed the values specified:

(1) Inhalable particulate matter	5 tpy
(2) Volatile Organic Compounds (VOC)	15 tpy
(3) Acid gases or vapors	5 tpy
(4) Non-VOC carbon compound emissions	10 tpy
(5) Total of <u>all the above</u> air contaminants	25 tpy

- (d) Hourly emissions of total new or increased emissions, including fugitives, of particulate matter or chemicals listed or referenced in Table 118A of Standard Exemption 118 shall not exceed the hourly emission rate, E, as determined using the equation,  $E = L/K$  lb/hr and Table 123A, where:

- E = maximum allowable hourly emission, lb/hr,
- L = limit value (see Table 118A), milligrams per cubic meter,
- K = value from Table 123A (interpolate intermediate values), and
- D = distance to the nearest off-plant receptor from the closest affected emission point.

TABLE 123A

<u>D, Feet</u>	<u>K</u>
100	326
200	200
300	139
400	104
500	81
600	65
700	54
800	46
900	39
1,000	34
2,000	14
3,000 or more	1

- (e) Before construction or change in operation begins, registration shall be submitted to the Texas Natural Resource Conservation Commission Office of Air Quality in Austin using a completed Form PI-7.

The emission data provided in the PI-7 shall include all process emission sources at the plant, both existing and proposed, and shall be the maximum allowed emissions for permitted units, the actual emissions for existing grandfathered or exempted units, and the projected maximum allowable emissions for proposed units. Emissions shall be speciated by chemical compound and the stack parameters, as appropriate, for each emission source shall be provided.

Registration shall include a description of the project, calculations, and data identifying specific chemical names, "L" values, "D" values, and a description of pollution control equipment, if any.

- (f) An emissions inventory shall be compiled and/or updated on an annual basis for all process emission sources on the property, maintained on a two-year rolling retention cycle, and made available upon request by the Executive Director. The inventory records should include the basis for all emissions estimates, sample calculations, and material usage records. Material and solvent usage records shall be maintained in sufficient detail to document compliance with this standard exemption.
- (g) Emissions from each existing and proposed stack, hood, vent, or opening to the atmosphere shall have no visible emissions.

- (h) Any facility in which any chemical listed in paragraph (4) of this condition will be handled or stored as a liquid or a compressed gas in a compound mixture of a concentration greater than 10% by weight or an aqueous solution of any chemical listed in (4) greater than 50% by weight shall comply with paragraphs (1)-(3) below:
- (1) The facility shall be located at least 300 feet from the nearest property line and 600 feet from any off-plant receptor.
  - (2) The cumulative amount of any one of the chemicals listed in paragraph (4) of this condition, resulting from one or more authorizations under this exemption, shall not exceed 500 pounds on the plant property.
  - (3) Any chemical listed in paragraph (4) of this condition shall be handled only in containers operated in compliance with United States Department of Transportation regulations (49 Code of Federal Regulations Parts 171 through 178).
  - (4) Listed chemicals are: acrolein, ammonia, bromine, carbon disulfide, chlorine, ethyl mercaptan, hydrogen chloride, hydrogen bromide, hydrogen cyanide, hydrogen fluoride, hydrogen sulfide, phosphine, sulfur dioxide, methyl bromide, methyl isocyanate, methyl mercaptan, nickel carbonyl, phosgene.

\*Off-plant receptor means any recreational area or residence or other structure not occupied or used solely by the owner or operator of the aerospace equipment and parts manufacturing plant or the owner of the property upon which the aerospace plant is located. Controlled access recreational areas owned by the property owner or the owner or operator of the aerospace plant are not off-plant receptors.

124. Body Repair and refinishing of motorcycle, passenger car, vans, light truck and heavy truck and other vehicle body parts, bodies, and cabs provided that all the following conditions are met:
- (a) Before construction begins, the facility shall be registered with the Texas Natural Resource Conservation Commission (TNRCC) Office of Air Quality in Austin using Form PI-7-124.
  - (b) Facilities which satisfy one of the following conditions:
    - (1) Spray operations that use less than one half pint of coatings and solvents per hour are exempt from all of the requirements of this exemption except for (c), (d), (p), and (q).
    - (2) Spray operations that use less than two gallons of coatings and solvents per week are exempt from all of the requirements of this exemption except for (c), (d), (h), (k), (l), (n), (p) and (q) unless additional controls are specified in 30 TAC §115.421. Additionally all overspray emissions must be vented through a filter system that meets the requirements of condition (g).
  - (c) Good housekeeping is practiced: spills are cleaned up as soon as possible, equipment is maintained according to manufacturers' instructions, and property is kept clean. In addition, all waste coatings, solvents, spent automotive fluids including, but not limited to, engine oil, gear oil, transmission fluid, brake fluid, anti freeze, fresh or

waste fuels, and spray booth filters or water wash sludge are disposed of properly. Prior to disposal all liquid waste shall be stored in covered containers.

- (d) There are no visible emissions leaving the property.
- (e) All spray coating operations which coat more than nine square feet (one panel) shall be performed in a totally enclosed filtered spray booth or totally enclosed filtered spray area with an air intake area of less than 100 square feet. All spray areas shall be equipped with a fan that achieves one of the following requirements:
  - (1) A flow capacity of at least 10,000 cubic feet per minute.
  - (2) A face velocity of at least 100 feet per minute.
- (f) All spray coating operations which coat less than nine square feet (one panel) and are not in a totally enclosed booth shall be performed on or in a dedicated preparation area which meets the following requirements:
  - (1) The preparation area ventilation system shall be operating during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or the air shall be recirculated back in to the shop through a carbon adsorption system.
  - (2) If the preparation area is equipped with a carbon adsorption system, the carbon shall be replaced at the manufacturers recommended intervals to minimize solvent emissions.
  - (3) The preparation area ventilation system shall be equipped with a filter or filter system to control paint overspray.
- (g) All paint booth, spray area, and preparation area over spray (exhaust) filters or filter systems shall have a particulate control efficiency of at least 90%.
- (h) High transfer efficiency coating application equipment shall be used; such as High Volume Low Pressure spray guns. Electrostatic spray guns or other methods if demonstrated to provide equivalent or better transfer efficiency are acceptable.
- (i) Cleanup emissions shall be minimized by implementing the following procedures:
  - (1) Spray and other equipment cleanup is totally enclosed during washing, rinsing, and draining. Non-enclosed cleaners may be used if the vapor pressure of the cleaning solvent is less than 100 millimeters of mercury at 68 degrees Fahrenheit and the solvent is directed towards a drain that leads directly to a remote reservoir.
  - (2) All wash solvents are kept in an enclosed reservoir that is covered at all times, except when being refilled with fresh solvents.
  - (3) All waste solvents and other cleaning materials are kept in closed containers.

- (j) All spray booth spray area, preparation area, and shop heaters that are not electrically heated must use pipeline quality natural gas or liquified petroleum gas only and the heaters are five million British thermal units per hour or smaller. No firing of waste coatings, solvents, oils, or other automotive fluids shall be permitted on site.
- (k) All spray booth, spray area, and preparation area stack heights shall meet the following requirements:
- (1) If the stack is located within 200 feet of a building that is taller than the body shop building, the stack height shall be at least 1.2 times the height of the tallest building or higher as measured from ground level.
  - (2) If the stack is located greater than 200 feet from a building taller than the body shop building, the stack height shall be at least 1.2 times the height of the body shop building as measured from ground level.
  - (3) If any ground level elevation within 250 feet of the spray booth stack is greater than the stack height required above, this Standard Exemption cannot be used.
- (l) Spray booth, spray area, and preparation area stacks shall be located at least 50 feet away from any residence, recreation area, church, school, child care facility, or medical or dental facility.
- (m) Rain caps, goose neck exhaust, or other stack heads that would restrict or obstruct vertical discharge of air contaminants shall not be allowed.
- (n) The volatile organic compounds (VOC) content limits specified in 30 TAC §115.421, concerning automobile and light-duty truck coatings, shall apply to the facility regardless of its location.
- (o) Definitions of the coating types specified below are based on 30 TAC §115.10, and the VOC content limits shall be those listed in 30 TAC §115.421. Shop use of the coating categories listed below in gallons per month shall not be exceeded;
- |                         |                      |
|-------------------------|----------------------|
| Cleanup solvents        | 50 gallons per month |
| Wipe solvents           | 50                   |
| Precoat                 | 50                   |
| Pretreatment            | 50                   |
| Sealers                 | 50                   |
| Primers/Primer Surfacer | 175                  |
| Top coats               | 320                  |
| Specialty coatings      | 50                   |
- (p) The following records and reports shall be maintained at the shop site for a consecutive 24-month period and be made immediately available upon request of personnel from the Texas Natural Resource Conservation Commission (TNRCC) or any other air pollution control agency with jurisdiction:
- (1) Material Safety Data Sheet or other coating data sheets on paint and solvent systems used during the previous 24-month period or currently in use at the shop. The MSDS or coating data sheets should clearly indicate the VOC content of the product and the VOC

content of multiple component coatings when mixed according to manufacturers instructions.

- (2) Records of monthly coating and solvent purchases (invoices from suppliers are acceptable).
  - (3) Records of monthly paint and solvent use if purchase volumes are above the levels specified for any category in Condition (o).
  - (4) Additional records are kept in sufficient detail, if necessary, to allow an annual emission inventory to be submitted according to the requirements in 30 TAC §101.10, concerning emission inventory requirements.
  - (5) Records of EPA and the TNRCC Office of Waste Management, registration or identification numbers for each waste generator.
- (q) Compliance with the requirements of this exemption does not eliminate the requirement to comply with all rules of the TNRCC, including 30 TAC §101.4, regarding nuisance. The TNRCC may require a facility to cease operation until the matter is resolved.
- (r) After December 31, 1994, the conditions of this exemption are effective as to facilities in existence prior to the adoption of this exemption.

Note: After July 31, 1994 paragraphs (h), (i), (n), and (p) become effective in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Harris, Liberty, Montgomery, Tarrant, and Waller Counties as required by 30 TAC Chapter 115.

DESCRIPTION OF CONDITIONS AND ELEMENTS OF CONDITIONS	FIRST OFFENSE (1)	SECOND OFFENSE (2)	THIRD OR SUBSEQUENT OFFENSE (3)
A. Failure to employ administrative personnel and give notice to licensing agency.			
1. The licensed nursing home administrator is not hired within 30 days of vacancy occurrence, as required by §19.1902(c)(8) of this title (relating to Governing Body).	500	1,000	1,500
2. The facility fails to file notification of a change in the nursing home administrator, the director of nurses, or medical director within 30 days of hire, as required by §19.1918(b)(4) of this title (relating to Disclosure of Ownership).	500	1,000	2,000
B. Failure of direct care personnel to meet the needs of the residents.			
1. The facility does not meet licensed staffing ratio, as required by §19.1002(a) of this title (relating to Additional Nursing Services Staffing Requirements).	500	1,000	1,500
2. The facility does not provide licensed charge nurse coverage for required shifts, as required by §19.1001(1)(B) of this title (relating to Nursing Services).	500	1,000	1,500
3. Residents are not being kept clean or well-groomed, as required by §19.901(1) of this title (relating to Quality of Care).	500	1,000	1,500
C. Failure to observe, recognize, record or report to the physician sudden and/or severe changes in resident clinical signs or symptoms and/or conditions, as required by §19.403(k)(1)(A), (B), or (C).	500	1,000	1,500
D. Failure to obtain emergency medical care as required by §19.1204 of this title (relating to Availability of Physician for Emergency Care).	500	2,000	3,000
E. Failure to administer drugs or biologicals in accordance with the physician's orders and/or established drug administration procedures.			

## SCHEDULE A: PENALTIES FOR NURSING FACILITIES

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<p>1. Medications are not administered by personnel licensed to administer medications; medication aides; student nurses, student medication aides, or graduate nurses who are directly supervised by a licensed nurse, as required by §19.1501(1) of this title (relating to Pharmacy Services).</p>	500	1,000	1,500
<p>2. Medications are administered without physician's order, as required by §19.1506(a) of this title (relating to Drug Orders).</p>	500	2,000	3,000
<p>3. Residents are not free of significant medication errors, as required by §19.901(13) of this title (relating to Quality of Care).</p>	500	1,000	1,500
<p>F. Failure to provide tube feeding/syringe feedings in accordance with physician's orders and/or established feeding administration procedures, as required by §19.901(7)(B) of this title (relating to Quality of Care).</p>			
<p>G. Failure to provide proper incontinent care, as required by §19.901(4)(B) of this title (relating to Quality of Care).</p>			
<p>H. Failure to give proper care to prevent or treat pressure sores, as required by §19.901(3) of this title (relating to Quality of Care).</p>			
<p>I. Failure to use restraints properly, as required by §19.601(a) of this title (relating to Resident Behavior and Facility Practice).</p>			
<p>J. Failure to utilize infection control; including, but not limited to, universal precautions in the care of all residents, as required by §19.1601 of this title (relating to Infection Control).</p>	500	1,000	1,500
<p>K. Failure to organize and execute pharmacy services in accordance with standards or established pharmacy practices.</p>			
<p>1. The facility does not retain a pharmacist who serves as a consultant to the facility, as required by §19.1501(3) of this title (relating to Pharmacy Services).</p>	500	1,000	1,500



**PENALTIES FOR NURSING FACILITIES**

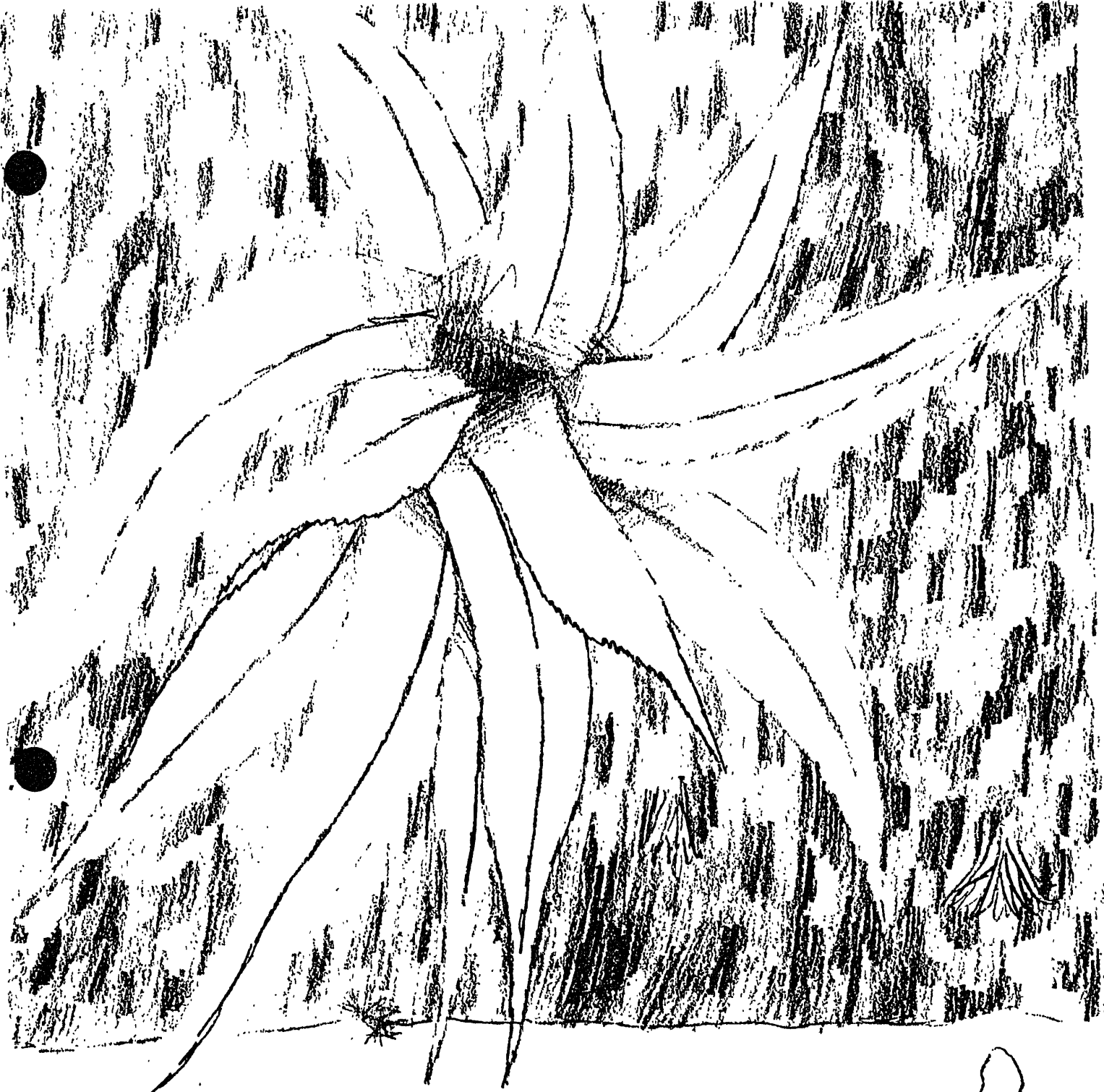
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<p>2. The licensed consultant pharmacist does not review the drug regimen of each resident at least monthly and/or report any irregularities to the attending physician and the director of nursing, as required by §19.1501(4) of this title (relating to Pharmacy Services).</p>	500	1,000	1,500
<p>3. Medications are not maintained at all times in properly labeled containers and/or stored in locked compartments, as required by §19.1501(5) and (6) of this title (relating to Pharmacy Services).</p>	500	1,000	1,500
<p>4. Resident's replacement (reordered) medications are not available in the facility prior to administering the last dose from the previous container, as required by §19.1506(c) of this title (relating to Pharmacy Services).</p>	500	1,000	1,500
<p>5. Drug administration errors or adverse drug reactions are not reported in a timely manner to the resident's physician, as required by §19.1508(b) of this title (relating to Drug Administration).</p>	500	1,000	1,500
<p>L. Failure to provide dietary services in accordance with standards or established dietary practices.</p>			
<p>1. The facility does not retain a qualified dietitian or receive regularly scheduled consultation from a professional dietitian, as required by §19.1102 of this title (relating to Staffing).</p>	500	1,000	1,500
<p>2. The facility fails to provide therapeutic diets, mechanically altered diets, or special meals in accordance with physician's orders, as required by §19.1101 of this title (relating to Dietary Service).</p>	500	1,000	1,500
<p>3. The facility fails to provide a safe and/or sanitary environment through the practice of storage, preparation, or distribution of foods, as required by §19.1111 of this title (relating to Sanitary Conditions).</p>	500	1,000	1,500

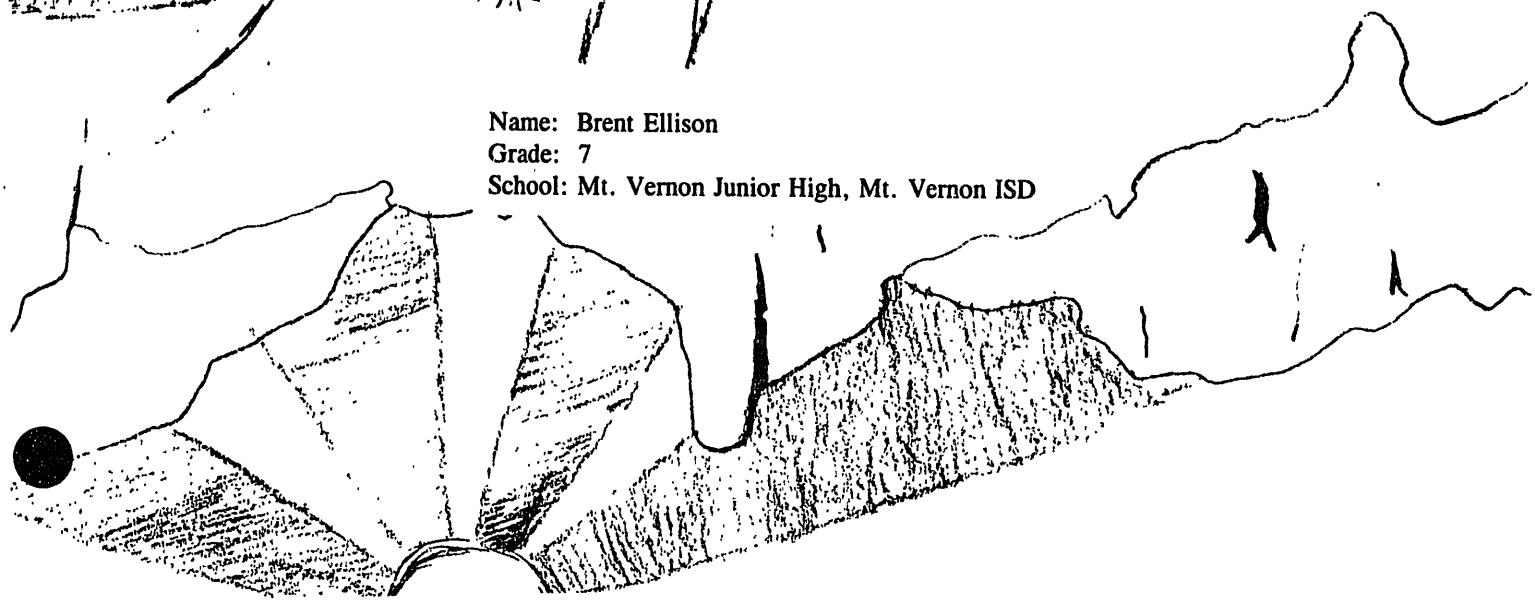
## SCHEDULE A: PENALTIES FOR NURSING FACILITIES

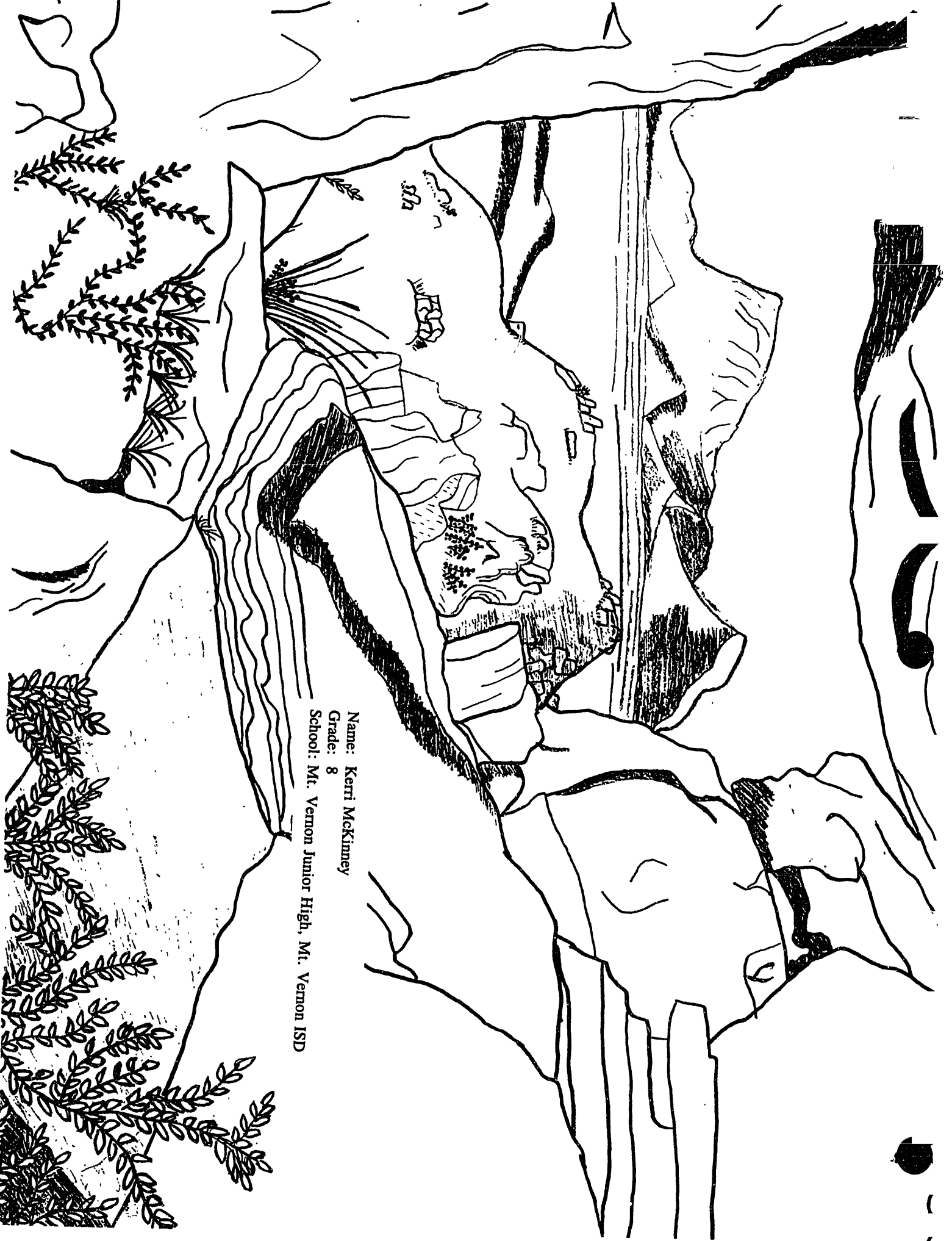
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<p>M. Failure to provide services to meet the psychosocial or activity needs of the residents, as required by §19.702 of this title (relating to Activities) or §19.703 of this title (relating to Social Services General Requirements).</p>	500	1,000	1,500
<p>N. Failure to maintain the physical plant in accordance with the requirements found at §§19.1701-19.1727 of this title (relating to Physical Plant and Environment).</p>	500	1,000	1,500
<p>O. Failure to verify the criminal conviction record of an employee/applicant as required by Human Resources Code, Chapter 106, and/or failure to deny or terminate the permanent employment of a person identified in the criminal conviction report as unemployable or otherwise known by management to be unemployable, as required by §19.1921(m) of this title (relating to General Requirements for a Nursing Facility).</p>	500	1,000	1,500
<p>P. Failure to submit a renewal or change of ownership license application as required in accordance with §§19.208 or 19.210 of this title (relating to Renewal Procedures and Qualifications and Change of Ownership).</p>	500	1,000	1,500
<p>1. The facility does not submit a license renewal application at least 45 days before the current license expiration date.</p>	500	1,000	1,500
<p>2. During a change of ownership process, the prospective purchaser does not submit a license application to the licensing program at least 30 days before the anticipated sale date.</p>	500		
<p>Q. Failure to submit a report of a resident death in accordance with the requirements of the Health and Safety Code, §242.134. Facilities failing to submit a resident death report more than once during a 12-month period are subject to an administrative penalty based on the number of previous offenses.</p>	500	1,000	1,500



Name: Brent Ellison  
Grade: 7  
School: Mt. Vernon Junior High, Mt. Vernon ISD





Name: Kerri McKinney  
Grade: 8  
School: Mt. Vernon Junior High, Mt. Vernon ISD

# OPEN MEETINGS

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours before a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the **Texas Register**.

**Emergency meetings and agendas.** Any of the governmental entities listed 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. All emergency meeting notices filed by governmental agencies will be published.

**Posting of open meeting notices.** All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the **Texas Register**.

**Meeting Accessibility.** Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

## Texas Commission on Alcohol and Drug Abuse

Wednesday, March 22, 1995, 4:00 p.m.

Red Lion Inn, Highway 290 at IH-35  
Austin

Program Development and Initiatives Committee

### AGENDA:

Call to order; approval of minutes; division updates on Texas Department of Criminal Justice Institutional Division, Texas Commission on Alcohol and Drug Abuse, Texas Department of Criminal Justice Community Justice Assistance Division, and Texas Department of Criminal Justice Pardons and Parole Division; vendor updates on San Diego Substance Abuse Felony Punishment Facility; management information system; old business; new business; and adjourn.

Contact: Ted Sellers, 710 Brazos, Austin, Texas 78701, (512) 867-8137.

Filed: March 14, 1995, 10:48 a.m.

TRD-9503144

## Texas Bond Review Board

Thursday, March 23, 1995, 9:00 a.m.

1400 North Congress Avenue, Capitol Extension, Room E1.026

Austin

### AGENDA:

I. Call to order

II. Approval of minutes

III. Consideration of proposed issues

A. Texas Public Finance Authority-General Obligation Commercial Paper Notes to finance projects for Texas Department of Criminal Justice

B. Texas Water Development Board-Tax-Exempt General Obligation Texas Water Development Bonds, Series 1995-A and 1995-C and Taxable General Obligation Texas Water Development Bonds, Series 1995-B

IV. Other business

A. Amendment to Texas Department of Housing and Community Affairs-Single Family Mortgage Revenue Bond Program

B. Discussion of State Information Depository

V. Adjourn

Contact: Albert L. Bacarisse, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: March 15, 1995, 1:06 p.m.

TRD-9503252

## Texas County and District Retirement System

Thursday-Friday, March 23-24, 1995, 1:30 p.m. and 9:00 a.m., respectively.

Guest Quarters Hotel, 303 West 15th Street  
Austin

Board of Trustees

### AGENDA:

Chairman opens meeting. Approve minutes of December 1994, regular Board meeting. Approve applications for service and disability retirement benefits. Approve applications for TCDRS participation. Approve financial statements. Approve personnel policy amendments. Consider pending legislation. Building Committee meeting. Report from actuary. Report from legal counsel. Investment performance evaluation by Holbein and Associates. Investment Committee report. Appointment of custodian bank and securities lender. Report from investment officer. Act on administrative and investment policy, practices, budget and personnel. Report from chairman. Report from director. Set date of June 1995 meeting.

Contact: Terry Horton, 400 West 14th Street, Austin, Texas 78701, (512) 476-6651.

Filed: March 14, 1995, 4:03 p.m.

TRD-9503172

## Texas Department of Criminal Justice

Wednesday, March 22, 1995, 2:30 p.m.  
Red Lion Hotel, 6121 North Interstate 35

Austin  
Minority and Employee Relations Committee

**AGENDA:**

- I. Selection system procedures update
- II. Workforce profiles
- III. Agency purchasing procedures
- IV. Construction and architect/engineer selection procedures
- V. Other items

**Contact:** Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

**Filed:** March 14, 2:57 p.m.

TRD-9503162

**Wednesday, March 22, 1995, 4:00 p.m.**  
Red Lion Hotel, 6121 North Interstate 35  
Austin

Committee on Substance Abuse and Texas Commission on Alcohol and Drug Abuse

**AGENDA:**

- I. Call to order
- II. Approval of minutes
- III. Division updates
- IV. Vendor update
- Kyle facility
- Wackenhut
- V. Management Information system
- VI. Old business
- VII. New business
- VIII. Adjourn

**Contact:** Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

**Filed:** March 14, 1995, 2:56 p.m.

TRD-9503160

**Thursday, March 23, 1995, 8:30 a.m.**  
Red Lion Hotel, 6121 North Interstate 35  
Austin

Healthcare Committee

**AGENDA:**

- I. Tobacco free policy
- II. Update on healthcare budget
- III. Delivery of psychiatric services
- IV. Update on substance abuse programs
- V. Old business
- VI. New business
- VII. Other items

**Contact:** Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

**Filed:** March 14, 1995, 2:56 p.m.

TRD-9503161

**Thursday, March 23, 1995, 9:30 a.m.**  
Red Lion Hotel, 6121 North Interstate 35  
Austin

Parole and Parole Policies Committee

**AGENDA:**

- I. Update on parole reorganization
- II. Update of division activity
- III. Miscellaneous

**Contact:** Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

**Filed:** March 14, 1995, 2:57 p.m.

TRD-9503163

**Thursday, March 23, 1995, 10:30 a.m.**  
Red Lion Hotel, 6121 North Interstate 35  
Austin

Administration Committee

**AGENDA:**

- I. PAPPAS
- II. Mitchell County land donation
- III. Budget update

**Contact:** Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

**Filed:** March 14, 1995, 2:57 p.m.

TRD-9503164

**Thursday, March 23, 1995, 1:00 p.m.**  
Red Lion Hotel, 6121 North Interstate 35  
Austin

Facilities Committee, Subcommittee on Construction and Repair

**AGENDA:**

- I. Authorization for construction/remodeling
- II. Approve following engineering firms for negotiations/selection to replace existing road and parking areas in northern and southern areas:
  - a. Teague Nall and Perkins, Inc.
  - b. Everett Griffith, Jr. and Associates, Inc.
  - c. Goodwin-Lassiter, Inc.
  - d. Encom Engineering, Inc.
- III. Site/location selection process
- IV. Draft RFP's

**Contact:** Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

**Filed:** March 14, 1995, 2:57 p.m.

TRD-9503165

**Thursday, March 23, 1995, 2:00 p.m.**  
Red Lion Hotel, 6121 North Interstate 35  
Austin

Facilities Names Subcommittee of the Facilities Committee

**AGENDA:**

- I. Consideration and formulation of recommendations for facility names

**Contact:** Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

**Filed:** March 14, 1995, 2:58 p.m.

TRD-9503166

**Thursday, March 23, 1995, 3:00 p.m.**  
Red Lion Hotel, 6121 North Interstate 35  
Austin

Windham School System Committee

**AGENDA:**

- I. Windham School System legislation and funding for 1996-1997 biennium
- II. Update on WSS performance review recommendations
- III. Revision of grievance policy
- IV. Articulation agreements
- V. Revision of Windham employee contract
- VI. WSS Advisory Committee
- VII. Administration update

**Contact:** Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

**Filed:** March 14, 1995, 2:58 p.m.

TRD-9503167

**Thursday, March 23, 1995, 3:45 p.m.**  
Red Lion Hotel, 6121 North Interstate 35  
Austin

Windham School System Committee

**AGENDA:**

- I. Regular Session
  - A. Introduction of staff
  - B. Consent items
    - 1. Minutes of the January 13, 1995 meeting
    - 2. Employment contracts
    - 3. Dual employment requests
    - 4. Revision of grievance policy
    - 5. Additional appraisers for 1994-1995
    - 6. Approval of articulation agreements
    - 7. Revision of Windham employee contract

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: March 14, 1995, 2:59 p.m.

TRD-9503168

Thursday, March 23, 1995, 4:00 p.m.

Red Lion Hotel, 6121 North Interstate 35  
Austin

AGENDA:

Convene Texas Board of Criminal Justice

I. Executive Session

A. Discussion with attorneys concerning: Alberti; Angelina County; Castillo De Vonish; Diaz; Green; Harrison; Haygood/Weaver; Hpopper; Lamar; Lyons; MKK Northstar; Ruiz v. Scott; Smith; Sponsler; Strain cases; Van Dyne; Volk. (Closed in accordance with §551.071, Government Code.)

B. Discussion of matters made confidential under State Bar Disciplinary Rules of Professional Conduct. (Closed in accordance with §551.071, Government Code.)

Adjourn executive schedule.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: March 14, 1995, 2:59 p.m.

TRD-9503169

### Texas Commission for the Deaf and Hearing Impaired

Friday, March 31, 1995, 9:00 a.m.

Brown-Heatly Building, Room 1430, 4900 North Lamar Boulevard

Austin

Board

AGENDA:

Call to order; public comment; approval of minutes for January 27, 1995; executive director's report including legislative update, discussion of and possible decisions on financial/budget information, update on direct services and approval of new task force members; Board for Evaluation of Interpreters' report including certifications, revocations, proposed rule change and approval of new board members; information items; and adjournment.

Contact: Loyce Kessler, 4800 North Lamar Boulevard, #310, Austin, Texas 78756, (512) 451-8494.

Filed: March 15, 1995, 2:38 p.m.

TRD-9503261

Saturday, April 1, 1995, 9:00 a.m.

Criss Cole Rehab Center, Staff Training Room, 4900 North Lamar Boulevard

Austin

Board for Evaluation of Interpreters

AGENDA:

Call to order; determination of quorum; reading of minutes; public comments; reports from officers/committees/staff; executive session for review of applicants and candidate testing materials; new business, including certifications, revocations, and recertifications and calendar; unfinished business, including Level V and Level V-Intermediary Materials; announcements; and adjournment.

Contact: Loyce Kessler, 4800 North Lamar Boulevard, #310, Austin, Texas 78756, (512) 451-8494.

Filed: March 15, 1995, 2:38 p.m.

TRD-9503262

### Texas Planning Council for Developmental Disabilities

Wednesday, March 29, 1995, 1:00 p.m.

4900 South Lamar Boulevard

Austin

Grants Monitoring Committee

AGENDA:

Wednesday, March 29, 1995

1:00 p.m. Call to order

1:00 p.m. 1. Introductions of council members, staff and guests

1:00 p.m. 2. Public comments

1:15 p.m. 3. Approval of minutes from January 19-20, 1995

1:30 p.m. 4. Presentation by Tina Coy, project director

Austin-Travis County MHMR

Employment Systems Change Project

2:30 p.m. 5. Review of employment projects-staff

3:00 p.m. 6. Break

3:15 p.m. 7. Review of stipends RFP, grants, and accomplishments-staff

4:00 p.m. 8. Status report of selected grant projects-staff

4:45 p.m. 9. Wrap-up

5:00 p.m. 10. Adjourn

Contact: Lester Sanders, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4084.

Filed: March 15, 1995, 10:55 a.m.

TRD-9503237

### Texas Interagency Council on Early Childhood Intervention

Thursday, March 23, 1995, 9:00 a.m.

4412 Spicewood Springs Road, Building 600

Austin

Interagency Council on Early Childhood Intervention

AGENDA:

Public comment. Discussion and approval of minutes from February 23, 1995, meeting and advisory committee and director's forum report. Discussion and update on the status of the legislative budget hearings, revisions to Chapter 73, and other legislative issues. Discussion and approval of staff recommendation to continue fiscal year 1995 funding for Texarkana Special Education Center, Opportunities, Inc. Discussion and update on status of transition plans for children enrolled in ECI program at Edgewood I.S.D. Discussion of findings of non-compliance of CEDEN family resource center with fiscal year 1995 requirements. Discussion and approval of staff recommendation to extend the fiscal year 1996 application due date from Region 16 education service center. Discussion and update on Medicaid projects. Discussion of issues related to the continuation of the foundations for a new Texas project. Discussion and approval of staff recommendations to fund new milestones projects in Lubbock and Galveston. Discussion and update on Chapter 1 reauthorization for Part H. Discussion and approval on Chapter I funds for private ECI programs for fiscal year 1995. Discussion and approval of staff recommendation to contract with the State Comptroller's office to perform post audits of ECI's payment vouchers and financial transactions and FYI.

Contact: Linda Hill, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 502-4900.

Filed: March 15, 1995, 11:08 a.m.

TRD-9503240

### Texas Education Agency

Saturday-Sunday, March 25-26, 1995, 12:30 p.m. and 1:30 p.m., respectively.

The Harvey Hotel, 1600 North Central Expressway

Plano

Commission on Standards for the Teaching Profession (CSTP)

**AGENDA:**

Saturday, March 25. At 12:30 p.m., opening activities include roll call, adoption of agenda, approval of minutes for March meeting, and introductions. At 12:15 p.m., action items for consideration include an interim report concerning the Region 13 Education Service Center alternative certification administrator program and program approval requests from the University of Texas at El Paso and the Panhandle South Plains Center for Professional Development and Technology. At 5:00 p.m., the Commission will conclude with a summary and suggestions for follow-up. Sunday, March 26. At 1:30 p.m., opening activities include role call and introductions. At 1:45 p.m., discussion items include updates on the State Board of Education and the legislature and a report on the Texas Education Agency Division of Educator Assessment and Appraisal. At 12:15 p.m., action items for consideration include program approval requests from Tarleton State University, the University of Texas at Austin, and Concordia University; and recommendations from the CSTP Ad Hoc Committee II and Ad Hoc Committee III. At 4:15 p.m., the Commission will conduct a roundtable discussion concerning the strategic plan. At 5:00 p.m., the Commission will conclude with a summary and suggestion for follow-up.

Contact: Delia Quintanilla, CC 204, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: March 15, 1995, 10:57 a.m.

TRD-9502329

**Board of Law Examiners**

Friday, March 31, 1995, 8:30 a.m.

Suite 500, Tom C. Clark Building, 205 West 14th Street

Austin

Hearings Panel

**AGENDA:**

The hearings panel will hold public hearings and conduct deliberations on character and fitness of the following applicants and/or declarants: Barry R. Brown; Jeffrey K. Short; Michael E. Stearns; Angela M. Hights; and Christina C. Wedding. (Character and fitness deliberations may be conducted in executive session, pursuant to §82.003(a), Texas Government Code.)

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: March 15, 1995, 3:55 p.m.

TRD-9503271

**Texas Natural Resource Conservation Commission**

Wednesday, March 22, 1995, 9:30 a.m.

12118 North Interstate 35, Building E, Room 201S

Austin

**AGENDA:**

Addendum to agenda of March 22, 1995 to add two water utility matters, relating to Bexar Metropolitan Water District.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: March 14, 1995, 4:22 p.m.

TRD-9503178

Thursday-Friday, March 23-24, 1995, 9:00 a.m.

12015 Park 35 Circle, Building E, Room 201S

Austin

Municipal Solid Waste Management and Resource Recovery Advisory Council

**AGENDA:**

The next meeting of the Municipal Solid Waste Management and Resource Recovery Advisory Council will be held March 23 and 24, 1995, at the TNRCC complex, located at 12015 Park 35 Circle, Building E, Room 201S.

The meetings will begin at 9:00 a.m. on Thursday, March 23rd with the following committee meetings: Education Committee, Recycling Committee, Conference Planning Committee, and Regulatory Oversight Committee.

On Friday, March 24th, the meeting will begin at 9:00 a.m. with opening remarks, introductions, minutes of February 23 and 24, 1995, legislative issues and updates, and reports from Division directors in the Office of Pollution Prevention and Recycling, Waste Planning and Assessment, and the Municipal Solid Waste Division. Public comments and open discussion will conclude the meetings.

Contact: Gary W. Trim, 12015 Park 35 Circle, Austin, Texas 78753, (512) 239-6708.

Filed: March 15, 1995, 9:21 a.m.

TRD-9503204

Thursday, April 27, 1995, 10:00 a.m.

TNRCC, 12124 Park 35, North IH-35 at Yager Lane, Building C, Room 131E

Austin

**AGENDA:**

On an application by Williamson County, Proposed Permit Number MSW1405-A, amending Permit Number MSW1405, which authorizes an increase in the amount of land and the height of fill at the existing Type I municipal solid waste management (landfill) facility. The facility is located 3,300 feet north of the intersection of County Road 130 and FM Road 1660 in Williamson County, Texas.

Contact: Ronnie Jones, P.O. Box 13087, Austin, Texas 78711, (512) 239-0584.

Filed: March 15, 1995, 4:33 p.m.

TRD-9503279

**State Pension Review Board**

Friday, March 17, 1995, 2:30 p.m. (Telephone Conference Call.)

State Pension Review Board Conference Room, Fourth Floor, Room 406, William Clements Building

Austin

Emergency Meeting

Legislative Advisory Committee

**AGENDA:**

Preparation of actuarial impact statements on bills from which actuarial information is available by meeting time, and for which requests have been received from Legislative Committee.

Reason for emergency: In order to obtain a quorum and respond to request in appropriate time.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: March 15, 1995, 4:45 p.m.

TRD-9503280

Tuesday, March 21, 1995, 10:00 a.m. (Telephone Conference Call. Rescheduled from March 21, 1995, 9:00 a.m.)

State Pension Review Board Conference Room, Fourth Floor, Room 406, William Clements Building

Austin

Emergency Revised Agenda

**AGENDA:**

Location and time change

Preparation of actuarial impact statements on bills from which actuarial information is available by meeting time, and for which requests have been received from legislative committees.



Reason for emergency: Time and location change.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: March 14, 1995, 2:55 p.m.

TRD-9503157

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**Public Utility Commission of Texas**

Thursday, March 23, 1995, 11:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

There will be an open meeting at which the Commissioners will consider Project Number 13919, for publication an amendment to §23.31 concerning Coastal Management Plan; Docket Number 13469, application of Texas Utilities Electric Company to amend Certificate of Convenience and Necessity for proposed transmission line with Travis and Williamson counties; and Docket Number 13400, investigation into the impact of open access comparability transmission terms and conditions accepted by Central and South West Services, Inc.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 15, 1995, 1:58 p.m.

TRD-9503257

Thursday, March 23, 1995, 11:05 a.m.

7800 Shoal Creek Boulevard

Austin

Administrative

AGENDA:

There will be an administrative meeting for discussion, consideration, and possible action on outstanding employees; selection of carrier to provide telecommunications relay service; FCC consideration of Texas local exchange acquisitions; representative to serve on SEDC; staff report on potential for stranded investment; 1994 statewide electrical energy plan; report to legislature under §23.11(j) (Equal Opportunity reports); report on legislative activity; budget and fiscal matters; adjournment for executive session to consider litigation and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and final adjournment.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 15, 1995, 1:59 p.m.

TRD-9503259

Friday, March 31, 1995, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

Emergency Meeting

Revised Agenda

AGENDA:

A Prehearing Conference will be will at the above date and time in Docket Number 13988-Petition of W. R. Grace and Company-Conn. against Houston Lighting and Power Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 15, 1995, 1:58 p.m.

TRD-9503256

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**Texas State Board of Social Worker Examiners**

Friday, March 24, 1995, 8:00 a.m.

Peach Room, Airport Hilton, 6000 Middle Fiskville Road

Austin

Newsletter Committee

AGENDA:

The committee will meet to discuss and possibly act on: minutes from the February 3, 1995 meeting; consider the March newsletter; consider content and format for June 1995 issue, and set next meeting.

Contact: Michael Doughty, 1100 West 49th Street, Austin, Texas 78756, (512) 719-3521. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: March 14, 1995, 11:55 a.m.

TRD-9503149

Friday, March 24, 1995, 9:00 a.m.

Peach Room, Airport Hilton, 6000 Middle Fiskville Road

Austin

Continuing Education/Competency Committee

AGENDA:

The committee will meet to discuss and possibly act on: minutes from the December 9, 1994 meeting; proposal from Assessments System, Inc. on continued competency pilot project; conduct audit for continuing education sponsors; update on licensee audits; and set next meeting.

Contact: Michael Doughty, 1100 West 49th Street, Austin, Texas 78756, (512) 719-3521. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: March 14, 1995, 11:55 a.m.

TRD-9503147

Friday, March 24, 1995, 1:00 p.m.

Peach Room, Airport Hilton, 6000 Middle Fiskville Road

Austin

Supervision Committee

AGENDA:

The committee will meet to discuss and possibly act on: minutes from the October 29, 1994 meeting; revise policy under 25 Texas Administrative Code §781.302(b)(3)(D) to define modalities and intervention strategies that are unique to the field of social work; review first draft of the supervision brochure by Lawrence Shutman; update on approved and pending supervision courses; format of "fact sheet" for potential approved supervisors of the board when a person is doing an accumulative training to meet the 40 hour requirement for approved supervision; discuss the other future committee business; and set next meeting date.

Contact: Michael Doughty, 1100 West 49th Street, Austin, Texas 78756, (512) 719-3521. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: March 14, 1995, 11:55 a.m.

TRD-9503150

Friday, March 24, 1995, 3:00 p.m.

Peach Room, Airport Hilton, 6000 Middle Fiskville Road

Austin

Complaints/Compliance Committee

AGENDA:

The committee will meet to discuss and possibly act on: minutes from the December 9, 1994 and February 11, 1995 meetings; new complaints; ongoing complaints and hearing status; complaints ready for committee action; John Steele's request for continuing education as per probation order; James Matson's request; policy regarding felony and misdemeanor convictions; order relating to W. H.; and set next meeting date.

Contact: Michael Doughty, 1100 West 49th Street, Austin, Texas 78756, (512) 719-3521. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: March 14, 1995, 11:55 a.m.

TRD-9503148

Saturday, March 25, 1995, 9:00 a.m.

Peach Room, Austin Hilton, 6000 Middle Fiskville Road

Austin

**AGENDA:**

The board will discuss and possibly act on: approval of minutes from the December 10, 1994 meeting; executive director's report; committee reports; election of vice-chair; consider order relating to the license of RR; consider order relating to the license of AC; consider order relating to the license of WH; consider order relating to the license of AS; ratify probated license of Rita Lara Tamez; ratify probated license of Gerardo Perez; ratify probated license of Sarah Lee Porter; ratify probated license of Patricia A. Sarallo; ratify probated license of Olivia Wilson; ratify probated license of Shirley Ann Adams; ratify probated license of Beverly Sue Rush; ratify probated license of Martha Araiza Ogburn; ratify probated license of Phyllis Joan Northington; policy on time limit on who is eligible for a probated license after examination failures; first draft of supervision brochure; policy to define approved supervision training program in 25 Texas Administrative Code §781.302(b)(3)(D); Assessments System, Inc. competency pilot project; policy on felony and misdemeanor convictions; proposed amendments to Chapter 781; other items not requiring board action; and set next meeting date.

Contact: Michael Doughty, 1100 West 49th Street, Austin, Texas 78756, (512) 719-3521. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: March 14, 1995, 11:55 a.m.

TRD-9503146

Sunday, March 26, 1995, 8:00 a.m.

Peach Room, Airport Hilton, 6000 Middle Fiskville Road

Austin

Examination Policy Committee

**AGENDA:**

The committee will meet to discuss and possibly act on: approval of the minutes from the December 9, 1994 meeting; response on inquiries by committee to executive director; examinations from American Association of State Social Work Boards; future items for committee; and next meeting.

Contact: Michael Doughty, 1100 West 49th Street, Austin, Texas 78756, (512) 719-3521. For ADA assistance, call Richard

Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: March 14, 1995, 11:56 a.m.

TRD-9503151

**Texas A&M University System, Board of Regents**

Thursday, March 23, 1995, 1:30 p.m.

Texas A&M University, MSC, Room 292, Joe Routh Boulevard

College Station

Facilities Planning and Building Committee

**AGENDA:**

Action on bids for movable furnishing for campus facilities, Phase I, Texas A&M International University; action on bids for University Services, Center, Texas A&M-Corpus Christi; authorization for the Chancellor to take action on bids for the Early Childhood Center, Texas A&M-Corpus Christi; initiation of a student recreational park, Prairie View A&M University; initiations of the Fort Crockett Facility Renovation and Agronomy Circle completion, Texas A&M; action on bids for movable furnishings for the Recreational Sports Building and Natatorium and Easterwood Airport seal coating, Texas A&M; granting of easements to the Texas Department of Transportation for the widening of Texas Avenue, Texas A&M; cancellation of the Support Services Building Project, Texas A&M; reports on Golf Course Storm Water Retention and Housing System at Texas A&M; status report of construction projects; report of contract actions by the Chancellor or CEOs; confirm report on construction project appropriations by the Chancellor.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 15, 1995, 11:56 a.m.

TRD-9503245

Thursday, March 23, 1995, 3:15 p.m. or upon adjournment of meeting of the Facilities Planning and Building Committee

Texas A&M University, MSC, Room 292, Joe Routh Boulevard

College Station

Executive Committee

**AGENDA:**

Approval of minutes of Board meetings; naming of facilities at System institutions and service agencies; grant emeritus titles to individuals from Texas A&M, West Texas A&M and Texas Agricultural Extension Service; confirm appointments and promo-

tions; approve academic tenure; confirm terminations of employment; adoption of resolutions; appointments to the Board of Visitors at Texas A&M at Galveston; appointment of member of the Board to the Board for Lease of University Lands; election of member of the Board to the Texas Growth Fund Board; change in Title of Secretary of the Board to Executive Secretary to the Board; awarding of honorary degrees from Texas A&M and Texas A&M-Corpus Christi.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 15, 1995, 11:56 a.m.

TRD-9503246

Thursday, March 23, 1995, 3:30 p.m. or upon adjournment of the meeting of the Executive Committee

Texas A&M University, MSC, Room 292, Joe Routh Boulevard

College Station

Committee for Service Units

**AGENDA:**

Authorization for license agreements with QED/Advance Research Technologies for "biological materials," DiagXotics, Inc. for "probes for NHP in shrimp," Asgrow Seed Company for "asexual propagation of onion lines," Texas Agricultural Experiment Station; establish center for the study of digital libraries at Texas Engineering Experiment Station; amend license agreement with PFPI Industries Inc. for "optoelectronic signal conditional unit for interferometer and interferometer sensors," Texas Engineering Experiment Station; report on the Top Quark; Significance of a Discovery.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 15, 1995, 11:56 a.m.

TRD-9503247

Thursday, March 23, 1995, 3:45 a.m. or upon adjournment of the meeting of the Committee for Service Units

Texas A&M University, MSC, Room 292, Joe Routh Boulevard

College Station

Finance and Audit Committee

**AGENDA:**

Authorize Chancellor to approve changes in officers and employees authorized to sign checks for withdrawals for Revolving Fund bank account; approval of increased fees effective fall 1995 at academic institutions of the System; approval to charge and collect international education fee, Prairie View A&M; approval of library access fee;

agricultural facilities fee and field assignment fee; Tarleton State University; approval of service fee for gifts to Texas A&M International and Texas A&M International Foundation; approval of student parking permit fee, student identification card fee and student health fee at Texas A&M International; appropriation for libraries infrastructure support and classroom technology upgrades, Texas A&M; approval of architecture equipment access fee, geosciences access fee, new late registration fees, student library fee, Texas A&M; amendment of Board minute order referring to international student fee, Texas A&M; approval of vehicle parking-employee multiple tag fee at Texas A&M at Galveston; approval of new incidental fees requested for Fall 1995 and new vehicle parking and traffic fees for Fall 1995, Texas A&M-Corpus Christi; approval of cable television contract, West Texas A&M; confirm budget and fiscal transfers, salary increases and new positions; confirm gifts, grants, loans and bequests.

**Contact:** Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

**Filed:** March 15, 1995, 11:56 a.m.

TRD-9503248

**Friday, March 24, 1995, 8:30 a.m.**

Texas A&M University, MSC, Room 292, Joe Rouff Boulevard

College Station

Committee for Academic Campuses

**AGENDA:**

Approval of executive summaries under the access and Equity 2000 Plan; report on access and equity

**Contact:** Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

**Filed:** March 15, 1995, 11:56 p.m.

TRD-9503249

**Friday, March 24, 1995, 8:45 a.m. or upon adjournment of the meeting of the Committee for Academic Campuses**

Texas A&M University, MSC, Room 292, Joe Rouff Boulevard

College Station

Board of Regents

**AGENDA:**

Acting on bids; initiation of construction projects; granting of easements; cancellation of construction project; report of contract actions by the Chancellor or CEOs; report on construction project appropriations by the Chancellor; approval of minutes; adoption of resolutions; naming of facilities at System institutions and agencies; appoint-

ments to the Board of Visitors; granting of Emeritus titles; confirm appointments and promotions; approve academic tenure; confirm terminations of employment; appointment of member of the Board to the Board for Lease of University Lands; election of member of the Board to the Texas Growth Fund Board; awarding of honorary degrees; election of chairman and vice chairman of the Board; change in title of secretary of the Board to executive secretary to the Board; approval of executive summaries under the Access and Equity 2000 Plan; authorization to execute and amend license agreements; establish centers; authorization for Chancellor to approve changes in officers and employees authorized to sign checks for withdrawals for Revolving Fund bank account; approval of fees; increased fees; change in fees and amendment to fees; appropriations for libraries infrastructure support and classroom technology upgrades; approve cable television contract; confirm budget and fiscal transfers; salary increases and new positions; gifts, grants, loans and requests; reports from System and university officials.

Closed session discussions: Including but not limited to the following: Acquisition, lease, exchange, disposition and value of real estate, pending and threatened litigation; personnel matters; negotiated contracts for prospective gifts or donations.

Closed session conferences: Including but not limited to: possible expansion of the system; nominees to receive honorary degrees; report from general counsel.

**Contact:** Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

**Filed:** March 15, 1995, 11:56 a.m.

TRD-9503250

## **University of Houston System**

**Monday, March 20, 1995, 7:30 a.m.**

Waldorf Astoria Room, Conrad Hilton, College Hotel, 4800 Calhoun, University of Houston

Houston

Board of Regents

**AGENDA:**

To discuss and approve the following: Executive session: informational reports from employees; and new athletic conference formation agreement-University of Houston.

**Contact:** Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

**Filed:** March 15, 1995, 10:21 a.m.

TRD-9503220

**Monday, March 20, 1995, 7:30 a.m.**

Waldorf Astoria Room, Conrad Hilton, College Hotel, 4800 Calhoun, University of Houston

Houston

Revised Agenda

Board of Regents

**AGENDA:**

To discuss and/or approve the following: Executive session: informational report from employees; and new athletic conference formation agreement-University of Houston.

**Contact:** Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

**Filed:** March 15, 1995, 1:58 p.m.

TRD-9503258

## **The University of Texas at Austin**

**Tuesday, March 21, 1995, 1:00 p.m. (Executive Session)**

Conference Room, Bellmont Hall 232, 21st and San Jacinto

Austin

Intercollegiate Athletics for Men

**AGENDA:**

Convene into open session, recess into executive session, reconvene into open session, approve minutes of January 24, 1995, items from executive session, development, academics, awards, tickets/ticket policy, budget/budget items, construction, new business and old business.

**Contact:** Betty Corley, P.O. Box 7399, Austin, Texas 78713, (512) 471-5757.

**Filed:** March 15, 1995, 12:18 p.m.

TRD-9503251

## **University of Texas Health Science Center at San Antonio**

**Wednesday, March 22, 1995, 3:00 p.m.**

7703 Floyd Curl Drive, Room 422A

San Antonio

Institutional Animal Care and Use Committee

**AGENDA:**

1. Approval of minutes
2. Protocols for review

3. Subcommittee reports

4 Other business

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78284-7822, (210) 567-3717.

Filed: March 14, 1995, 10:20 a.m.

TRD-9503142

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**Texas Water Development Board**

**Wednesday, March 22, 1995, 3:00 p.m.**

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

Finance Committee

AGENDA:

1. Consider approval of the minutes of the meeting of February 15, 1995.
2. Consider a \$6,170,811 grant/loan to City of El Paso-El Paso Water Control and Improvement District-Westway (El Paso County) for the construction of improvements to the existing water distribution and collection system and authorizing the transfer of \$205,172 from the Portfolio Sale Proceeds Account of the Water Development Fund to the Water Loan Assistance Fund through the Water Assistance Fund (State Water Pollution Control Revolving Fund, Economically Distressed Areas Account, and Border Regionalization Fund).
3. Briefing on present and future EDAP projects.
4. Cash and Securities Management report.
5. Report on contracts executed.
6. Consider policies related to rating agency criteria for the State Revolving Fund.
7. May consider items on the agenda of the March 23, 1995 Board or Texas Water Resources Finance Authority meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 14, 1995, 4:03 p.m.

TRD-9503173

**Wednesday, March 22, 1995, 4:00 p.m.**

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

Audit Committee

AGENDA:

1. The committee will consider approval of the minutes of the meeting of January 18, 1995.

2. The committee will be briefed on external audit activities of the Development Fund Audit Section.

3. The committee will be briefed on general accounting items.

4. The committee will be briefed on current audit activities of the Internal Auditor.

5. The committee will conduct 12-month performance review of the Internal Auditor and finalize Performance Plan for Fiscal Year 1995.

6. The committee may discuss items on the agenda of the March 23, 1995 Board or Texas Water Resources Finance Authority meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 14, 1995, 4:03 p.m.

TRD-9503174

**Thursday, March 23, 1995, 9:00 a.m.**

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

AGENDA:

The board will consider: minutes; executive, financial and committee reports; resolutions commending past board members; financial assistance for Greater Texoma Utility Authority, Sandy Land and Medina Underground Water Conservation Districts, San Jacinto River Authority and City of Houston; contract with U.S. Geological Survey for research grant proposal; amendments to 31 TAC Chapters 355 and 363; new paying agent registrar for previously issued bonds; policy issues surrounding loan requests to refund prior issuances; resolutions and necessary actions for bond sales of \$61 million; contract with San Antonio River Authority for Trans-Texas Program; amendment to contract with Michael Sullivan and Associates for regional wastewater facility planning studies for colonias; changes to State Participation Program agreement between the Board and Upper Trinity Regional Water District; State Participation assistance for Upper Trinity Regional Water District; buyout of Texas Bureau of Reclamation projects; and executive session on potential lender liability research.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 14, 1995, 4:04 p.m.

TRD-9503176

**Thursday, March 23, 1995, 9:00 a.m.**

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

Revised Agenda

Texas Water Development Board

AGENDA:

Add new item 10. Consider a change in interest rates for a \$460,000 loan to Travis County Water Control and Improvement District Number 14 South View Estates defined area (Travis County) (Water Supply Account of the Water Development Fund).

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 15, 1995, 10:57 a.m.

TRD-9503238

**Thursday, March 23, 1995, 9:00 a.m.**

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

Revised Agenda

AGENDA:

This is a revised item. the amount on the previous agenda was incorrect. The amount has changed from \$365,985 to \$380,000:

Add new item Number 11. Consider an Economically Distressed Areas facility planning application from County of Newton in an amount not to exceed \$380,000 from the Research and Planning Fund and authorizing the transfer of that amount from the Water Assistance Fund to the Research and Planning Fund.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 15, 1995, 4:16 p.m.

TRD-9503276

**Thursday, March 23, 1995, 9:00 a.m.**

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

Revised Agenda

AGENDA:

Add new item Number 11. Consider an Economically Distressed Areas facility planning application from County of Newton in an amount not to exceed \$365,985 from the Research and Planning Fund and authorizing the transfer of that amount from the Water Assistance Fund to the Research and Planning Fund.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 15, 1995, 4:10 p.m.

TRD-9503274

## Texas Water Resources Finance Authority

Thursday, March 23, 1995, 9:00 a.m.

Stephen F. Austin Building, Room 118,  
1700 North Congress Avenue

Austin

### AGENDA:

1. Consider approval of the minutes of the meeting of February 16, 1995.
2. Consider approval of a new paying agent registrar for bonds previously issued by the TWRFA and TWDB.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 14, 1995, 4:04 p.m.

TRD-9503175

## Regional Meetings

### Meetings Filed March 14, 1995

The Education Service Center, Region VIII (Revised Agenda.) Board of Directors will meet at F.M. 1734, 2230 North Edwards Street, Mt. Pleasant, March 23, 1995, at 7:00 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456, (903) 572-8551. TRD-9503171.

The Lower Neches Valley Authority Insurance Committee met at 7850 Eastex Freeway, Beaumont, March 20, 1995, at 10:00 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9503200.

The Lower Neches Valley Authority LNVA Industrial Development Corporation will meet at 7850 Eastex Freeway, Beaumont, March 21, 1995, at 10:00 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9503159.

The Lower Neches Valley Authority Board of Directors will meet at 7850 Eastex Freeway, Beaumont, March 21, 1995, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9503158.

The Wheeler County Appraisal Board of Directors met at 103 East Texas, Courthouse Square, Wheeler, March 20, 1995, at 5:00 p.m. Information may be obtained from Larry Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900. TRD-9503143.

### Meetings Filed March 15, 1995

The Bandera County Appraisal District Appraisal Review Board will meet at 1116 Main Street, Bandera, March 22, 1995, at 9:00 a.m. Information may be obtained from P.H. Coates, IV, P.O. Box 1119, Bandera, Texas 78003, (210) 796-3039, Fax: (210) 796-3672. TRD-9503270.

The Bastrop Central Appraisal Board of Directors will meet at 1200 Cedar Street, Bastrop, March 21, 1995, at 7:30 p.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 76802, (512) 321-3925. TRD-9503264.

The Central Texas Council of Governments Work Force Development Board of Central Texas will meet at 321 North Penelope, Belton, March 23, 1995, at 10:00 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9503244.

The Coastal Bend Council of Governments Membership will meet at 2910 Leopard Street, Conference Room, Corpus Christi, March 24, 1995, at 2:00 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9503272.

The Comal Appraisal District Board of Directors met at 178 East Mill Street #101, New Braunfels, March 20, 1995, at 5:30 p.m. Information may be obtained from Lynn E. Rodgers, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9503203.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise Street, Athens, March 21, 1995, at 5:30 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9503242.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl Street, District Office, Granbury, March 21, 1995, 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76848, (817) 573-2471. TRD-9503241.

The Houston-Galveston Area Council Projects Review will meet at 3555 Timmons Lane, Conference Room A, Houston, March 21, 1995, at 9:15 a.m. Information may be obtained from Rowena Ballas, 3555 Timmons Lane, Suite 500, Houston, Texas 77027-2777, (713) 627-3200. TRD-9503253.

The Houston-Galveston Area Council Board of Directors will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, March 21, 1995, at

10:00 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9503254.

The Jack County Appraisal District Board of Directors will meet at 210 North Church Street, Jacksboro, March 21, 1995, 7:00 p.m. Information may be obtained from Gary L. Zeitler or Vicky L. Easter P.O. Box 958, Jacksboro, Texas 76458, (817) 567-6301. TRD-9503267.

The Jasper County Appraisal District Jasper County Appraisal Review Board will meet at Highway 62 and Highway 253, Buna ISD Administration Building, March 29, 1995, at 2:00 p.m. Information may be obtained from David W. Luther, 137 North Main, Jasper, Texas 75951, (409) 384-2544. TRD-9503225.

The Lower Rio Grande Valley Development Council Hidalgo County Metropolitan Planning Organization will meet at the TxDOT District Office, 600 West Expressway, US 83, Pharr, March 23, 1995, at 7:00 p.m. Information may be obtained from Edward L. Molitor, 4900 North 23rd Street, McAllen, Texas 78503, (210) 682-3481. TRD-9503243.

The Middle Rio Grande Development Council Texas Review and Comment System will meet at 220 East Main Street, NationsBank, Conference Room, Uvalde, March 22, 1995, at 4:00 p.m. Information may be obtained from Erma Alejandro, 209 North Getty Street, Uvalde, Texas 78801, (210) 278-4151, Fax (210) 278-2929. TRD-9503202.

The North Central Texas Council of Governments Executive Board will meet at Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, March 23, 1995, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9503201.

The North Texas Private Industry Council Nortex Regional Planning Commission will meet at 4309 Jacksboro Highway, Suite 200, Wichita Falls, March 29, 1995, at 12:15 p.m. Information may be obtained from Kelly Couch, 3917 Texas, Vernon, Texas 76384, (817) 322-5281. TRD-9503224.

The Panhandle Regional Planning Commission Board of Directors will meet at 415 West Eighth Avenue, Amarillo, March 23, 1995, at 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381. TRD-9503275.

The Pecan Valley MHMR Region Board of Trustees will meet at 104 Pirate Drive, Granbury, March 22, 1995, at 8:30 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973,

Stephenville, Texas 76401, (817) 965-7806.  
TRD-9503269.

The West Texas Council of Governments Executive Committee will meet at 1025 East North Tenth Street, Abilene, March 22, 1995, at 12:45 p.m. Information may be obtained from Brad Helbert, 1025 East North Tenth Street, Abilene, Texas 79601, (915) 672-8544. TRD-9503265.



**Meetings Filed March 16,  
1995**

The Middle Rio Grande Development Council (Revised Agenda.) will meet at the NationsBank Conference Room, 220 East Main Street, Uvalde, March 22, 1995, at 4:00 p.m. Information may be obtained from Erma Alajandro, 209 North Getty Street, Uvalde, Texas 78801, (210)

278-4151, Fax (210) 278-2929. TRD-9503283.

The West Texas Municipal Power Agency Board of Directors will meet at EOC, 916 Texas Avenue, Lubbock, April 4, 1995, at Noon. Information may be obtained from J. Robert Massengale, P.O. Box 2000, Lubbock, Texas 79547, (806) 767-2500. TRD-9503281.



# IN ADDITION

The **Texas Register** is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

## Texas Department of Agriculture

### Notice of Public Hearings

In accordance with the Texas Agriculture Code, §74.114 (1994 Supplement), the Texas Boll Weevil Eradication Foundation and the Texas Department of Agriculture will hold public hearings to provide information to the public regarding the proposed eradication program for the proposed High Plains Boll Weevil Eradication Zone. Hearings will be held as follows:

- (1) Monday, March 27, 1995, at the Texas Agriculture Extension Agent's Office, Gaines County Courthouse, 101 South Main, Seminole, Texas, beginning at 10:00 a.m. (for Andrews, Ector, Gaines, Hockley, and Terry counties);
- (2) Monday, March 27, 1995, at the Texas Agriculture Extension Agent's Office, Dawson County Courthouse, North First and Main, Lamesa, Texas, beginning at 1:00 p.m. (for Borden, Dawson, Howard, Martin, Midland Counties);
- (3) Monday, March 27, 1995, at the Texas Agriculture Extension Agent's Office, 1600 Avenue J, Tahoka, Texas, beginning at 4:00 p.m. (for Dickens, Garza, Kent, Lynn and Motley Counties);
- (4) Tuesday, March 28, 1995, at the Texas Agriculture Extension Agent's Office, 306 West Second, Muleshoe, Texas, beginning at 9:00 a.m. (for Bailey, Cochran, Deaf Smith, Parmer, Yoakum counties);
- (5) Tuesday, March 28, 1995, at Texas Agriculture Extension Agent's Office, Lamb County Courthouse, Littlefield, Texas, beginning at 1:00 p.m. (for Armstrong, Castro, Lamb, Randall, Swisher counties);
- (6) Tuesday, March 28, 1995, at the Texas Agriculture Extension Agent's Office, 1418 Avenue G, Lubbock, Texas, beginning at 4:00 p.m. (for Briscoe, Crosby, Floyd, Hale, Lubbock counties).

For more information, please contact Frank Myers, Executive Director, Texas Boll Weevil Eradication Foundation, P.O. Box 5089, Abilene, Texas 79608-5089, 1-800-687-1212 or 1-915-672-2800.

Issued in Austin, Texas, on March 13, 1995

TRD-9503124 Dolores Alvarado Hibbs  
Chief Administrative Law Judge  
Texas Department of Agriculture

Filed: March 13, 1995

## Ark-Tex Council of Governments

### Request for Proposal

The Ark-Tex Council of Governments (ATCOG) under the Job Training Partnership Act (JTPA), is soliciting proposals from interested parties to develop and implement a Customer Satisfaction System. This project must be completed in six months or less from start of project. Summary Statement of Work to be Performed: Mission Statement; survey of active JTPA participants; survey for formulated JTPA participants; questionnaire for employers, both public and private; comment card; survey analysis with written results of visits made to JTPA field offices and recommendations for improvement/corrective action. Education/Training: Master's degree or Bachelor's degree in related field. Knowledge/Skills/Abilities: Knowledge of organizational techniques governing the development and implementation of special projects; ability to analyze and evaluate survey data; demonstrated proficiency in both oral and written communications, demonstrated proficiency using word processing, spreadsheet, and database software; ability to establish and maintain effective working relationships with the JTPA user agencies, program participants, and JTPA staff. In addition to the KSA's, the individual must possess a valid motor vehicle operator's license subject to an approved motor vehicle report and reliable transportation for extensive travel within the ATCOG region. A pre-bid conference will be held March 16, 1995, at 10:00 a.m. for interested parties at Ark-Tex Council of Governments, Building A, 911 North Bishop Road, Texarkana, Texas. Those not attending this conference will be eligible to submit their proposal for consideration. Interested individuals should submit a resume with an addendum specifying experience related to above KSA's, college transcript, and a cost proposal to complete the project. Proposal packets should be mailed to Ark-Tex Council of Governments, ATTENTION: JTPA RFP, P.O. Box 5307, Texarkana, Texas 75505-5307. Proposals must be received at the ATCOG not later than 5:00 p.m., Thursday, March 24, 1995.

Issued in Austin, Texas, on March 10, 1995.

TRD-9503078 Margaret Haak-Muse  
Director of Finance and Administration  
Ark-Tex Council of Governments

Filed: March 10, 1995

**Texas Bond Review Board**  
**Bi-Weekly Report on the 1995**  
**Allocation of the State Ceiling on**  
**Certain Private Activity Bonds**

The information that follows is a report of the allocation activity for the period of February 4-March 10, 1995.

Total amount of state ceiling remaining unreserved for the \$257,292,000 subceiling for qualified mortgage bonds under the Act as of March 10, 1995: \$96,461,775.

Total amount of state ceiling remaining unreserved for the \$160,807,500 subceiling for state-voted issues under the Act as of March 10, 1995: \$160,807,500.

Total amount of state ceiling remaining unreserved for the \$68,917,500 subceiling for qualified small issues under the Act as of March 10, 1995: \$50,167,500.

Total amount of state ceiling remaining unreserved for the \$45,945,000 subceiling for residential rental project issues under the Act as of March 10, 1995: \$29,945,000.

Total amount of state ceiling remaining unreserved for the \$385,938,000 subceiling for all other bonds requiring an allocation under the Act as of March 10, 1995: \$21,938,000.

Total amount of the \$918,900,000 state ceiling remaining unreserved as of March 10, 1995: \$359,319,775.

Following is a comprehensive listing of applications which have received a reservation date pursuant to the Act from February 4-March 10, 1995:

ISSUER; USER; DESCRIPTION; AMOUNT:

- 1) Central Texas HFC; Eligible Borrowers; MRBs; \$15,471,650;
- 2) Heart of Texas HFC; Eligible Borrowers; MRBs; \$21,440,250;
- 3) El Paso HFC; Eligible Borrowers; MRBs; \$25,767,100;
- 4) Texoma HFC; Eligible Borrowers; MRBs; \$15,060,200;
- 5) Brazos County HFC; Eligible Borrowers; MRBs; \$12,186,200;
- 6) Mexia IDC; All American Modular; IRBs; \$2,500,000;
- 7) Brazos River Authority; TUEC-Comanche Peak Unit 1; Solid Waste Disposal and Pollution Control; \$50,000,000;
- 8) Panhandle Plains Higher Education Authority; Eligible Borrowers; Student Loan Bonds; \$50,000,000;
- 9) Gulf Coast Waste Disposal Authority; Houston Chemical; Solid Waste Disposal and Hazardous Waste Disposal Facilities; \$50,000,000.

Following is a comprehensive listing of applications which have issued and delivered the bonds and received a Certificate of Allocation pursuant to the Act from February 4-March 10, 1995:

ISSUER; USER; DESCRIPTION; AMOUNT:

- 1) Denton County HFC; Eligible Borrowers; MRBs; \$19,105,000;
- 2) El Paso HFC; Eligible Borrowers; MRBs; \$25,765,000;
- 3) Central Texas HFC; Eligible Borrowers; MRBs; \$15,470,000;

4) Capital Area HFC; Eligible Borrowers; MRBs; \$15,250,000;

5) Texoma HFC; Eligible Borrowers; MRBs; \$12,000,000;

6) Brazos County HFC; Eligible Borrowers; MRBs; \$12,185,000.

Following is a comprehensive listing of applications which were either withdrawn or cancelled pursuant to the Act from February 4-March 10, 1995: NONE.

Following is a comprehensive listing of applications which released a portion or their reserved amount pursuant to the Act from February 4-March 10, 1995:

ISSUER; USER; DESCRIPTION; AMOUNT RELEASED:

- 1) Denton County HFC; Eligible Borrowers; MRBs; \$1,800;
- 2) El Paso HFC; Eligible Borrowers; MRBs; \$2,100;
- 3) Central Texas HFC; Eligible Borrowers; MRBs; \$1,650;
- 4) Capital Area HFC; Eligible Borrowers; MRBs; \$3,700;
- 5) Brazos County HFC; Eligible Borrowers; MRBs; \$1,200.

Issued in Austin, Texas, on March 13, 1995.

TRD-9503170 Albert L. Bacarisse  
Executive Director  
Texas Bond Review Board

Filed: March 14, 1995

◆ ◆ ◆  
**Comptroller of Public Accounts**  
**Local Sales Tax Changes Effective April**  
**1, 1995**

There are no local sales tax rate changes for the quarter beginning April 1, 1995.

Issued in Austin, Texas, on March 14, 1995.

TRD-9503154 Martin E. Cherry  
Chief, General Law Section  
Comptroller of Public Accounts

Filed: March 14, 1995

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**Texas Employment Commission**  
**Announcement of Available Funds and**  
**Request for Proposals**

Summary: The Texas Employment Commission is pleased to announce the availability of One-Stop Career Center System funds from the U.S. Department of Labor (DOL). The purpose of the funds is to assist local areas in establishing a system that organizes DOL and other employment and training programs into settings that provide universal access, integrate program functions, offer choices to job seekers as well as employers and use outcome-based performance measures. The minimum services that must be available through the system include labor market information, common intake and eligibility determination, independent assessment, case management and counseling, referral for services, supportive services and extensive services for employers. At the end of the



first year of operation, the following programs must be included within the one-stop system: Employment Service, Veterans Employment Service, Job Training Partnership Act (JTPA), Senior Community Service Employment Program, Unemployment Insurance Program, Food Stamp Employment and Training, JOBS, Adult Education, Literacy, Perkins Act post-secondary programs, Trade Adjustment Assistance and School-to-Work.

Funds will be awarded on a competitive basis to public or private agencies which can demonstrate the capability to administer federal funds and perform services and which meet the criteria established by the Texas Council on Workforce and Economic Competitiveness (TCWEC). Minimum criteria include developing a three year plan for the workforce development area, demonstrating community support, separating the role of administrative entity and/or center operator from the role of education and training provider, securing partnership agreements between the Texas Employment Commission and the Service Delivery Area of the JTPA, demonstrating support of the chief elected officials, submitting plans that reflect integration of service and information that goes beyond collocation, being reviewed at the local level by local workforce advisory bodies, having a direct or in-kind funding base for multiple sources, include employer services and being submitted from a designated workforce development area or, if the area is undesignated, being submitted by a JTPA Service Delivery Area or a consortium of Service Delivery Areas.

**Application Deadline:** Proposals must be received by Thursday, April 13, 1995 at 5:00 p.m. or postmarked not later than Tuesday, April 11, 1995. Proposals may be mailed to: One-Stop Systems, Room 458-T, Texas Employment Commission, 101 East 15th Street, Austin, Texas 78778-0001 or may be hand delivered to: Kevin Faulkner, or One-Stop Systems Designee, 1117 Trinity Street, Room 458-T, Austin, Texas, (512) 463-7750. All overnight mail will be considered to be hand-delivered and must be received at the designated place by the specified closing date.

**Proposal Funding Awards:** It is anticipated that awards will be in the range of \$150,000 to \$250,000 and that up to seven areas of the state will be funded. Complete applications from eligible entities will be evaluated by a team of inter-agency state staff members utilizing criteria established by TCWEC. Additional funding may be provided for two subsequent years contingent upon satisfactory

performance and availability of funds from the federal level.

Issued in Austin, Texas on March 13, 1995.

TRD-9503129      C. Ed Davis  
Deputy Administrator for Legal Affairs  
Texas Employment Commission

Filed: March 13, 1995

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**Notice of Change**

The Texas Employment Commission (TEC) published in the February 10, 1995, *Texas Register* (20 TexReg 981) an Announcement of Available Funds and Request for Proposals. Several potential respondents have requested that additional time be allowed for submission of proposal. The TEC has agreed to extend the deadline for submission of proposal applications and submits the following change.

**Application Deadline:** Proposals must be received by Thursday, April 13, 1995 at 5:00 p.m. or postmarked not later than Tuesday, April 11, 1995. Proposals may be mailed to: One-Stop Systems, Room 458-T, Texas Employment Commission, 101 East 15th Street, Austin, Texas 78778-0001 or may be hand delivered to: Kevin Faulkner, or One-Stop Systems Designee, 1117 Trinity Street, Room 458-T, Austin, Texas, (512) 463-7750. All overnight mail will be considered to be hand-delivered and must be received at the designated place by the specified closing date.

Issued in Austin, Texas, on March 13, 1995.

TRD-9503130      C. Ed Davis  
Deputy Administrator for Legal Affairs  
Texas Employment Commission

Filed: March 13, 1995

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**Texas Department of Health  
Conversion Chart**

This conversion chart showing existing rules proposed for repeal in this issue and where they are being moved is published for tracking and indexing purposes. Some of the existing rules were relocated throughout the new rules. This chart may only indicate the general area in the new rules rather than the specific location.

**CONVERSION CHART FOR HOSPITAL LICENSING RULES  
25 TEXAS ADMINISTRATIVE CODE  
CHAPTER 133**

This conversion chart showing existing rules proposed for repeal in this issue and where they are being moved is published for tracking and indexing purposes. Some of the existing rules were relocated throughout the new rules. This chart may only indicate the general area in the new rules rather than the specific location.

<b>OLD RULES</b>		<b>NEW RULES</b>	
§133.1	Purpose	§133.1	Purpose
§133.2	Definitions	§133.2	Definitions
§133.3	Fees	§133.3	Fees
§133.11	Application and Issuance of Temporary Initial License for First-time Applicants	§133.11	Application and Issuance of Temporary Initial License for First-time Applicants
§133.12	Issuance and Renewal of Annual License	§133.12	Issuance and Renewal of Annual License
§133.13	Time Periods for Processing and Issuing Hospital Licenses	§133.13	Time Periods for Processing and Issuing Hospital Licenses
§133.14	Change of Ownership or Services	§133.14	Change of Ownership or Services

1 - Proposed Preamble

**133.21 Standards - Adoption by Reference**

**Chapter 1 Existing Facilities, Operational Requirements**

1-1.2	General Hospital - General Requirements	§133.94(a)	Physical Plant
1-2.2	Special Hospital - General Requirements	§133.41	All Special Hospitals
1-2.3	Special Service Requirements - Medical Only	§133.47	Special Hospital - Medical Only
1-2.5	Special Service Requirement - Maternity		Deleted as a Special Hospital
1-2.6	Special Service Requirement - Orthopedics Only		Deleted as a Special Hospital
1-2.6.5	Provision to H o u s e Psychiatric Patients in a Separate Room or Unit	§133.4(e)	Psychiatric Provisions
		§133.48	Special Hospital - Pediatric and Adolescent Only
1-2.7	Special Service Requirement - Pediatric and Adolescent Only	§133.44	Special Hospital - Contagious Disease and Terminally Ill Patients

**2 - Proposed Preamble**

1-2.8	Special Service Requirement - Contagious Disease and/or Terminally Ill Patients	§133.4(e)	Psychiatric provisions
1-2.8.4	Provision to House Psychiatric Patients in a Separate Room or Unit	§133.42	Special Hospital - College Infirmary
1-2.9	Special Service Requirement - College Infirmary	§133.46	Special Hospital - Essential Access Community Services
1-2.10	Special Service Requirements - Essential Access Community Services	§133.49	Special Hospital - Rural Primary Care Services
1-2.11	Special Service Requirements - Rural Primary Care Services	§133.4	Applicability of This Chapter to All Facilities
1-3	Applicability of Standards for All Facilities	§133.71	Fire Prevention and Protection
1-4	Special Instructions Concerning All Areas of Fire Prevention and Protection	§133.61(a)	Administrative Service
		§133.61(a)(1)	Medical staff
		§133.61(j)	Medical staff
1-6	Administration	§133.61(l)	Nursing services
1-7	Medical Staff		

3 - Proposed Preamble

		§133.61(m) Obstetrical services
1-8	Nursing Personnel	§133.95(b)(17) - Newborn nursery unit
		§133.95(b)(19) - Obstetrical facilities
1-9	Maternity Section	
		§133.61(g) Laboratory services
		§133.61(r) Pharmacy services
1-10	Laboratories	
		§133.61(c) Blood transfusion services
1-11	Pharmacy	
1-12	Blood Transfusion Service	§133.61(k) Nuclear medicine services
		§133.61(u) Radiology services
		§133.95(b)(27) Radiology suite
1-13	Radiology	
		§133.61(d) Emergency services
1-14	Emergency Service	§133.61(e) Food and dietetic services
		§133.95(b)(5) Dietary facilities
1-15	Dietary Department	
		§133.2 Definitions
1-16	Waste and Waste Disposal	§133.61(bb) Waste and waste disposal
		§133.61(f) Infection control
1-17	Infection Control	§133.61(x) Sterilization and sterile supplies

4 - Proposed Preamble

1-18	<b>Sterilization and Sterile Supplies</b>	§133.95(b)(4)	<b>Central supply department</b>
1-19	<b>Hazardous Locations</b>	§133.71(a)(3)	<b>Hazardous or dangerous conditions or materials</b>
		§133.93(c)	<b>Hazardous to health and safety</b>
		§133.98(c)	<b>Hazardous conditions</b>
		§133.99(b)(1)(A)	<b>Hazardous areas</b>
1-20	<b>Handling and Storage of Gases, Anesthetics, and Flammable Liquids</b>	§133.73	<b>Handling and Storage of Gases, Anesthetics, and Flammable Liquids</b>
1-21	<b>Linen and Laundry Service</b>	§133.61(h)	<b>Linen and laundry services</b>
		§133.95(b)(13)	<b>Laundry</b>
1-22	<b>Medical Records Retention</b>	§133.61(i)	<b>Medical record services</b>
		§133.61(k)	<b>Nuclear medicine services</b>
		§133.61(u)	<b>Radiology services</b>
<b>Chapter 2 Existing Hospitals</b>			
2-1.1 and 2-1.1.1	<b>Minimum Standards</b>	§133.96	<b>Physical Plant - Existing Hospitals</b>
2-2.1 - 2-2.1.7	<b>General Safety</b>	§133.72	<b>General Safety</b>

5 - Proposed Preamble

2-2.2 - 2-2.9.3	Fire Prevention and Protection	§133.71	Fire Prevention and Protection
2-3	Storage and Housekeeping	§133.94(h)	Storage and housekeeping
2-4	Testing and Maintenance	§133.94(i)	Testing and maintenance
2-5	Cooking Appliances		
2-6	Gas Appliances	§133.94(b)	Cooking appliances
2-7	Heating, Cooling, and Ventilating Systems	§133.94(c)	Gas appliances
2-8	Wiring and Electrical Appliances	§133.94(d)	Heating, cooling, and ventilation systems
		§133.99(e)(2)	Air-conditioning, heating and ventilating systems
2-8.2	Nurse Call System	§133.94(j)	Wiring and electrical appliances
2-9	Lighting	§133.99(f)	Electrical
2-10	Plumbing	§133.99(f)(7)	Nurse Call System
Chapter 3	Renovation Projects	§133.94(e)	Lighting
Chapter 6	Hospital Site	§133.99(f)	Electrical
		§133.94(f)	Plumbing
		§133.97	Renovation

6 - Proposed Preamble

		§133.98	Physical Plant - All New Hospitals
6-1	Location		
6-2	Hazardous Conditions	§133.98(a)	Hospital location
6-3	Environmental Control	§133.98(c)	Hazardous conditions
6-4	Roads and Parking	§133.98(d)	Environmental control
		§133.94(g)	Roads and parking
<b>Chapter 7</b>	<b>General Hospital</b>		
		§133.95	Hospital Units - Spatial Requirements
7-1	General Considerations		
7-2	Nursing Unit	§133.95(a)	General
		§133.95(b)(18)	Nursing unit
7-2.4	Rooms For Disturbed Medical Patients	§133.4(e)	Psychiatric provisions
7-3	Intensive Care Unit		
		§133.95(b)(10)	Intensive care unit
7-4	Neonatal and Pediatric Intensive Care Units	§133.95(b)(16)	Neonatal and pediatric
7-5	Newborn Nurseries Unit		intensi ve care units
7-6	Pediatric and Adolescent Nursing Units	§133.95(b)(17)	Newborn nursery unit

7 - Proposed Preamble



7-7	Psychiatric Nursing Unit/ Chemical Dependency Unit	§133.95(b)(23)	Pediatric and adolescent  nursing units
7-8	Surgical Facilities		
7-9	Obstetrical Facilities	§133.95(b)(26)	Psychiatric nursing unit  and chemical dependency
7-10	Emergency Suites		unit
7-11	Outpatient Clinic Services	§133.95(b)(30)	Surgical facilities
7-12	Radiology Suite	§133.95(b)(19)	Obstetrical facilities
7-13	Laboratory Suite	§133.95(b)(6)	E m e r g e n c y department or treatment room
7-14	Physical Therapy Suite	§133.95(b)(22)	Outpatient clinic
7-15	Occupational Therapy Suite	§133.95(b)(27)	Radiology suite
7-16	Respiratory Therapy Unit	§133.95(b)(12)	Laboratory suite
7-17	Morgue and Autopsy	§133.95(b)(25)	Physical therapy suite
7-18	Pharmacy Suite	§133.95(b)(20)	Occupational therapy
7-19	Dietary Facilities		suite

8 - Proposed Preamble

7-20	Administration and Public Areas	§133.95(b)(28) Respiratory therapy unit
7-21	Medical Records Unit	§133.95(b)(15) Morgue
7-22	Central Services Department	§133.95(b)(24) Pharmacy suite
7-23	General Stores	§133.95(b)(5) Dietary facilities
7-24	Linen Services	§133.95(b)(1) Administration and public areas
7-25	Facilities for Cleaning and Sanitizing Carts	§133.95(b)(14) Medical records unit.
7-26	Employees' Facilities	§133.95(b)(4) Central supply department
7-27	Janitors' Closets	§133.95(b)(9) General stores
7-28	Engineering Service and Equipment Areas	§133.95(b)(13) Laundry
7-29	Waste Processing Services	§133.95(b)(3) Carts, facilities for cleaning and sanitizing
7-30	Details and Finishes	§133.95(b)(7) Employee facilities
7-31.1 - 7-31.9	Construction, Including Fire-resistant Requirements	§133.95(b)(11) Janitor closets
		§133.95(b)(8) Engineering service and equipment areas

9 - Proposed Preamble

7-31.10	Provision for Natural Disasters	§133.95(b)(31)	Waste processing and storage facilities
7-32	Elevators	§133.99(d)	Details and finishes
Chapter 8	Mechanical Requirements	§133.99(a)	Construction
Chapter 9	Electrical Requirements	§133.99(b)	Fire-resistance
Chapter 10	Codes and Standards	§133.98(b)	Provision for natural disasters
Appendix A	Tables and Figures	§133.99(c)	Elevators
§133.22	Licensure Requirements and Standards for All Hospitals	§133.99(e)	Mechanical
§133.22(a)		§133.99(f)	Electrical
§133.22(b)		§133.100	Codes and Standards
§133.22(c)		§133.101	Tables and Figures
§133.22(d)			
§133.22(d)			
§133.22(d)		§133.61(bb)	Waste and waste disposal
§133.22(d)		§133.61(f)	Infection control

10 - Proposed Preamble

§133.22(e)	§133.61(i)	Nursing services
§133.22(f)	§133.61(c)	Blood transfusion services
§133.22(g)	§133.61(g)	Laboratory services
§133.22(h)(1)-(5), (8)-(10), and (12)-(17)	§133.61(k)	Nuclear medicine services
§133.22(h)(6) and (7)	§133.61(v)	Respiratory care services
	§133.61(a)(9)	Disaster preparedness
§133.22(i)	§133.21	Patient Rights for All Hospitals
§133.22(j)	§133.22	Discrimination or Retaliation
	§133.93	Construction and Building
	§133.99(e)(3)(F)	Piping Systems and Plumbing Fixtures
	§133.61(a)(10)	Illegal Remuneration

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§133.61(a)(11) Itemized statements  
of billed services

§133.51	Standards for the Provision of Comprehensive Medical Rehabilitation Services	§133.62	Comprehensive Medical Rehabilitation Services
		§133.91	Construction Plans, Specifications, and Inspections
§133.52	Standards for the Provision of Mental Health Services in an Identifiable Part of a Hospital	§133.63	Mental Health Services in an Identifiable Part of a Hospital
§133.53	Standards for the Provision of Chemical Dependency Services in an Identifiable Part of a Hospital	§133.64	Chemical Dependency Services in an Identifiable Part of a Hospital
§133.54	Standards for Hospitals Providing Comprehensive Medical Rehabilitation, Mental Health, or Chemical Dependency Services	§133.23	Posting, Reporting, Investigating, and Training Requirements for Comprehensive Medical Rehabilitation, Mental Health, or Chemical Dependency Services
§133.71	Construction Plans, Specifications, and Inspections	§133.91	Construction Plans, Specifications, and Inspections
§133.72	Waiver Provisions	§133.92	Waiver Provisions

§133.101	Hospital Patient Transfer Policies	§133.111	Hospital Patient Transfer
§133.102	Hospital Patient Transfer Agreements	§133.112	Hospital Patient Transfer Agreements
§133.111	Inspections and Investigation Procedures	§133.121	Inspection and Investigation Procedures
§133.112	Audits of Billing	§133.122	Audits of Billing
§133.113	Disciplinary Action and Emergency Order	§133.123	Disciplinary Action and Emergency Order
§133.121	Complaints Against the Department	§133.131	Complaints Against the Department
§133.131	Cooperative Agreements and Certificates of Public Advantage		
§133.141	Cooperative Agreements and Certificates of Public Advantage		

Issued in Austin, Texas, on March 15, 1995.

TRD-9503268

Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: March 15, 1995

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**Notice of Revocation of a Certificate of  
Registration-Correction of Error**

The following notice appeared in the March 14, 1995, issue of the *Texas Register* (20 TexReg 1831). Due to a publishing error, the text did not appear under the correct title of the document. The notice was published under the title "Notices of Intent to Revoke a Certificate of Registration." The correct title should read "Notice of Revocation of a Certificate of Registration." The text is being republished in its entirety.

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code §289.112), has revoked the following certificate of registration: Jeffrey A. Facey, D.D.S., Houston, R14332, February 24, 1995.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on March 14, 1995.

TRD-9503158

Susan K. Steeg  
General Counsel, Office of General  
Counsel  
Texas Department of Health

Filed: March 14, 1995

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**Health and Human Services  
Commission  
Correction of Error**

The Health and Human Services Commission State Medicaid Office has received approval from the Health Care Financing Administration to amend the Title XIX Medical Assistance Plan by Transmittal Number 94-36, Amendment Number 465.

In the March 10, 1995, issue of the *Texas Register* (20 TexReg 1786), the Health and Human Services Commission submitted the following public notice in error:

The amendment adds eligibility provisions for children for whom there is a state adoption assistance agreement who cannot be placed for adoption with medical assistance. The amendment is effective June 1, 1994.

The notification should read:

The amendment adds eligibility provisions for children for whom there is a state adoption assistance agreement who cannot be placed for adoption without medical assistance. The amendment is effective October 1, 1994.

If additional information is needed, please contact Mary Ann Harvey, Texas Department of Protective and Regulatory Services, at (512) 834-3772.

Issued in Austin, Texas, on March 10, 1995.

TRD-9503079

Tim Graves  
Deputy Commissioner  
Health and Human Services Commission

Filed: March 13, 1995

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**Texas Natural Resource Conservation  
Commission**

**Notice of Public Hearing (Chapter 321  
and Chapter 116)**

Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code, §382.017; Texas Government Code, Subchapter B, Chapter 2001; and 40 Code of Federal Regulations, §51.102 of the United States Environmental Protection Agency regulations concerning State Implementation Plans (SIP), the Texas Natural Resource Conservation Commission (TNRCC) will conduct a public hearing to receive testimony concerning revisions to Chapter 321, Chapter 116, the Standard Exemption List, and the SIP.

The TNRCC proposes revisions to §321.34 and new §§321.181-321.198, concerning Concentrated Animal Feeding Operations (CAFOs), and §116.211, concerning Standard Exemption List. In addition, the TNRCC proposes a change to the Standard Exemption List, which is contained in §116.211. The proposed changes to §321.34 and new §§321.181-321.198 streamline and consolidate the existing authorization procedures under the Texas Water Code, Chapter 26, and the Texas Clean Air Act, while still maintaining air and water quality. The proposed change to §116.211 revises the date of the Standard Exemption List to reflect the effective date of the current change. In addition, the TNRCC proposes to revise Standard Exemption 62, concerning CAFOs and associated feed operations.

A public hearing on the proposal will be held April 21, 1995, at 10:00 a.m. in Room 201S of TNRCC Building E, located at 12118 North IH-35, Park 35 Technology Center, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, a TNRCC staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments not presented at the hearing may be submitted to the TNRCC central office in Austin through April 21, 1995. Material received by the TNRCC Office of Policy and Regulatory Development by 4:00 p.m. on April 21, 1995 will be considered by the Commission prior to any final action on the proposal. Please mail written comments to Lisa Martin, Office of Policy and Regulatory Development, P.O. Box 13087, Austin, Texas 78711-3087. Copies of the revision are available at the central office of the TNRCC located at 12118 North IH-35, Park 35 Technology Center, Building E, Austin, and at all TNRCC regional offices. For further information regarding Chapter 321, contact Mark McFarland at (512) 239-4797 or James Kowis at (512) 239-4706. For further information regarding Chapter 116 or the Standard Ex-

emption List, contact Mark Gibbs at (512) 239-1297 or Phil Harwell at (512) 239-1517.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on March 13, 1995.

TRD-9503214 Lydia Gonzalez-Gromatzky  
Acting Director, Legal Services Division  
Texas Natural Resource Conservation  
Commission

Filed: March 15, 1995

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### Request for Proposals-Notification of Availability of Grants to Public Agencies for Assistance in Special Collection and Processing of Household Waste with Hazardous Characteristics

The Texas Natural Resource Conservation Commission (TNRCC) announces the availability of \$500,000 in assistance grants for the purpose of supporting public agency efforts to: establish and operate safe, effective, and efficient hazardous household waste collection programs that will significantly reduce the amount of these materials disposed of in municipal landfills or municipal waste incinerators; increase the public's awareness of the dangers inherent in the indiscriminate use, storage and/or disposal of various materials and products; and promote, to the maximum extent feasible, the recycling, and/or reclamation of such material and products.

Eligible applicants include local governments, districts, and authorities that have legal authority to manage the collection and/or disposal of municipal solid waste.

Entities that have previously received funding for special collection or processing of household waste with hazardous characteristics are not eligible to receive funding under this Request for Proposals (RFP).

Curbside collection activities and construction costs are not eligible for funding under this RFP. Costs for disposal of hazardous household waste are not eligible for reimbursement under this RFP.

No funding match is required for a grant under this RFP.

The deadline for applying for a grant under this RFP is 5:00 p.m., Friday, May 26, 1995.

In order to be considered for funding, applications must be prepared and submitted in accordance with the RFP and other printed guidelines available from TNRCC as part of Grant Application Packet 95HHW.

Individuals desiring to receive this particular packet are encouraged to call Ingrid Dierlam of the Office of Pollution Prevention and Recycling at (512) 239-4747, or call the TNRCC Division of Solid Waste Management at (512) 239-6698 and request Grant Application Packet 95HHW. Written requests for packets may be mailed to: Household Hazardous Waste Grants (RFP 95HHW), in care of Josalyn McKinnon, Municipal Solid Waste Division-MC 124, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

In an effort to expedite the negotiation of contracts and to give prospective applicants an example of the type of contract they will be expected to sign, a sample contract will be included in the Grant Application Packet. This contract represents the conditions under which the TNRCC is willing to grant funds to eligible applicants for this hazardous household waste grant program; substantial variation from the sample contract should not be expected.

Issued in Austin, Texas, on March 15, 1995.

TRD-9503211 Lydia Gonzalez Gromatzky  
Acting Director, Legal Services Division  
Texas Natural Resource Conservation  
Commission

Filed: March 15, 1995

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### Public Utility Commission of Texas Notice of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on March 6, 1995, to amend a certificate of convenience and necessity pursuant to §§16(a), 18(b), 50, 52 and 54 of the Public Utility Regulatory Act. A summary of the application follows.

Docket Title and Number: Application of Southwestern Bell Telephone Company to Amend Certificate of Convenience and Necessity Within Burnet County, Docket Number 13992, before the Public Utility Commission of Texas.

The Application: In Docket Number 13992, Southwestern Bell Telephone Company seeks approval to amend the exchange area boundary between its Lampasas exchange and Contel of Texas, Inc.'s Burnet exchange in order to reflect the manner in which telecommunications service is presently being administered.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas, 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf on or before April 20, 1995.

Issued in Austin, Texas, on March 14, 1995.

TRD-9503153 John M. Rentrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: March 14, 1995

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### Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of Customer-Specific Contract.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of a Customer-Specific Contract for Billing and Collection Services with North



American Communications Corporation pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Number 13999.

The Application. Southwestern Bell Telephone Company is requesting approval of a customer-specific billing and collection services with North American Communications Corporation. Billing and collection services are currently comprised of various services which enable customers to bill their respective end users their service charges. The geographic service market for this specific service is anywhere within the state of Texas where North American Communications Corporation provides services to Southwestern Bell end user customers.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on March 14, 1995.

TRD-9503152      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: March 14, 1995

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**Railroad Commission of Texas**  
**Notice of Public Hearing on Rulemaking**  
**for Motor Carriers Transporting**  
**Household Goods**

The Railroad Commission of Texas will conduct a public hearing on proposed new §§5.101-5.123 and §§5.125-5.147 in Title 16, concerning definitions and requirements for motor carriers transporting household goods under the

Texas Motor Carrier Act. The staff of the commission have proposed the new rules as a part of comprehensive revision of its Chapter 5 rules in light of recent legislative changes to statutes concerning regulations on transportation and to reorganize the commission's rules. The text of the proposed rules is published in the February 7 and 10, 1995, issues of the *Texas Register* (20 TexReg 816-829 and 928-931).

The purpose of the public hearing will be to receive oral and written comments on the proposed rules specified previously.

The public hearing for receipt of oral and written comments will begin at 8:30 a.m., on Thursday March 30, 1995. The hearing will be conducted at the Railroad Commission of Texas, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, in Room 12-126. The examiner receiving comments will be Craig H. Smith.

Any interested member of the public may appear and offer oral and written comments. Organizations, associations, and groups are encouraged to present their commonly held views and identical or similar comments through single oral or written submissions where possible.

The comment period for the previously-specified proposed rules will be extended until the close of the public hearing on March 30, 1995. Written comments may be submitted to Craig H. Smith, Railroad Commission of Texas, Transportation-Legal Division, P.O. Box 12967, Austin, Texas 78711-2967.

Issued in Austin, Texas, on March 15, 1995.

TRD-9503177      Mary Ross McDonald  
Assistant Director, Legal Division, Gas  
Utilities/LP-Gas  
Railroad Commission of Texas

Filed: March 14, 1995

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## 1995 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1995 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week publication. No issues will be published on July 7, November 10, November 28, and December 29. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Tuesday, January 3	Wednesday, December 28	Thursday, December 29
2 Friday, January 6	Monday, January 2	Tuesday, January 3
3 Tuesday, January 10	Wednesday, January 4	Thursday, January 5
4 Friday, January 13	Monday, January 9	Tuesday, January 10
5 Tuesday, January 17	Wednesday, January 11	Thursday, January 12
Friday, January 20	1993 ANNUAL INDEX	
6 Tuesday, January 24	Wednesday, January 18	Thursday, January 19
7 Friday, January 27	Monday, January 23	Tuesday, January 24
8 Tuesday, January 31	Wednesday, January 25	Thursday, January 26
9 Friday, February 3	Monday, January 30	Tuesday, January 31
10 Tuesday, February 7	Wednesday, February 1	Thursday, February 2
11 Friday, February 10	Monday, February 6	Tuesday, February 7
12 Tuesday, February 14	Wednesday, February 8	Thursday, February 9
13 Friday, February 17	Monday, February 13	Tuesday, February 14
14 Tuesday, February 21	Wednesday, February 15	Thursday, February 16
15 Friday, February 24	*Friday, February 17	Tuesday, February 21
16 Tuesday, February 28	Wednesday, February 22	Thursday, February 23
17 Friday, March 3	Monday, February 27	Tuesday, February 28
18 Tuesday, March 7	Wednesday, March 1	Thursday, March 2
19 Friday, March 10	Monday, March 6	Tuesday, March 7
20 Tuesday, March 14	Wednesday, March 8	Thursday, March 9
21 Friday, March 17	Monday, March 13	Tuesday, March 14
22 Tuesday, March 21	Wednesday, March 15	Thursday, March 16
23 Friday, March 24	Monday, March 20	Tuesday, March 21
24 Tuesday, March 28	Wednesday, March 22	Thursday, March 23
25 Friday, March 31	Monday, March 27	Tuesday, March 28
26 Tuesday, April 4	Wednesday, March 29	Thursday, March 30
27 Friday, April 7	Monday, April 3	Tuesday, April 4
28 Tuesday, April 11	Wednesday, April 5	Thursday, April 6
Friday, April 14	FIRST QUARTERLY INDEX	
29 Tuesday, April 18	Wednesday, April 12	Thursday, April 13
30 Friday, April 21	Monday, April 17	Tuesday, April 18
31 Tuesday, April 25	Wednesday, April 19	Thursday, April 20