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Executive Orders

EXECUTIVE ORDER NO. DCT-20

WHEREAS, Tropical Storm Chris caused extremely heavy rainfall in northern portions of Louisiana, resulting in flooding and damage to residential and commercial property; and

WHEREAS, the Police Juries of Madison Parish and Richland Parish, as well as the municipalities of Delhi and Tallulah have, by resolution, petitioned the State of Louisiana to declare a State of Emergency to exist as a result of extensive flooding within their jurisdiction.

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, under the authority of Act No. 636, the Louisiana Disaster Act of 1974, do hereby proclaim a State of Emergency to exist within the territorial limits of these areas.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 16th day of September, A.D., 1982.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 82-21

WHEREAS, it has been reported to me by the Commissioner of Administration that the receipts of the Treasury appear likely to fall short of revenue estimates for the fiscal year 1982-83; and

WHEREAS, continued maintenance of the appropriated level of expenditures will result, assuming the accuracy of current revenue estimates, in a deficit; and

NOW, THEREFORE, pursuant to the authority granted me by Section 9 of Act 13 of the 1982 Regular Session of the Legislature, and by R.S. 39:55, it is hereby ordered that all departments and all budget units not within a department submit revised budgets effecting a 4.4 percent reduction in General Fund appropriations to the Commissioner of Administration not later than October 25, 1982, all in accordance with the further instructions of the Commissioner of Administration,

Provided, that the following appropriations are exempt from this order: Louisiana State Employees Retirement System; Louisiana Educational Retirement System; State Police Retirement System; Louisiana State University Unfunded Retirement System; Supplemental Police Pay; Supplemental Sheriff's Pay; Supplemental Firemen's Pay; State General Fund Minimum Foundation Program; Day Care Center Minimum Foundation Program; Higher Education Consent Decree Programs; and Statutory Expenses for the Judiciary.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 15th day of October, 1982.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of September 23, 1982, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act R.S. 49:953B and adopted the following as an emergency Rule:

"Persons who as of September 1, 1982 had completed all course requirements in effect prior to that date for certification in supervision and administration or as school superintendent, but who had not met the experience requirements, shall be permitted to be certified in these areas when the experience requirements in effect prior to September 1, 1982 have been met, and in the interim such persons shall not be cited for noncompliance with the revised requirements which became effective September 1, 1982."

In 1980, BESE adopted a substantial increase in the requirements for certification in the administrative and supervisory services with an implementation date of September 1, 1982. Many individuals completed the course requirements which were in effect prior to September 1, 1982, but, due to employment dates, were unable to meet the three-five year experience requirement. So that these individuals would not be required to meet the revised standards, this alteration to the policy will allow them to become certified upon completion of the experience requirement.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security has exercised the emergency provisions of the Administrative Procedure Act R.S. 49:953B to provide Medicaid effective October 1, 1982 to any child for whom the state makes adoption assistance or foster care maintenance payments under Title IV-E of the Social Security Act.

This action is necessary to ensure that Medicaid coverage continues for children previously certified for Medicaid as a child for whom the state makes foster care payments under Title IV-A whose IV-A eligibility was transferred to Title IV-E effective October 1, 1982. It also provides Medicaid coverage for those children for whom the state makes adoption assistance payments under Title IV-E to ensure that these children receive medical care necessary to maintain their health and well-being.

This action is in response to final Federal Regulations published in the July 1, 1982 issue of the *Federal Register* (volume 47, No. 127, pages 28652-28658).

Roger P. Guissing
Secretary

Rules

RULE

Department of Agriculture Structural Pest Control Commission

The Louisiana Department of Agriculture, Structural Pest Control Commission, pursuant to the authority contained in LSA 40:1263 B and in accordance with Notice of Intent published on September 20, 1982, adopted the following Rules and Regulations governing the administration of the Structural Pest Control Law, LSA 40:1261-1274, at a public hearing held on October 6, 1982 at the State Capitol, Baton Rouge, Louisiana.

Copies of these Rules may be obtained from James Arceneaux, 9151 Interline Blvd., Baton Rouge, LA 70809 during office hours 8 - 4:30, Monday through Friday.

These Rules and Regulations will become effective January 1, 1983.

Bob Odom
Commissioner

tion relative to "Proficiency Examinations and Credit Examinations."

Rule 4.01.90.a(1)

The Board adopted an amendment to page 4C, Program Requirements: Teacher Caseload and Scheduling, Item b, of the *Regulations for the Implementation of State-funded Compensatory Remedial Programs*, Regular School Year as follows:

"The State-funded compensatory/remedial teacher shall provide each eligible student in the state compensatory/remedial program a minimum of 70 hours of instruction for language arts and 70 hours of instruction for mathematics or until the deficiencies as identified on the State Basic Skills Test have been mastered as determined by the local education agency. No more than 12 students shall be served by one compensatory/remedial teacher per instructional period. (Board Policy) A school system which has provided 70 hours of remediation per subject area has complied with its remediation obligation."

Rule 4.03.45

The Board adopted a policy that it shall be mandatory for all vocational-technical schools to be covered by comprehensive general liability insurance and automotive liability insurance.

James V. Soileau
Executive Director

RULES

Department of Culture, Recreation and Tourism Office of Cultural Development Division of the Arts

The Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, and Louisiana State Arts Council, pursuant to the authority in LRS 49:951, et seq., Act 265 of 1977, and in accordance with the Notice of Intent published in the September 20, 1982 issue of *Louisiana Register*, adopted the amendments to the program guidelines for the funding and administration of the state's arts grant program.

Copies of the complete set of grant program guidelines, as amended for 1983-84, are available from the Division of the Arts, 666 North Foster, Baton Rouge, Louisiana. The revisions of the guidelines for 1983-84 consist of: changes in deadlines and time-lines for submitting, review and funding of applications for grants-in-aid; adding a professional advisory panel for reviewing Block Grants applications; limiting the maximum amount that may be requested by applicants under the grant programs; and a few minor technical changes to clarify selected narrative passages.

Interested persons may obtain a copy of the revised *Program Guidelines for State Arts Grants: 1983-84* by written request from the Division of the Arts, Box 44247, Baton Rouge, LA 70804.

Mrs. Lawrence H. Fox
Secretary

RULES

Board of Elementary and Secondary Education

Rule 3.01.51.ee

The Board adopted an amendment to Bulletin 741, pages 16 and 16a as recommended by the State Department of Educa-

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, raised the minimum Federal Tax Refund Offset amount from \$150 to \$300, effective November 1, 1982. This Rule change is in accordance with Sections 2331 and 2336 of P.L. 97-35 and Louisiana R.S. 46:236.1 which require the IV-D agency to effect procedures to obtain payment of past-due support from overpayments made to the Secretary of the Treasury. This change has been implemented to reduce the administrative costs of current Federal Tax Refund Offset procedures by eliminating intercept cases which result in returning collections to absent parents.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has updated the Maximum Allowable Costs (MAC) for certain drugs, as required by federal regulations. The new Maximum Allowable Cost (MAC) determinations are now in effect for the following drugs:

Acetaminophen w/codeine, oral tablet 300 mg./60 mg.	0.1458
Ampicillin, oral capsule, 250 mg.	0.0422
Ampicillin, oral liquid, 125 mg./5 ml.	0.0114
Penicillin, VK, oral tablet, 250 mg.	0.0417
Penicillin, VK, oral tablet, 500 mg.	0.0649
Penicillin, VK, oral liquid, 125 mg./5 ml.	0.0109

Tetracycline, HC1, oral capsule,
500 mg.

0.0394

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with the implementation of MAC, nor may our office use a cost which exceeds the established maximums except as follows. DHHS's regulations provide that when a physician certifies that a specific brand is medically necessary for a particular patient, then the MAC limitations for that medication will not apply. In this case, their specific guidelines provide that:

- 1) the certification must be in the physician's handwriting;
- 2) the certification may be written directly on the prescription or on a separate sheet which is attached to the prescription;
- 3) a standard phrase written on the prescription, such as "brand necessary" will be acceptable.
- 4) a printed box on the prescription blank that could be checked by the physician to indicate brand necessity is **unacceptable**;
- 5) a handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

This policy was implemented August 12, 1982, and was published as an Emergency Rule in the *Louisiana Register* on August 20, 1982.

This action will allow the Medical Assistance Program to be in compliance with federal regulations, effective August 12, 1982, which were published in the June 28, 1982, *Federal Register*, Volume 47, Number 124, pages 27968 through 27973. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has amended the approved waiver document for provision of Home and Community based services. Deeming of income and resources will be excluded from parents and spouses to applicants who utilize any of the three Home and Community based services (Homemaker, Habilitation, and Adult Day Care) in lieu of care in a Skilled Nursing Facility (SNF) or Intermediate Care Facility (ICF) (including Intermediate Care for the Mentally Retarded (ICF/MR) which would otherwise be required. The applicants must meet all other eligibility conditions as specified in current policy.

This Rule applies only to those individuals using one of the three Home and Community based services who would otherwise require SNF/ICF services.

This Rule:

1) Allows the provision of Medical Assistance to individuals determined to be in need of Home and Community based services for which they would otherwise be ineligible, because of deeming of income and resources of parents or spouse; and

2) Allows this agency to utilize provisions for alternative care to eliminate unnecessary utilization and reduce the cost of institutional care for eligible individuals.

Implementation of this Rule is based on an amendment to the approved waiver document (Section 2176 of Public Law 97-35) which has been granted by the Health Care Financing Administration.

This policy was implemented September 1, 1982, and was published as an Emergency Rule in the *Louisiana Register* on August 20, 1982.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has excluded from the Title XIX Medical Assistance Program the drug known as Heptavax-B. This drug is not payable and will be excluded under the category "miscellaneous drugs".

Roger P. Guissinger
Secretary

RULE

**Department of Health and Human Resources
Office of Health Services and Environmental Quality**

Effective October 20, 1982, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, Family Planning Program, is changing the criteria for charging fees to its family planning patients. The lower limit for charging fees is changed from persons at or above 150 percent of poverty to those at or above 100 percent poverty.

In accordance with the United States Government, Depart-

ment of Health and Human Services Guidelines for Project Grants, Part I, 6.3; United States Government, Department of Health and Human Services, Public Health Services Act, Section 1001, Sub-part A, Part 59 5a, Title 42 Code of Federal Regulation, all family planning patients whose gross family income is above 100 percent (rather than the current 150 percent) poverty as determined by the U. S. Office of Management and Budget shall pay a fee for each service provided as indicated on the fee adjustment schedule.

Roger P. Guissinger
Secretary

FEE ADJUSTMENT SCHEDULE

% Poverty Income Family Size	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
	100%	100% 9% of Charge	110% 18% of Charge	120% 27% of Charge	130% 36% of Charge	140% 45% of Charge	150% 54% of Charge	160% 63% of Charge	170% 72% of Charge	180% 81% of Charge	190% 90% of Charge	200% 100% of Charge
1		\$ 4,680	\$ 5,148	\$ 5,616	\$ 6,084	\$ 6,552	\$ 7,020	\$ 7,488	\$ 7,956	\$ 8,424	\$ 8,892	\$ 9,360
2		6,220	6,842	7,464	8,086	8,708	9,330	9,952	10,574	11,196	11,818	12,440
3		7,760	8,536	9,312	10,088	10,864	11,640	12,416	13,192	13,968	14,744	15,520
4		9,300	10,230	11,160	12,090	13,020	13,950	14,880	15,810	16,740	17,670	18,600
5		10,840	11,924	13,008	14,092	15,176	16,260	17,344	18,428	19,512	20,596	21,680
6		12,380	13,618	14,856	16,094	17,332	18,570	19,808	21,046	22,284	23,522	24,760
7		13,920	15,312	16,704	18,096	19,488	20,880	22,272	23,664	25,056	26,448	27,840
8		15,460	17,006	18,552	20,098	21,644	23,190	24,736	26,282	27,828	29,374	30,920
9		17,000	18,700	20,400	22,100	23,800	25,500	27,200	28,900	30,600	32,300	34,000
10		18,540	20,394	22,248	24,102	25,956	27,810	29,664	31,518	33,372	35,226	37,080
11		20,080	22,088	24,096	26,104	28,112	30,120	32,128	34,136	36,144	38,152	40,160
12		21,620	23,782	25,944	28,106	30,268	32,430	34,592	36,754	38,916	41,078	43,240
13		23,160	25,476	27,792	30,108	32,424	34,740	37,056	39,372	41,688	44,004	46,320
14		24,700	27,170	29,640	32,110	34,580	37,050	39,520	41,990	44,460	46,930	49,400
15		26,240	28,864	31,488	34,112	36,736	39,360	41,984	44,608	47,232	49,956	52,480
16		27,780	30,558	33,336	36,114	38,892	41,670	44,448	47,226	50,004	52,782	55,560
17		29,320	32,252	35,184	38,116	41,048	43,980	46,912	49,844	52,776	55,708	58,640

RULE

**Department of Health and Human Resources
Office of Mental Health and Substance Abuse**

Subject: Public Psychiatric Hospital Overflow Policy and Purchase of Emergency Private Psychiatric Hospital Services for Youth in Louisiana

In accordance with the authority vested in the Office of Mental Health and Substance Abuse (OMHSA) by Title 28 of the Revised Statutes of 1950 and in accordance with Section 2121 et seq. of Title 40, the following policies and procedures are adopted for management of the current grave situation of public psychiatric youth hospital overflow and purchase of emergency private psychiatric hospital services for youth in Louisiana.

I. Purpose

To provide acute psychiatric and substance abuse care and evaluation for children and adults who cannot be served by state OMHSA hospitals because of lack of appropriate bed space. Purchase of services will be accomplished with private Louisiana hospitals to provide mental health and substance abuse in-patient services when, and only when:

A. A psychiatrist, who confirms the emergency, has evaluated the individual and determined him to be gravely disabled or dangerous to self or others due to psychiatric illness or substance abuse, and

B. No bed is available in any state OMHSA hospital, and

C. No less restrictive alternative is feasible that would be appropriate, such as:

1. OMHSA emergency out-patient services for the youth and/or family, including day treatment

2. Residential treatment

3. Group home

4. Specialized foster care

D. Approval for use of private OMHSA hospital funds will

only be given prior to placement, and only when the individual at the time referred is actively suicidal or homicidal due to mental illness or substance abuse.

II. Monitoring

To be accomplished via continuation of OMHSA Youth and Adult Hospital Overflow Studies determining:

A. Need for mental health and substance abuse hospitalization for youth.

B. Utilization of funds: routine analyses will be made of all obligations committed to by OMHSA. If appropriated funds are fully allocated prior to the end of any fiscal year no further approvals for private care will be made except by direct approval of the Legislative Budget Committee and/or Interim Emergency Board.

III. Procedure for OMHSA FUNDING PRIVATE HOSPITAL PLACEMENTS

A. Current OMHSA Hospital Overflow procedures will be followed:

1. Upon receipt of a referral by a state OMHSA hospital, the hospital will determine if the referral is appropriate and whether admission is required. If a bed is available and the referral appropriate, the hospital will follow its usual and customary procedures to admit the patient, in accordance with the Mental Health Law.

2. If a bed is unavailable, the state OMHSA hospital will call OMHSA State Office to report the overflow situation.

3. OMHSA State Office will return the call to the referral source to determine:

a. That the youth or young adult has been seen by a psychiatrist who confirms the need for emergency hospital admission.

b. If the youth or young adult has been referred to the local OMHSA Center/Clinic, and if not an emergency, referral will be made in order to secure a second opinion as to the need for hospitalization.

c. Whether emergency out-patient services through the local OMHSA Centers/Clinics, including day treatment, can be utilized as an interim measure while the individual's name is placed on the state OMHSA hospital's waiting list.

4. Once the OMHSA Center/Clinic has established that immediate hospitalization is needed:

a. OMHSA State Office will contact all other appropriate state OMHSA hospitals for a vacancy. If a vacancy is found, immediate admission will occur.

b. If no vacancy is found, OMHSA will initiate efforts to determine Title XIX eligibility. If eligible, admission to a private Louisiana hospital accepting such payments will occur.

c. If ineligible for Title XIX, admission will occur at another appropriate Louisiana private hospital.

IV. Linkage with DHHR/Office of Human Development Client Placement System:

Immediate Referral of all appropriate overflow clients will be made to the appropriate Office of Human Development office to accomplish the following:

A. Referral for review by the Regional Review Committee within 60 days. This action will occur whether the individual has been referred for outpatient services and placed on a waiting list, or admitted to OMHSA hospital or private Louisiana Hospital and

B. Immediate action by the OHD Case Coordinator who will contact the family to complete the family assessment, including financial information:

1. The family's ability to contribute financially will be determined according to the Client Placement fee schedule. If private hospital placement is approved, the fee established will be paid by the individual or family to the hospital, and those deductions will be made from the state's liability.

2. Insurance payments to the hospital

3. Title XIX payments to the hospital

4. If either 2) or 3) are feasible, such financial sources will be the hospital's first reimbursement dollar. Further Title XIX shall be considered payment in full.

5. SSI eligibility and payment to Hospital.

C. The OHD Case Coordinator will be responsible for insuring that provisions for partial payment are made in the form of:

1. Family financial contribution to the private hospital

2. Insurance coverage to the hospital

3. Title XIX payments to the hospital

4. SSI payments to hospital

D. OMHSA State Office will be responsible for insuring that payment is made to the hospital for the remaining difference, or for the total cost if other contributions are not feasible.

V. Limitations to coverage of private hospital costs

A. Eligibility for funding must be established prior to the individual's entry into the private hospital. There will be no retroactive payment prior to establishing eligibility.

B. Funding will be approved initially for not more than 28 days. At the end of this period (or before):

1. The individual will be discharged to the home or other less restrictive setting.

2. The youth will be transferred to a state OMHSA hospital.

3. If for any reason continued private hospitalization is necessary past the 28-day limit, the hospital will be responsible for securing approval for continued funding from OMHSA State Office. Any such extension must be approved by OMHSA State Office:

a. Every 28 days thereafter

b. When and only when, documentation from the treating physician supports the need for the extension.

c. There is continued unavailability of an appropriate public OMHSA bed.

C. Once a placement in an appropriate OMHSA hospital is offered, funding for private hospitalization ceases as of designated date for admission to an OMHSA hospital, if confirmation is received by an OMHSA psychiatrist that transfer will not cause harm to the individual.

D. At any time OMHSA can request a second psychiatric opinion to confirm that hospitalization is needed for the individual's best interest.

E. Educational costs shall not be paid by OMHSA/DHHR. These costs are the responsibility of the local education authority.

F. At the time of the emergency placement, determination will be made for method of payment of psychiatrists fees. If psychiatric services are to be included in the hospital bill, payment for the psychiatrist's services will be made to the hospital. In all other situations, payment will be made directly to the treating psychiatrist.

VI. Agreement Provisions

A. Private provider must be willing to accept from OMHSA State Office referrals who meet the eligibility requirements for OMHSA emergency funding, provided an appropriate bed is available.

B. Private provider must be willing to abide by the 28-day maximum stay and accept responsibility for contacting OMHSA State Office if an extension is necessary.

C. Private provider must agree to submit copies of all evaluations, but a minimum of a social, psychiatric, psychological and medical, to OMHSA State Office within 10 days of admission. Thereafter, weekly progress reports must be submitted. Payment will be withheld until appropriate reports are submitted.

D. Private provider must be willing to make further treatment recommendations upon discharge of the youth, concerning:

1. Place of discharge

a. Home, or other independent living situation

b. Foster home

c. Group home

d. Residential treatment center

e. State psychiatric hospital

E. Private provider must be willing to allow OMHSA, through Headquarters staff, to have on-site review privileges.

F. Private providers shall not discriminate against any proposed admission due to color, race, religion, sex or national origin.

J. Rahn Sherman, MD

Assistant Secretary

RULE

Department of Health and Human Resources Office of Mental Retardation

The Department of Health and Human Resources, Office of Mental Retardation, is adopting the amended Minimum Standards for Adult Day Services. These standards shall apply to all agencies who receive funding through the Office of Mental Retardation's adult day services program and who provide services to the mentally retarded adults.

STANDARDS FOR ADULT DAY SERVICES

I. Introduction

"Adult day services" means services provided in the community for mentally retarded adults. Adult day services include, but are not limited to, structured work programs, prevocational

programs, socialization and self-help programs, and behavior management programs. Standards for Adult Day Services are applicable to all programs which provide remunerative work opportunities for program participants. Adult Day Services are designed for mentally retarded adults who are not presently able to participate in a less structured vocational environment. Adult Day Services should take the form of work production opportunities provided in a realistic work environment and with appropriate supervision. Such work opportunities may be provided in a day center, a work station in industry, or through supervised work provided away from the day center.

Adult Day Services may also take the form of prevocational skills training. Prevocational training is appropriate for individuals lacking the prerequisite skills which would enable them to participate in a work environment. For individuals in this category, individual program plans should be written that address existing skill deficits which preclude full participation in a work program. Prevocational skills training may include work adjustment training, self-help skills training, and other such appropriate training designed to assist each program participant in functioning successfully in a work environment.

The Adult Day Services Program may also address training experiences designed to enable individuals to progress toward normal living within his/her community. Persons planning individual program plans may look at nonwork needs of program participants and may wish to recommend training designed to help the individual function more independently at work, in the neighborhood around the day center and in getting to and from work. Examples of nonwork related training activities are how to use public transportation, money management, and how to access public recreation facilities.

II. Purposes

Adult Day Programs funded through the Office of Mental Retardation shall operate for the purpose of:

- a. Providing daily services to mentally retarded individuals in the community.
- b. Providing opportunity for and access to extended remunerative employment for individuals whose handicapping condition is a continuing barrier to competitive employment.
- c. Providing the habilitation services necessary for successful participation and employment in a work environment.
- d. Maximizing the opportunity for the individual to earn wages.
- e. Ensuring that program participants have access to and opportunity for participation in his/her least restrictive vocational environment.
- f. Providing the prevocational skills training which may be needed by program participants to enable them to function more independently and to participate to any degree in a remunerative work program.

III. Standards

A. Eligibility

1. The agency shall request a determination of Title XIX eligibility by the Office of Family Security for all applicants to the Adult Day Services Program.
2. All program participants in the Adult Day Services Program funded through the Office of Mental Retardation shall meet the following eligibility criteria:
 - a. Twenty-two years of age or older.
 - b. Diagnosis of mental retardation by a licensed psychologist.
 - c. Verification of a current physical examination.
 - d. Development by a multidisciplinary evaluation team of a generic services plan recommending placement in a day program.
 - e. Decision by an Admissions Committee that placement

in an Adult Day Services Program is an appropriate placement.

f. Agreement by the applicant to participate in the Adult Day Services Program.

B. Intake and Orientation

1. The agency shall have written criteria for admission of individuals to its Adult Day Services Program.
2. The agency shall have a written policy for constituting an admissions committee to review appropriateness of services.
3. The agency shall refer all applicants to its Adult Day Services Program to the Division of Vocational Rehabilitation for a vocational screening.
4. The agency shall have a written policy concerning orientation of applicants to the program goals and services available through the Adult Day Services Program.
5. The agency shall ensure that applicants agree in writing to participate in the Adult Day Services Program.
6. The agency shall have a written appeal procedure and shall ensure that individuals denied admission to or terminated from the Adult Day Services Program are notified in writing of such an appeal procedure.

C. Program Participant Records

1. The agency shall have a written policy concerning confidentiality of or access to program participant records and the time period for maintaining such records.
2. The agency shall maintain a file on each program participant in the Adult Day Services Program which contains the following:
 - a. Office of Mental Retardation (OMR) - approved Application for Services.
 - b. Integrated multidisciplinary evaluation report.
 - c. OFS Medical Evaluation Form (OFS Form 149-A).
 - d. Generic Services Plan.
 - e. Written statement of certification of appropriateness of services.
 - f. Mental Retardation Service Plan.
 - g. Program Participant performance reports.
3. The agency shall maintain additional information in the program participant record as required by the Office of Mental Retardation.

D. Evaluation and Assessment

1. Psychological evaluation reports shall not be more than two years old at the time of admission to the Adult Day Services Program.
2. The findings of the multidisciplinary evaluation shall be reviewed and updated, if necessary, at least every three years.
3. Assessment services shall be provided to each program participant to assess and gather information needed to develop the mental retardation service plan (see E-3). Information related to the individual's functioning in the following areas shall be obtained:

- a. Physical
- b. Behavioral
- c. Social
- d. Vocational
- E. Mental Retardation Service Plan

1. The agency, through its program staff, shall develop within 30 days of admission and by the anniversary date thereafter a mental retardation service plan for each program participant which is developed in accordance with requirements of the Office of Mental Retardation.

2. The agency shall notify each program participant of the time and date of the planning conference to develop the mental retardation service plan.

3. In developing the mental retardation service plan, the program planning committee shall review and consider assessment information related to the individual's functioning in the

following areas: physical, behavioral, social, and vocational.

4. The agency shall ensure that the program participant is involved in developing the mental retardation service plan.

5. The agency staff responsible for carrying out the mental retardation service plan shall be involved in developing the plan.

6. Written semi-annual performance reports shall be shared with each program participant.

F. Program Guidelines

1. When appropriate, the agency shall have a valid certificate issued by the Wage and Hour Division of the U.S. Department of Labor to operate a sheltered work program.

2. The agency shall ensure that program participants have daily access to a minimum of six hours of active programming.

3. Each program participant shall be paid at a rate equal to his productivity through either a piece rate or hourly wage system.

4. The agency shall provide each program participant a written statement for each pay period which indicates gross pay, hours worked, and deductions.

5. The agency shall retain current community wage rate information on all production operations available in its Adult Day Services Program.

6. The agency shall assess each program participant's performance on specific job tasks for the purpose of developing the mental retardation service plan.

7. The agency shall assess each program participant's strengths and limitations in the area of work-related behavior for the purpose of developing the mental retardation service plan.

8. The agency shall provide work skill training designed to assist each program participant in attaining his/her work skill goals thereby enabling him/her to perform specific job tasks.

9. The agency shall provide work adjustment training services designed to assist each program participant in functioning successfully in a work environment.

G. Reporting

1. The agency shall provide the Office of Mental Retardation with a monthly report which indicates the following:

- a. Days in attendance by each program participant.
- b. Total gross wages paid to each program participant.
- c. Total hours in work production by each program participant.

part.

H. General Staffing Provisions

1. The agency shall have a staff organizational chart of the Adult Day Services Program which has been approved by the agency governing board.

2. The agency shall hire an individual to be responsible for the administration and direction of the Adult Day Services Program.

3. Agency staff in the Adult Day Services Program funded by the Office of Mental Retardation shall meet the qualifications for employment as established by the Office of Mental Retardation.

4. The agency shall have at least two full-time staff in the Adult Day Services Program and shall maintain a staff/program participant ratio as established by the Office of Mental Retardation.

5. The agency shall have written job descriptions for all staff in its Adult Day Services Program.

I. Inservice Training

1. The agency shall have on staff at least one employee who has successfully completed the Office of Mental Retardation Basic Production Practices training series.

2. The agency shall have at least one employee on duty at all times who holds a certificate for successful completion of an approved first aid course.

J. Monitoring

1. The agency shall make available to staff of the Office of Mental Retardation all records and information needed to monitor compliance with these standards for Adult Day Services.

K. Licensing

1. The agency shall have a valid license issued by the Department of Health and Human Resources, Office of Licensing and Regulation to operate an Adult Day Services Program.

L. Behavior Management

1. The agency shall conduct its behavior management programs in accordance with Department of Health and Human Resources policy on Behavior Management.

Roger P. Guissinger
Secretary

La. Register 10-20-83

RULE

**Department of Health and Human Resources
Office of the Secretary**

The Department of Health and Human Resources, Office of the Secretary, is adopting the guidelines for the Community Residential Development Fund as published in the September 20, 1982 *Louisiana Register*, as follows:

A. Definition of Community Residential Development Fund:

The Community Residential Development Fund was established by Act 770 of the 1981 Louisiana Legislature for the purpose of granting loans to eligible private, non-profit organizations to pay for the initial costs of development of community residential programs. Community residential programs, as defined by Act 770, are residential programs for not less than four nor more than six physically and/or mentally disabled persons at one program site and would include such programs as community (group) homes, supervised apartments, or out-of-home respite care. Funds for the loan program are located within the Office of the Secretary to be used by the appropriate program Offices (i.e., Mental Retardation, Human Development, and Mental Health and Substance Abuse). The maximum amount available to any one organization is \$45,000.

B. Eligible Organizations:

In order to be eligible to apply for funds under the Community Residential Development Fund, the applicant organizations must, at a minimum, meet the following criteria:

1. Must be classified non-profit according to the requirements of S. 501 (c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. 501. (c)(3);

2. Must agree to serve clients of the Department of Health and Human Resources;

3. Must serve clients whose mental or physical disability is not a result of the aging process and whose impairment limits one or more major tasks: walking, seeing, hearing, speaking, or breathing; and is attributable to any physiological disorder or condition, cosmetic disfigurement, or loss of limbs affecting one or more of the body's systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular; or any mental or psychological disorder such as mental retardation, organic brain syndrome, and emotional or mental illness; and

4. Must provide a ten percent match to the borrowed amount either in cash or in real property or in kind.

C. Allowable Costs:

The costs of development which can be paid by this loan would include the following categories:

1. The downpayment for the purchase and/or construction of a home, duplex, or apartment(s);

2. The modification/renovation of such facility;

3. The purchase of equipment, fire/safety devices, and/or

furniture for the facility; and

4. Costs incurred during the development phase of the program prior to and up to one month after admission of clients. Such costs could include:

- a. The payment of salaries of personnel connected with the development and/or first month of operation of the program;
- b. The payment of rent, utilities, food and other general operating expenses during the development phase and/or the first month of operation; and
- c. The purchase of insurance during the development and/or the first month of operation.

Line item changes may be made only with prior approval from the appropriate program office.

D. Application Process:

1. Notification of the availability of funds for establishing community residential programs will be given through the Department and its Offices of Mental Retardation, Human Development, and Mental Health and Substance Abuse. Each Office shall designate its own Community Residential Development Fund Coordinator.

2. Interested/potential applicants shall request application packets from the Community Residential Development Fund Coordinator of the appropriate program office. The determination of which program office is appropriate will be based on the client population the applicant plans to serve. Those serving the mentally retarded will apply to the Office of Mental Retardation, those serving the mentally ill/emotionally disturbed and the autistic through the Office of Mental Health and Substance Abuse, and those serving the physically handicapped through the Office of Human Development. These Offices can be contacted at the following addresses; Office of Mental Retardation, 721 Government Street, Baton Rouge, LA 70802; Office of Mental Health and Substance Abuse, 655 North Fifth Street, Baton Rouge, LA 70802; Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802.

3. The application packet will be mailed or delivered within five working days of receipt of request.

4. The applications will be due into the appropriate program offices by the first working day in November.

5. If the service provider anticipates operating expenses to be reimbursed through the Title XIX (Medicaid) Program, a simultaneous application shall be made to the Department's Division of Health Planning and Development. This will place the provider in compliance with Section 1122 of the Social Security Act which provides for review of all new health care facilities which are reimbursed through Medicare, Medicaid, and Maternal and Child Health programs. Three copies of the application, along with a questionnaire enclosed in the application packet, shall go to the Division of Health Planning and Development. Policy and guidelines for Section 1122 are included in the application packet. The Division of Health Planning and Development will accept the same application form as the Community Residential Development Fund.

6. The evaluation process will include an on-site inspection for the proposed facility by the program office and the Office of Licensing and Regulation. The program offices will be responsible for evaluating the application and proposed budget. During the evaluation process, applicants may be called to review and negotiate the application and proposed budget by the appropriate program office.

7. Following the evaluation process, the program offices will prioritize the applications according to the stated criteria for evaluation. The prioritized applications will be forwarded to the Office of the Secretary of DHHR for final approval.

8. Applicants will be notified by the Office of the Secretary of DHHR as to the final decision by January 15.

9. The agreements will be signed and the funds obligated by January 31.

E. Criteria for Evaluating Applications:

The program offices of Mental Retardation, Mental Health and Substance Abuse, and Human Development will be responsible for the evaluation and prioritization of applications/proposals. Each Office shall review those applications/proposals for the client population they are legislatively charged to serve. The following criteria will be utilized in evaluating applications by each of the program offices:

1. The experience of the applicant with similar programs and populations;

2. Need for the program for the clientele/geographical area;

3. The adequacy of programmatic components and services to be offered;

4. The degree of coordination between the proposed program and the necessary support services;

5. Demonstration of understanding of the principles behind the development of community residential programs;

6. Documentation that the program is the least restrictive setting for the clients to be served (for example, substitute family care for infants would be a more appropriate least restrictive environment than a community home for infants);

7. The proposed site has been reviewed by the appropriate program office and the Office of Licensing and Regulation to assure that it is or can be brought into compliance with licensing and certification standards;

8. The facility (house, apartment, duplex, etc.) must fit into the neighborhood where it will be established. (Labels, signs, or other distinguishing features which could draw attention to the program and its clients are prohibited.);

9. The site is separated from the location of the day programs in which the clients engage;

10. The site is not within 1,000 feet of another facility serving handicapped persons or another congregate living setting;

11. Access to and from the site should be convenient for its residents, staff, and others;

12. The soundness, justifiability, and practicability of the applicant organizations' budget request;

13. Documented financial need based upon the submitted financial solvency statement;

14. Operational funds have been committed by DHHR or another appropriate source;

15. How the proposed facility would fit into DHHR's current program priorities (for example, the placement of Gary W. classmembers); and

16. The applicant's commitment to the project as evidenced through at least a 10 percent cash or real property or in kind match as well as the amount of funds requested under the Community Residential Development Fund.

F. Repayment Procedure:

1. Repayment of the loan shall commence upon completion of the first year of operation and shall be made in equal payments during each month thereafter for the next 60 months. Such payments are due by the last day of the month and are considered delinquent thereafter. Delinquent payments are subject to a monthly interest penalty computed in accord with the rate paid of the past previous sale of the U. S. Treasury Bills prior to but covering the same period of time as the delinquency. Loan payments that are delinquent by more than two months may cause the entire principal to be due and payable as outlined in Section F.2. of these Rules. The repayment checks should be made out to the Community Residential Development Fund. For purposes of rate setting, the Department of Health and Human Resources will allow costs met through the Community Residential Development Fund

to be considered as reimbursable costs.

2. If the service provider which has received a loan under this fund ceases to accept appropriate clients, provide adequate care and maintenance to clients, or files papers of bankruptcy, the remaining unpaid portion of the loan shall be due and payable within a one-year period from the date on which the Department has notified the provider that the program has ceased to provide care or that the provider has filed bankruptcy proceedings. In addition to the remaining unpaid portion of the loan, an interest penalty shall also be due and payable on that portion of the loan which has been repaid. The interest penalty shall be computed beginning with the month in which the loan was finalized. The rate shall be that of the last previous sale of U. S. Treasury Bills prior to but with the same length of maturity as the time over which the loan has been repaid. If repayment had taken place over a longer period of time than the maximum maturity date of U. S. Treasury Bills, the one year Bill rate shall be utilized. The amount of the principal and interest shall constitute a lien in favor of the state against all real and personal property of the organization. The lien shall be perfected by the appropriate officer of the department by executing and acknowledging a statement of the name of the organization and the amount due on the loan and a copy of the promissory note which shall be recorded by the department with the clerk of the district court in the parish where the organization is located. If the organization has filed a petition for bankruptcy, the department shall file and enforce the lien in the bankruptcy proceedings. Otherwise, the lien shall be enforced in a manner prescribed by law. All funds received by the department from the enforcement of this lien shall be deposited in the Community Residential Development Fund in the state treasury.

3. If the private, non-profit organization is unable to continue to provide the specified services due to the termination of their lease by the lessor or to natural disaster, they may be granted a period of grace of up to one year in order to reestablish their program. During this period of grace, the repayment formula as described in R.S. 46:2394 shall be suspended until such time as the program is reestablished. If after the maximum one-year grace period the organization is unable to reestablish the program, the defaulting provisions of this section, as outlined in R.S. 46:2395, will go into effect.

G. The Annual Statement:

The private, non-profit organizations receiving loans under this fund shall submit to the appropriate DHHR program offices an annual statement setting forth the residential services they have provided during the year together with such other information as the department shall require. Those requirements for each organization include:

1. An accounting of expenditures made during the year for both start-up and on-going operational expenses;
2. A listing of personnel connected with the program during that year of operation complete with resumes and job descriptions;
3. The number of clients served and the nature of their disabilities;
4. A listing of the types of day programs utilized by clients during the year (i.e., Day Developmental Training Services, Sheltered Workshops, Day Hospital, College, Competitive Employment, etc.);
5. A description of the coordination that occurred with other agencies and services in the community/area;
6. Identifying gaps in services in the organization's community for the client-type served;
7. Identifying problems encountered, if any, during the year (examples include such elements as zoning, neighborhood opposition, client difficulties with law enforcement, accessing existing resources, safety issues).

The annual statement (six in all for each organization) shall be submitted within 60 days upon completion of each year of service.

Roger P. Guissing
Secretary

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under the authority of the Environmental Affairs Act, L.R.S. 30:1066 (1) and (7) and 1084 B (1) and in accordance with the provisions in L.R.S. 49:951 et seq., the Louisiana Environmental Control Commission adopted revisions to the Louisiana Air Quality Regulations at the September 23, 1982 hearing. The revisions were forwarded and found acceptable by the Joint Committee on Natural Resources prior to adoption by the Commission.

The Commission adopted revisions to Sections 22.22.1 (A) and 22.22.2 (A) which state the test criteria to be followed by gas trucks and terminals. The revisions state the identical test criteria but remove the reference to Federal regulations and reference instead the Air Division Source Test Manual.

Revise Section 22.22.1 (A) of the Air Quality Regulations to read as follows:

A. Gasoline trucks and their vapor collection systems shall not sustain a pressure change of more than three inches of water (0.75 k Pa) in five minutes when pressurized to 18 inches of water (4.5 k Pa) or evacuated to six inches of water (1.5 k Pa) using the test procedure described in Method A of the Division's Source Test Manual.

Revise Section 22.22.2 (A) of the Air Quality Regulations to read as follows:

A. Loading and unloading operations at gasoline terminals shall not produce a reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters around the perimeter of a potential leak source as detected by a combustible gas detector using the test procedure described in Method B of the document referenced in Section 22.22.1 (A).

The Commission also established the Air Quality Division Source Test Manual, Methods A and B, which are actual test procedures based on the EPA guidance document Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems. These procedures will be incorporated into the Air Quality Regulations.

AIR QUALITY DIVISION SOURCE TEST MANUAL

METHOD A PRESSURE-VACUUM TEST PROCEDURES FOR LEAK TIGHTNESS OF TRUCK TANKS

1. PRINCIPLE

Pressure and vacuum are applied to the compartments of gasoline truck tanks and the change in pressure/vacuum is recorded after a specified period of time.

2. APPLICABILITY

This method is applicable to determining the leak tightness of gasoline truck tanks in use and equipped with vapor collection equipment.

3. DEFINITIONS

3.1 **Truck tank.** Any container, including associated pipes and fittings, that is used for the transport of gasoline.

3.2 **Compartment.** A liquid-tight division of a truck tank.

3.3 **Truck tank vapor collection equipment.** Any piping, hoses, and devices on the truck tank used to collect and route the gasoline vapors in the tank to the bulk terminal, bulk plant, or service station vapor control system.

4. APPARATUS

4.1 **Pressure source.** Pump or compressed gas cylinder of air or inert gas sufficient to pressurize the truck tank to 6250 pascals (25 inches H₂O) above atmospheric pressure.

4.2 **Regulator.** Low pressure regulator for controlling pressurization of the truck tank.

4.3 **Vacuum source.** Vacuum pump capable of evacuating the truck tank to 2500 pascals (10 inches H₂O) below atmospheric pressure.

4.4 **Manometer.** Liquid manometer, or equivalent, capable of measuring up to 6250 pascals (25 inches H₂O) gauge pressure with ± 25 pascals (± 0.1 inch H₂O) precision.

4.5 **Test cap for vapor recovery hose fittings.** This cap should have a tap for manometer connection and a fitting with shut-off valve for connection to the pressure/vacuum supply hose.

4.6 **Pressure/vacuum relief valves.** The test apparatus shall be equipped with an in-line pressure/vacuum relief valve set to activate at 7000 pascals (28 inches H₂O) above atmospheric pressure or 3000 pascals (12 inches H₂O) below atmospheric pressure, with a capacity equal to the pressurizing or evacuating pumps.

4.7 **Caps for liquid delivery line.**

4.8 **Pressure/Vacuum supply hose.**

5. PRETEST CONDITION

5.1 **Purging of vapor.** The truck tank shall be purged of gasoline vapors and tested empty. The tank may be purged by any safe method such as flushing with diesel fuel or heating fuel.

5.2 **Location.** The truck tank shall be tested where it will be protected from direct sunlight.

6. TEST PROCEDURE

6.1 The dome covers are to be opened and closed.

6.2 Connect static electrical ground connections to tank. Attach the delivery and vapor hoses, remove the delivery elbows, and plug the liquid delivery fittings.

6.3 Attach the test cap to the vapor recovery line of the truck tank.

6.4 Connect compartments of the tank internally to each other if possible. (If not possible, each compartment must be tested separately.)

6.5 Connect the pressure/vacuum supply hose and the pressure/vacuum relief valve to the shut-off valve. Attach the pressure source to the hose. Attach a manometer to the pressure tap.

6.6 Open the shut-off valve in the vapor recovery hose cap. Applying air pressure slowly, pressurize the tank, or alternatively the first compartment, to 4500 pascals (18 inches H₂O).

6.7 Close the shut-off valve and allow the pressure in the truck tank to stabilize, adjusting the pressure if necessary to maintain 4500 pascals (18 inches H₂O). When pressure stabilizes, record the time and initial pressure.

6.8 At the end of five minutes, record the time and final pressure.

6.9 Disconnect the pressure source from the pressure/vacuum supply hose, and slowly open the shut-off valve to bring the tank to atmospheric pressure.

6.10 Connect the vacuum source to the pressure/vacuum supply hose.

6.11 Slowly evacuate the tank, or alternatively the first compartment, to 1500 pascals (6 inches H₂O).

6.12 Close the shut-off valve and allow the pressure in the truck tank to stabilize, adjusting the pressure if necessary to main-

tain 1500 pascals (six inches H₂O) vacuum. When the pressure stabilizes, record the time and initial pressure.

6.13 At the end of five minutes, record the time and final pressure.

6.14 Repeat steps 6.5 through 6.13 for each compartment if they were not interconnected.

7. ALTERNATIVE TEST METHODS

Techniques, other than specified above, may be used for purging and pressurizing the truck tanks, if prior approval is obtained from the Assistant Secretary, with the Administrators' concurrence. Such approval will be based upon demonstrated equivalency with the above method.

METHOD B

GASOLINE VAPOR LEAK DETECTION PROCEDURE BY COMBUSTIBLE GAS DETECTOR

1. PRINCIPLE

A combustible gas detector is used to indicate any incidence of leakage from gasoline truck tanks and vapor control systems. This qualitative monitoring procedure is an enforcement tool to confirm the continuing existence of leak-tight conditions.

2. APPLICABILITY

This method is applicable to determining the leak-tightness of gasoline truck tanks during loading without taking the truck tank out of service. The method is applicable only if the vapor control system does not create back-pressure in excess of the pressure limits of the truck tank compliance leak test. For vapor control systems, this method is applicable to determining leak-tightness at any time.

3. DEFINITIONS

3.1 **Truck tank.** Any container, including associated pipes and fittings, that is used for the transport of gasoline.

3.2 **Truck tank vapor collection equipment.** Any piping, hoses, and devices on the truck tank used to collect and route the gasoline vapors in the tank to the bulk terminal, bulk plant, or service station vapor control system.

3.3 **Vapor control system.** Any piping, hoses, equipment, and devices at the bulk terminal, bulk plant, or service stations, which is used to collect, store, and/or process gasoline vapors.

4. APPARATUS AND SPECIFICATIONS

4.1 **Manometer.** Liquid manometer, or equivalent, capable of measuring up to 6250 pascals (25 inches H₂O) gauge pressure with ± 25 pascals (0.1 inch H₂O) precision.

4.2 **Combustible gas detector.** A portable hydrocarbon gas analyzer with associated sampling line and probe.

4.2.1 **Safety.** Certified as safe for operation in explosive atmospheres.

4.2.2 **Range.** Minimum range of 0-100 percent of the lower explosive limit (LEL) as propane.

4.2.3 **Probe diameter.** Sampling probe internal diameter of 0.625 cm (¼ inch).

4.2.4 **Probe length.** Probe sampling line of sufficient length for easy maneuverability during testing.

4.2.5 **Response time.** Response time for full-scale deflection of less than eight seconds for detector **with** sampling line and probe attached.

5. TEST PROCEDURE

5.1 **Pressure.** Place a pressure tap in the terminal, plant, or service station vapor control system, as close as possible to the connection with the truck tank. Record the pressure periodically during testing.

5.2 **Calibration.** Calibrate the combustible gas detector with 2.2 percent propane by volume in air for 100 percent LEL response.

5.3 **Monitoring procedure.** During loading or unload-

ing, check the periphery of all potential sources of leakage of the truck tank and of the terminal, plant, or service station vapor collection system with a combustible gas detector.

5.3.1 Probe distance. The probe inlet shall be 2.5 cm from the potential leak source.

5.3.2 Probe movement. Move the probe slowly (2.0 cm/second). If there is any meter deflection at a potential leak source, move the probe to locate the point of highest meter response.

5.3.3 Probe Position. As much as possible, the probe inlet shall be positioned in the path of (parallel to) the vapor flow from a leak.

5.3.4 Wind. Attempt as much as possible to block the wind from the area being monitored.

5.4 **Recording.** Record the highest detector reading and location for each incidence of leakage.

Persons requesting copies and/or further information concerning the revisions listed below may contact Gus Von Bodungen, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1206.

B. Jim Porter
Assistant Secretary

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under the authority of the Environmental Affairs Act, L.R.S. 30:1066 (1) and (7) and 1084 B (1) and in accordance with the provisions in L.R.S. 49:951 et seq., the Louisiana Environmental Control Commission adopted a revision to the Louisiana State Implementation Plan for Ozone Abatement at the September 23, 1982 hearing. Preceding final adoption of the revision by the Commission, it was forwarded and found acceptable by the Joint Committee on Natural Resources.

The revisions to Page 21A should read as follows:

The plan submitted between March and November 1979 and approved by the Environmental Protection Agency, projects attainment of the ozone standard by December 31, 1982. This is being accomplished without the additional hydrocarbon reductions resulting from the installation of secondary seals on volatile organic compound storage tanks with external floating roofs. Consequently, since the plan shows attainment by December 31, 1982 and the plan is approved, the Air Quality Division intends to allow the emissions abated by the use of secondary seals to be used in the growth allowance for the parish where reduction occurs.

Persons requesting copies and/or further information concerning the revision may contact Gus Von Bodungen, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1206.

B. Jim Porter
Assistant Secretary

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under the authority of the Environmental Affairs Act,

L.R.S. 30:1066 (1) and (7) and 1084 B (1) and in accordance with the provisions in L.R.S. 49:951 et seq., the Louisiana Environmental Control Commission adopted revisions to the Louisiana Air Quality Regulations at the August 26, 1982 hearing. Preceding final adoption of the revisions by the Commission, they were forwarded and found acceptable by the Joint Committee on Natural Resources.

The Commission adopted a revision to Section 6.10.2 which relaxes the reporting requirements for facilities on a compliance scheduled from semi-annual to annual.

The Commission also adopted a revision to Section 5.1 which refers to the booklet entitled "Rules of Procedure, Louisiana Environmental Control Commission." As these latest regulations supercede those in the Air Quality Regulations, Sections 5.2, 5.3 and 5.4 will be deleted.

Persons requesting copies and/or further information concerning the revisions listed below may contact Gus Von Bodungen, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1206.

LOUISIANA AIR QUALITY REGULATIONS REVISIONS

Revise Section 6.10.2 of the Air Quality Regulations to read as follows:

6.10.2 Any compliance schedule extending over 18 or more months from the date of its adoption shall provide for annual reports indicating increments of progress towards compliance with Commission regulations and standards.

Delete Sections 5.2, 5.3 and 5.4 of the current regulations.

Revise Section 5.1 to read as follows:

5.1 For details on meetings of the Commission, see the booklet entitled "Rules of Procedure, Louisiana Environmental Control Commission."

B. Jim Porter
Assistant Secretary

RULE

Department of Natural Resources Office of the Secretary Coastal Management Section

The Secretary hereby adopts the following Rule, in accordance with Louisiana Revised Statutes 49:951 et seq., the Administrative Procedure Act and Louisiana Revised Statutes 49:213.11 and 49:213.18 of the Louisiana Coastal Zone Management Act, and pursuant to Notice of Intent published in the March 20, 1982 issue of the *Louisiana Register*, and following public hearing and a meeting of the Coastal Commission held on April 19, 1982:

Appendix c1

Rules and Procedures for Coastal Use Permits
Part III. Permit Application, Issuance and Denial

H. Decisions on Permits

(2) If the staff of the permitting body recommends issuance of the permit, the permitting body will forward two copies of the proposed permit to the applicant. A letter of transmittal to the applicant shall include the recommendations to the Secretary and the anticipated date on which the application shall be presented to him for action. Unless good cause is then presented in support of changes to the permit and the conditions therein, the permit will be presented to the Secretary for action in such form.

Part IV. Stay of Activities Under Permits Pending Appeal

A. General

(1) A request to stay activities under the permit may be