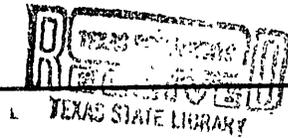


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kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) of this title (relating to Emission Specifications) and §115.532(a).

(6) In Dallas, El Paso, Harris, and Tarrant Counties, any [Any] individual unit [located in Dallas, El Paso, Harris or Tarrant Counties] which, when uncontrolled, will emit a combined weight of VOC less than 15 pounds (6.8 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) and §115.532(a).

(7) After July 31, 1993 in counties other than Dallas, El Paso, Harris, and Tarrant, any individual unit which, when uncontrolled, will emit a combined weight of VOC less than 15 pounds (6.8 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(a) and §115.532(a).

(b) For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply.

(1) Storage tanks at loading facilities with capacities less than or equal to 2,000 gallons (7,571 liters) are exempt from the requirements of §115.531(b)(3).

(2) Storage tanks at loading facilities that store VOC with vapor pressures less than or equal to 4.1 psia (28 kPa) at 68 Fahrenheit (20 Celsius) are exempt from the requirements of §115.531(b)(3).

(3) Storage tanks containing VOC with vapor pressures less than or equal to 1.5 psia (10.3 kPa) at 68 Fahrenheit (20 Celsius) are exempt from the requirements of §115.532(b)(1)(B).

(4) Centrifuges and filters which process liquids containing VOC with vapor pressures less than 0.5 psia (3.4 kPa) at 68 Fahrenheit (20 Celsius) are exempt from the requirements of §115.532(b)(2).

(5) Any facility which, when uncontrolled, will emit a combined weight of VOC less than 550 pounds (249.5 kg) in any continuous 24-hour period is exempt from the provisions of §115.531(b) and §115.532(b).

§115.539 Counties and Compliance Schedules

(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.531(a) of this title (relating to Emission Specifications), §115.532(a) of this title (relating to Control Requirements), §115.533(a) of this title (relating to Alternate Control Requirements), §115.534(a) of this title (relating to Inspection Requirements), §115.535(a) of this title (re-

lating to Testing Requirements), §115.536(a) of this title (relating to Recordkeeping Requirements), and §115.537(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1993.

(b) All persons in Brazoria, Galveston, Jefferson, and Orange Counties affected by the provisions of §115.537(a)(7) shall be in compliance with this section as soon as practicable, but no later than July 31, 1993. [All affected persons in Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties shall be in compliance with this undesignated head (relating to Pharmaceutical Manufacturing Facilities) in accordance with the following schedules.

[(1) All affected persons shall be in compliance with all compliance schedules which have expired prior to January 1, 1991, in accordance with §115.930 of this title (relating to Compliance Dates).

[(2) All persons in Dallas, El Paso, and Tarrant Counties affected by the provisions of §115.536(2)(A)(ii) of this title (relating to Recordkeeping Requirements) and §115.537(6) of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable, but no later than July 31, 1992.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas on January 17, 1992.

TRD-9206955 Lane Hartsock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

◆ ◆ ◆ Subchapter G. Consumer Related Sources

Consumer Related Solvent Products

• 31 TAC §§115.612-115.615, 115.617, 115.619

The Texas Air Control Board (TACB) proposes a new §115.614 and amendments to §§115.612, 115.613, 115.615, 115.617, and 115.619, concerning consumer-solvent products. The proposed changes have been developed in response to a requirement by the United States Environmental Protection Agency (EPA) to extend the controls that currently exist in certain ozone nonattainment areas to other previously-designated nonattainment areas. This program is referred to as "leveling the playing field." The proposed changes have also been developed

in response to a requirement by EPA to extend controls that currently exist in certain ozone nonattainment areas to newly-designated, adjacent nonattainment counties. This program is referred to as the "perimeter county catch-ups." The revisions are also intended to remove potentially confusing cross-references and to otherwise improve clarity.

The proposed changes to §115.612, concerning control requirements, expand by definition the applicability of the requirements, add a maximum allowable volatile organic compound (VOC) content for automobile windshield washer fluids, and remove potentially confusing cross-references. The proposed changes to §115.613, concerning alternate control requirements, and §115.617, concerning exemptions, expand the applicability of the requirements, and remove potentially confusing cross-references.

The proposed new §115.614, concerning inspection requirements, requires that samples of the windshield washer fluid be supplied to TACB, federal, or local program inspectors at no cost. The proposed changes to §115.615, concerning testing requirements, correct the referenced test method and remove potentially confusing cross-references. The proposed changes to §115.619, concerning counties and compliance schedules, specify applicable perimeter counties and previously-designated nonattainment counties, and add a compliance date for the additional counties.

Bennie Engelke, deputy director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local governments or for small businesses. There is no anticipated economic cost for persons and businesses required to implement the proposed measures.

Lane Hartsock, deputy director of air quality planning, has determined that for each year of the first five-year period the sections are in effect the public benefit anticipated as a result of enforcing the sections will be rules which are more uniformly applicable in all Texas ozone nonattainment areas and satisfaction of EPA requirements.

Public hearings on this proposal are scheduled for the following times and places: February 24, 1992, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont; February 25, 1992, 7 p.m., City of El Paso, Council Chambers, Second Floor, 2 Civic Center Plaza, El Paso; February 25, 1992, 11 a.m., City of Houston, Pollution Control, Building Auditorium, 7411 Park Place Boulevard, Houston; and February 26, 1992, 6 p.m. City of Arlington, Council Chambers, 101 West Abram Street, Arlington.

Written comments not presented at the hearings may be submitted to the TACB central office in Austin through February 28, 1992. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the Board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, contact Eddie Mack at (512) 908-1488.

The amendments and the new section are proposed under the Texas Clean Air Act (TCAA) §382.017, Texas Health and Safety Code (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of TCAA

§115.612. Control Requirements. For persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** as defined in §115.10 of this title (relating to Definitions) [counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules)], no person may sell or offer for sale automobile windshield washer fluids which contain volatile organic compounds as an active ingredient, solvent, or any other component in a concentration greater than 8.0% (by weight).

§115.613. Alternate Control Requirements. For all affected persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules)], alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the executive director in accordance with §115.910 of this title (relating to Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.614. Inspection Requirements. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas**, all wholesalers and retailers affected by §115.612 of this title (relating to Control Requirements) must provide samples, without charge, upon request by representatives of the Texas Air Control Board, Environmental Protection Agency, or local air pollution control agency. The representative or inspector requesting the sample will determine the amount needed to test the sample.

§115.615. Testing Requirements. For the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules)], compliance with §115.612 of this title (relating to Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) Test Method 24 [24A] (40 Code of Federal Regulations 60, Appendix A) for the determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings [and density of printing inks and related coatings]; or

(2) (No change.)

§115.617. Exemptions. For persons in the **Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas** [counties referenced in §115.619 of this title (relating to Counties and Compliance Schedules)], the following products are exempt from the provisions of §115.612 of this title (relating to Control Requirements):

(1) products purchased by and delivered to a retail outlet in affected counties other than Dallas and Tarrant prior to April 30, 1993;

(1) products purchased by and delivered to a retail outlet in affected counties prior to December 31, 1988;

(2)-(4) (No change.)

§115.619. Counties and Compliance Schedules. All affected persons within Dallas and Tarrant Counties shall be in compliance with this undesignated head (relating to Consumer-Solvent Products) as soon as practicable, but no later than December 31, 1989. All affected persons within **Brazoria, Chambers, Collin, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, and Waller Counties** shall be in compliance with this undesignated head as soon as practicable, but no later than April 30, 1993.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on January 17, 1992.

TRD-9200956 Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 908-1451

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 10. Family Self-support Services

Child Care Management Services Statewide Implementation

• **40 TAC §10.3404, §10.3445**

The Texas Department of Human Services

(DHS) proposes amendments to §10.3404 and §10.3445, concerning child care management services statewide implementation, in its Family Self-support Services chapter. The purpose of the amendment to §10.3404 is to delete duplicate material. The purpose of the amendment to §10.3445 is to add a new group of providers eligible to become vendors, specifically, day camps licensed by the Texas Department of Health as youth camps.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a wider choice of vendors for parents and the opportunity for more providers to become vendors. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of this proposal may be directed to Shelley Bjorkman at (512) 450-4174 in DHS's Child Care Program. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-383, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 44, which authorizes the department to administer public assistance and day care programs.

§10.3404. Funding for Child Care Management Services (CCMS).

[(a)] The CCMS contractor manages budgets of multiple funds and conducts fiscal and statistical tracking and reporting as required by the Texas Department of Human Services (DHS).

[(b)] The CCMS contractor authorizes child care in accordance with:

[(1)] the type(s) of funds that match the child's eligibility status; and

[(2)] the availability of those funds.]

§10.3445. Selection of Vendors. To become a vendor under a child care management services (CCMS) contractor, the **child care provider** [vendor] must meet the following requirements:

(1) be licensed or registered by [and not currently in corrective or adverse action with] the Texas Department of Human Services (DHS) Licensing Division or, if operating as a day camp, be licensed by the Texas Department of Health (TDH) as a youth camp;