TITLE 327 WATER POLLUTION CONTROL BOARD

FINDINGS AND DETERMINATION OF THE COMMISSIONER
PURSUANT TO IC 13-14-9-7 AND SECOND NOTICE OF COMMENT PERIOD
LSA Document #10-414

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING INCORPORATION BY REFERENCE OF CROSS CONNECTION CONTROL DOCUMENTS AND RELATED TECHNICAL CHANGES AT 327 IAC 8-10

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 327 IAC 8-10 to (1) incorporate by reference the "Manual of Cross Connection Control", Tenth Edition, published October 2009, from the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California (USC), (2) incorporate by reference the May 11, 2010, "List of Approved Backflow Prevention Assemblies", by the Foundation for Cross Connection Control and Hydraulic Research of USC, and (3) make related technical corrections for clarification and accuracy. The purpose of this notice is to seek public comment on the draft rule, including suggestions for specific language to be included in the rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

CITATIONS AFFECTED: 327 IAC 8-10.

AUTHORITY: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-4-1.

STATUTORY REQUIREMENTS

IC 13-14-9-7 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that the rulemaking policy alternatives available to IDEM are so limited that the notice of First Notice of Comment Period would provide no substantial benefit, IDEM may forgo this comment period and proceed directly to the Second Notice of Comment Period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by IC 13-14-9-7, the commissioner shall prepare written findings and include them in the Second Notice of Comment Period published in the Indiana Register. This document constitutes the commissioner's written findings under IC 13-14-9-7.

The statute provides for this shortened rulemaking process if the commissioner determines that "the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under (IC 13-14-9-3)... would provide no substantial benefit to:

(1) the environment; or

(2) persons to be regulated or otherwise affected by the proposed rule.".

BACKGROUND

The draft rule language amending 327 IAC 8-10 will serve a threefold purpose: (1) to incorporate by reference the "Manual of Cross Connection Control", Tenth Edition, published October 2009, from the Foundation for Cross Connection Control and Hydraulic Research, USC, (2) to incorporate by reference the May 11, 2010, "List of Approved Backflow Prevention Assemblies", by the Foundation for Cross Connection Control and Hydraulic Research of the USC, and (3) to make related corrections for clarification and accuracy within the rulemaking.

The reason for using the Section 7 process of the rulemaking is because this is not a new rule, and the purpose of this rulemaking is to incorporate by reference the most recent documents already in use by USC. These documents contain the guidelines set by USC to ensure that the cross connection control devices operate properly and ultimately protect the drinking water supply in Indiana.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

This rulemaking is not specifically mandated but is highly recommended by the Safe Drinking Water Act and the American Water Works Association.

Potential Fiscal Impact

The potential fiscal impact of this rule is negligible since this rule is already in existence and is merely updating references to documents used for backflow testing in Indiana. This rule also serves to clarify the requirements and therefore result in better compliance from the regulated community. By requiring testing only once a year will be a cost savings to the regulated community.

The roughly estimated cost of testing or repairing, or both, every six months for the Reduced Pressure Principle Zone (RPZ) backflow device is $150 for RPZ, 1 inch diameter; $300 for RPZ, 6 inch diameter; and $800

for RPZ, 10 inch diameter. Therefore, by requiring testing once a year the estimated cost savings per year for the regulated entities will be as follows:

RPZ, 1 inch in diameter = $150 savings per year, per entity
RPZ, 6 inches in diameter = $300 savings per year per entity
RPZ, 10 inches in diameter = $800 savings per year per entity

Indiana is one of the few, if not the only, state to require testing the above devices every six months. Also, the USC Foundation of Cross Connection Control and Hydraulic Research, which IDEM follows and has incorporated in 327 IAC 8-10, requires testing at a minimum of once a year.

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Kiran Verma, Rules Development Branch, Office of Legal Counsel at (317) 232-8899 or (800) 451-6021 (in Indiana).

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

www.in.gov/idem/ctap

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Alison Surface
IDEM Compliance and Technical Assistance Program - OPPTA
MC 60-04 IGCS W041
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8172 or (800) 988-7901
ctap@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Brad Baughn
IDEM Small Business Assistance Program Ombudsman
MC 50-01 IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-3386
bbaughn@idem.in.gov

FINDINGS

The commissioner of IDEM has prepared written findings regarding rulemaking on amendments to rules concerning incorporation by reference of cross connection control documents and related technical changes at 327 IAC 8-10. These findings are prepared under IC 13-14-9-7 and are as follows:

(1) The reason for using the Section 7 process of the rulemaking is because this is not a new rule, and the purpose of this rulemaking is to incorporate by reference the most recent documents already in use by USC. These documents contain the guidelines set by USC to ensure that the cross connection control devices operate properly and ultimately protect the drinking water supply in Indiana. Related technical corrections for clarification and accuracy are related to cross connection control device usage.

(2) I have determined that under the specific circumstances pertaining to this rule, the rulemaking policy alternatives are so limited that the public notice and comment period provided in the First Notice of Comment Period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.

(3) The draft rule is hereby incorporated into these findings.

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Thomas W. Easterly
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the rule. Mailed comments should be addressed to:

LSA Doc. #10-414 (Incorporation by Ref CCC docs and related changes)
Janet Pittman
Rules Development Branch

Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-46
Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-5970, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch, Office of Legal Counsel at (317) 232-8922.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by August 6, 2010.

Additional information regarding this action may be obtained from Kiran Verma, Rules Development Branch, Office of Legal Counsel, (317) 232-8899 or (800) 451-6027 (in Indiana). Technical information about this action may be obtained from Rick Miranda, Drinking Water Branch, (317) 234-7443 or (800) 451-6027 (in Indiana)

DRAFT RULE

SECTION 1. 327 IAC 8-10-1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-10-1 Definitions

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-4-1
Affected: IC 13-11-2; IC 13-13-5-1; IC 13-18-2

Sec. 1. In addition to the definitions ~~contained~~ in IC 13-11-2 and 327 IAC 1, the following definitions apply throughout this rule:

(1) "Air gap" means an unobstructed vertical distance through atmosphere between the:
(A) discharge end of a pipeline supplied from a public water supply; and ~~the~~
(B) overflow rim of the receiving portion of the customer water system.

(2) "Atmospheric vacuum breaker backsiphonage prevention assembly" means an assembly containing:
(A) an air inlet valve;
(B) a check valve seat; and
(C) an air inlet port.

~~(2)~~ **(3)** "Backflow" means the flow of water or contaminants into the public water supply distribution system from a source other than the public water supply.

~~(3)~~ **(4)** "Booster pump" means a pump installed on a pipeline to increase water pressure or flow.

~~(4)~~ **(5)** "Commissioner" means the commissioner of the Indiana department of environmental management, or the commissioner's authorized representative.

~~(5)~~ **(6)** "Cross connection" means any physical arrangement, including cross connection control devices not in working order, whereby a public water supply distribution system is directly connected, either continuously or intermittently, with any secondary source of supply, sewer, drain, conduit, pool, piping, storage reservoir, plumbing fixture, or other device ~~which~~ **that** contains, or may contain, and is capable of imparting to the public water supply, contaminants, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality.

~~(6)~~ **(7)** "Cross connection control device" means any device or assembly, approved by the commissioner for construction on or installation in water supply piping, ~~which~~ **that** is capable of preventing contaminants from entering the public water supply distribution system.

~~(7)~~ **(8)** "Cross connection control device inspector" means a person who has:
(A) successfully completed training in testing and inspection of cross connection control devices from a training provider approved by the commissioner;
(B) received a registration number from the commissioner; and
(C) not been notified by the commissioner that the registration number has been revoked in accordance with section 11(b) of this rule.

~~(8)~~ **(9)** "Cross connection hazard" means any customer facility ~~which,~~ **that,** because of the nature and extent of activities on the premises or the materials used in connection with the activities or stored on the premises, would present an immediate or potential danger or health hazard to customers of the public water supply

should backflow occur.
~~(9)~~ **(10)** "Customer" means any person who receives water from a public water supply.
~~(10)~~ **(11)** "Customer service line" means the pipeline from the public water supply to the:
(A) first tap, fixture, receptacle, or other point of customer water use; or
(B) secondary source of supply or pipeline branch in a building.
~~(11)~~ **(12)** "Customer water system" means all piping, fixtures, and appurtenances, including secondary sources of supply, used by a customer to convey water on his **or her** premises.
~~(12)~~ **(13)** "Double check valve assembly" means a device or assembly composed of two (2) tightly closing shutoff valves surrounding two (2) independently acting check valves, with four (4) test cocks, one (1) upstream of the four (4) valves and one (1) between each of the four (4) check and shutoff valves.
~~(13)~~ **(14)** "Downstream" means the direction of flow when only the public water supply is supplying water through the customer water system and backflow is not occurring.
~~(14)~~ **(15)** "Pressure vacuum breaker" means a device or assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the downstream side of the check valve for relieving a vacuum or partial vacuum in a pipeline.
~~(15)~~ **(16)** "Public water system" means a public water supply for the provision to the public of water for human consumption through pipes or other constructed conveyances, if ~~such~~ **the** system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year. The term includes any collection, treatment, storage, and distribution facilities under control of the operator of ~~such~~ **the** system, and used primarily in connection with ~~such~~ **the** system and any collection or pretreatment storage facilities not under ~~such~~ **the** control that are used primarily in connection with ~~such~~ **the** system.
~~(16)~~ **(17)** "Reduced pressure principle backflow preventer" means a device composed of two (2) tightly closing shutoff valves surrounding two (2) independently acting pressure reducing check valves that, in turn, surround an automatic pressure differential relief valve, and four (4) test cocks, one (1) upstream of the five (5) valves and one (1) between each of the four (4) check and shutoff valves. The check valves effectively divide the structure into three (3) chambers. Pressure is reduced in each downstream chamber allowing the pressure differential relief valve to vent the center chamber to atmosphere should either or both check valves malfunction.
~~(17)~~ **(18)** "Registration number" means a unique number assigned to a person by the commissioner demonstrating that the person:
(A) has fulfilled the education and examination requirements as described in section 11 of this rule; and
(B) is recognized by the state as a cross connection control device inspector.
~~(18)~~ **(19)** "Secondary source of supply" means any well, spring, cistern, lake, stream, or other water source, intake structure, pumps, piping, treatment units, tanks, and appurtenances used, either continuously or intermittently, to supply water other than from the public water supply to the customer, including tanks used to store water to be used only for firefighting, even though the water contained therein is supplied from the public water supply.
(20) "Spill resistant vacuum breaker" means an assembly containing an independently operating, internally loaded, check valve, and independently operating, loaded, air inlet valve, located on the discharge side of the check valve. The assembly is to be equipped with a properly located, resilient seated, test cock, a properly located, bleed or vent valve, and tightly closing, resilient seated shutoff valves, attached at each end of the assembly.
~~(19)~~ **(21)** "Supplier of water" means any person who owns or operates a public water supply.
~~(20)~~ **(22)** "Training provider" means an organization that conducts or presents a cross connection control device inspector course approved by the commissioner in conformance with section 12 of this rule.
~~(21)~~ **(23)** "Upstream" means the direction of flow opposite to downstream.

(Water Pollution Control Board; 327 IAC 8-10-1; filed Sep 24, 1987, 3:00 p.m.: 11 IR 714; filed Mar 31, 1999, 1:50 p.m.: 22 IR 2515; errata filed Aug 30, 1999, 12:06 p.m.: 23 IR 25; filed Mar 6, 2000, 7:56 a.m.: 23 IR 1629; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA)

SECTION 2. 327 IAC 8-10-5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-10-5 Secondary sources of supply; installation of air gaps or other devices

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-4-1
Affected: IC 13-11-2; IC 13-13-5-1; IC 13-18-2

Sec. 5. (a) Customers shall construct an air gap or install a reduced pressure principle backflow preventer or a double check valve assembly in accordance with section 7 of this rule on the customer service line to:

(1) tanks used only to store water from the public water supply for fire suppression that are constructed to maintain the bacteriological quality of the water, in compliance with 327 IAC 8-2; or

(2) secondary sources of supply that:

(A) use well water as the only private source of supply;

(B) are constructed to maintain the bacteriological quality of the water, in compliance with 327 IAC 8-2; and

(C) produce, without treatment, water meeting the drinking water quality standards enumerated in 327 IAC 8-2.

(b) Customers shall construct an air gap, or install a **double check valve assembly or** reduced pressure principle backflow preventer in accordance with section 7 of this rule ~~on the customer service line to or into a facility having a secondary source of supply of a type other than those enumerated in subsection (a), that is used only for fire suppression.~~ **for a fire sprinkler system, to prevent stagnant water from backflowing into the drinking water supply. Additionally, for a fire sprinkler system with a chemical additive, customers shall install a reduced pressure principle backflow preventer to prevent the chemical additive backflowing into the drinking water supply.**

(c) No secondary source of supply of a type other than those enumerated in subsections (a) and (b) shall be physically connected on the customer service line to or into the facility.

(Water Pollution Control Board; 327 IAC 8-10-5; filed Sep 24, 1987, 3:00 p.m.: 11 IR 716; filed Mar 31, 1999, 1:50 p.m.: 22 IR 2517; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA)

SECTION 3. 327 IAC 8-10-7 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-10-7 Construction and installation requirements for air gaps or other devices

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-4-1
Affected: IC 13-11-2; IC 13-13-5-1; IC 13-18-2; IC 22-13-2

Sec. 7. (a) The discharge pipe of an air gap shall terminate **a minimum of:**

(1) ~~a minimum of~~ two (2) pipe diameters of the discharge pipe or six (6) inches, whichever is ~~the lesser,~~ **less,** above the maximum recorded flood level or above the flood level rim of the receiving vessel, whichever is higher; or

(2) ~~a minimum of~~ three (3) pipe diameters of the discharge pipe or six (6) inches, whichever is ~~the lesser,~~ **less,** above the maximum recorded flood level or above the flood level rim of the receiving vessel, whichever is higher, where:

(A) a side wall, rib, or similar obstruction is spaced closer than three (3) diameters from the piping affecting the air gap; or

(B) two (2) intersecting walls are located closer than four (4) pipe diameters from the piping affecting the air gap.

(b) Only those models of double check valve assemblies, reduced pressure principle backflow preventers, and pressure vacuum breakers that have been listed by the **"List of Approved Backflow Prevention Assemblies", by the** Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California, ~~August, 27, 1997,~~ **May 11, 2010,** or those acceptable under the Indiana plumbing code ~~pursuant to~~ **under** the fire prevention and building safety commission rules at ~~675 IAC 16-1.2,~~ **675 IAC 16-1.3,** shall be installed.

(c) Reduced pressure principle backflow preventers shall be installed horizontally **or vertically as listed by the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California, May 11, 2010,** with:

(1) no plug or additional piping affixed to the pressure differential relief valve port; and

(2) the pressure differential relief valve port a minimum of twelve (12) inches above floor level.

Additionally, the device must be installed at a location where any leakage from the pressure differential relief valve port will be noticed, and that allows access to the valve for maintenance and testing from floor level, without use of a ladder or other similar temporary apparatus. ~~and that will not subject the device to flooding, excessive~~

~~heat, or freezing.~~ **The device must not be installed below ground grade level and that will not subject the device to flooding, excessive heat, or freezing.**

(d) All double check valve assemblies shall be installed at a location that allows access to the device for maintenance and testing from floor level, without use of a ladder or other similar temporary apparatus, and that will not subject the device to flooding, excessive heat, or freezing.

(e) Pressure vacuum breakers **and spill resistant vacuum breakers** shall be installed as near as possible to the irrigation facility, at a location that allows access to the device for maintenance and testing from floor or ground level, without use of a ladder or other similar temporary apparatus, and that will not subject the device to flooding, excessive heat, or freezing. Additionally, the device must be installed between two (2) tightly closing shutoff valves, with its center line or datum point a minimum of twelve (12) inches above:
(1) floor level;
(2) the highest downstream piping or shutoff valve; and
(3) the highest downstream overflow rim or discharge point.

(f) Atmospheric vacuum breaker backsiphonage prevention assembly shall be installed at a location that allows access to the device for maintenance and testing from floor or ground level, without use of a ladder or other similar apparatus, and that will not subject the device to flooding, excessive heat, or freezing. Additionally, the device must be installed as follows:
(1) A minimum of six (6) inches clearance above the overflow rim or downstream piping.
(2) Absolutely no means of shutoff on the discharge side of vacuum breaker.
(3) Shall not be under continuous pressure for more than twelve (12) hours in any twenty-four (24) hour period.

(Water Pollution Control Board; 327 IAC 8-10-7; filed Sep 24, 1987, 3:00 p.m.: 11 IR 717; filed Mar 31, 1999, 1:50 p.m.: 22 IR 2518; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA)

SECTION 4. 327 IAC 8-10-8 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-10-8 Inspection of devices; time limits

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-4-1
Affected: IC 13-11-2; IC 13-13-5-1; IC 13-18-2

Sec. 8. (a) The customer shall install and maintain in working order at all times any cross connection control device or booster pump control device required by this rule.

(b) To ensure that each cross connection control device required by this rule is in working order, the customer shall have each device inspected or tested by a cross connection control device inspector at the time of construction or installation, and at the following intervals, in the following manner:
(1) Air gaps shall be inspected at intervals not exceeding one (1) year to ensure that they continue to meet the requirements of section 7 of this rule.
(2) Reduced pressure principle backflow preventers shall be tested at intervals not exceeding ~~six (6) months~~ **one (1) year** to ensure that:
(A) both check valves are drip-tight under all pressure differentials; and
(B) the pressure differential relief valve will maintain pressure in the center chamber at least two (2) pounds per square inch below that of the inlet chamber.
(3) Double check valve assemblies shall be tested at intervals not exceeding one (1) year to ensure that both check valves are drip-tight under all pressure differentials.
(4) Pressure vacuum breakers **and spill resistant vacuum breakers** shall be tested at intervals not exceeding one (1) year to ensure that the air inlet opens fully when water pressure is at or below atmospheric pressure.
(5) Atmospheric vacuum breaker backsiphonage prevention assembly shall be inspected at intervals not exceeding one (1) year to ensure proper operation of the air inlet valve. Removal of canopy may be necessary to determine free movement of air inlet valve.

(c) The customer shall permit access to the customer's premises by the inspector, the customer's public water system, or the commissioner, at reasonable times, and upon presentation of identification, for inspection of the customer water system or testing of cross connection control devices installed in accordance with this rule.

(d) Those customers granted an exemption in accordance with section 4(e) of this rule shall report to the commissioner and to the supplier of water any proposed change in process, plumbing, or materials used or stored at the exempted facility at least fourteen (14) days prior to making the change. Failure to do so shall void the exemption.

(Water Pollution Control Board; 327 IAC 8-10-8; filed Sep 24, 1987, 3:00 p.m.: 11 IR 717; filed Mar 31, 1999, 1:50 p.m.: 22 IR 2518; errata filed Aug 30, 1999, 12:06 p.m.: 23 IR 25; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA)

SECTION 5. 327 IAC 8-10-9 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-10-9 Inspectors; reports of inspection or test

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-16-1; IC 13-18-3-1; IC 13-18-4-1
Affected: IC 13-11-2; IC 13-13-5-1; IC 13-18-2

Sec. 9. (a) All cross connection control device inspectors shall **do the following:**
(1) Be registered with the commissioner in accordance with section 11 of this rule. ~~and~~
(2) Submit reports of all inspections as required by subsection (b).
(3) Annually test and calibrate testing equipment for accuracy.
(4) Install an inspection tag upon completion of testing, calibration, or repair, of any cross connection control device. The inspection tag must have at least the following information:
(A) The name of the inspector.
(B) The date of the inspection.
(C) The registration number, model number, serial number, and size of the cross connection control device.
The inspection tag must be waterproof and protected against tampering.

(b) The inspector shall report to the public water system, the customer and, if requested, the commissioner, on a form provided by the commissioner, the results of inspections or tests conducted ~~pursuant to~~ **under** section 8(b) of this rule on **the following:**
(1) Air gaps.
(2) Reduced pressure principle backflow preventers.
(3) Double check valve assemblies. ~~and~~
(4) Pressure vacuum breakers.
Reports shall be submitted to the public water system and to the customer within thirty (30) days of the inspection or test.

(Water Pollution Control Board; 327 IAC 8-10-9; filed Sep 24, 1987, 3:00 p.m.: 11 IR 718; filed Mar 31, 1999, 1:50 p.m.: 22 IR 2519; errata filed Aug 30, 1999, 12:06 p.m.: 23 IR 25; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA)

SECTION 6. 327 IAC 8-10-11 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-10-11 Registration of inspectors; list of registered inspectors; list of approved devices

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-4-1
Affected: IC 4-21.5; IC 13-11-2; IC 13-13-5-1; IC 13-18-2; IC 13-18-11-8

Sec. 11. (a) Upon reviewing and finding the information certified by the training provider acceptable, the commissioner shall issue a registration number to each person whose training provider has certified that the applicant has met the following requirements of education and examination:
(1) The information supplied by the applicant must be reviewed and acceptable to the training provider.

(2) Each applicant must attend forty (40) hours of education and successfully complete a written and oral examination for cross connection device inspectors administered by a training provider.

(b) The commissioner may revoke the registration of any cross connection control inspector, following a hearing ~~pursuant to~~ **under** IC 4-21.5, when it is found that the inspector has violated any of the provisions set out in this rule or IC 13-18-11-8.

(c) The commissioner shall maintain a list entitled "Indiana Registered Cross Connection Control Device Inspectors, All Inspectors", ~~that~~ **which** is comprised of cross connection control device inspectors registered in Indiana.

(d) The commissioner shall maintain a list entitled "Indiana Registered Cross Connection Control Device Inspectors, Active Inspectors", ~~that~~ **which** is comprised of cross connection control device inspectors:
(1) that are registered in Indiana in accordance with subsection (a); and
(2) who have requested their inclusion on this list in writing to the commissioner during the previous two (2) years.

(e) The commissioner shall maintain a list entitled "List of Approved Backflow Prevention Assemblies, ~~August 27, 1997,~~ **May 11, 2010, by the** Foundation for Cross Connection Control and Hydraulic Research, University of Southern California", ~~that~~ **which** is comprised of a listing of cross connection control devices from the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California.

(f) The commissioner shall make the following lists as described in this section available to the public upon request:
(1) Indiana Registered Cross Connection Control Device Inspectors, All Inspectors.
(2) Indiana Registered Cross Connection Control Device Inspectors, Active Inspectors.
(3) List of Approved Backflow Prevention Assemblies, ~~August 27, 1997,~~ **May 11, 2010,** Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

(Water Pollution Control Board; 327 IAC 8-10-11; filed Sep 24, 1987, 3:00 p.m.: 11 IR 718; filed Mar 31, 1999, 1:50 p.m.: 22 IR 2519; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA)

SECTION 7. 327 IAC 8-10-12 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-10-12 Approval of an organization as a training provider of cross connection control device inspectors; record keeping

Authority: IC 13-13-5-1; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18
Affected: IC 4-21.5; IC 13-11-2; IC 13-18-11-8

Sec. 12. (a) The commissioner shall approve an organization as a training provider of cross connection control device inspectors if the training provider's proposed course meets the following requirements:
(1) The proposed course instruction and examination have a total duration of at least forty (40) hours.
(2) The proposed course deals with matters directly related to the cross connection control devices that include, but are not limited to, the following:
(A) Cross connection identification, degree of hazard, prevention, control devices, and practices.
(B) Backflow prevention assembly field test procedures and gage accuracy verification, ~~Section 9~~ from the "Manual of Cross Connection Control", ~~ninth~~ **Tenth** Edition, ~~1993, from~~ **published October 2009, by** the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.
(C) Cross connection control device inspection, repair, and maintenance.
(D) Content, intent, and related policy of this rule.
(E) Responsibilities of the customer, public water system, and cross connection control device inspector.
(3) Each instructor of the proposed course must be recognized by Indiana as a cross connection control device inspector and is qualified by academic work or practical experience directly related to cross connection control device inspection to teach the assigned subject.
(4) Includes both a written and oral examinations proctored by different instructors and meets the following requirements:

(A) A written examination ~~which~~ **that** tests the student's comprehension of the material discussed in subdivision (2).
(B) An oral examination ~~which~~ **that** tests the student's ability and competency to perform inspections, test procedures specified under subdivision (2)(B), and troubleshooting on cross connection control devices.
(5) The organization submits a written request to the commissioner for approval as a training provider of cross connection control device inspectors. The request shall contain the following:
(A) The:
(i) name, address, and telephone number of the organization;
(ii) name of the course;
(iii) specific topics on which there are to be presentations;
(iv) time devoted to each topic; and
(v) dates and locations where the course will be offered.
(B) All instructor's:
(i) names;
(ii) registration numbers;
(iii) educational backgrounds;
(iv) professional experiences; and
(v) current professional affiliations.
(C) Information to demonstrate fulfillment of the requirements of subdivision (2) to the satisfaction of the commissioner.
(D) A written class outline.

(b) The commissioner's approval of an organization as a training provider of cross connection control device inspectors shall be valid for a duration of five (5) years.

(c) All training providers must maintain records on **the following:**
(1) The date of all courses.
(2) The names of all individuals attending the course.
(3) The duration of the course.
(4) All instructor's names. ~~and~~
(5) The program content.
These records shall be maintained for five (5) years.

(d) Training providers must submit to the commissioner a record of individuals attending courses within thirty (30) days of the conclusion of the course. These records shall be maintained for a five (5) year period. The record shall contain the following:
(1) **The** name of **the** course.
(2) **The** name, address, and current phone number of **the** individual attending **the** course.
(3) **The** date of **the** course.
(4) Performance on the written and oral examinations required by subsection (a)(4).

(e) The commissioner may revoke the approval of a training provider, following a hearing ~~pursuant to~~ **under** IC 4-21.5, when it is found that the training provider has violated any of the provisions set out in the approval of the training provider's cross connection control device inspectors course, in this rule, or IC 13-18-11-8.

(Water Pollution Control Board; 327 IAC 8-10-12; filed Mar 31, 1999, 1:50 p.m.: 22 IR 2520; errata filed Aug 30, 1999, 12:06 p.m.: 23 IR 25; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA)

SECTION 8. 327 IAC 8-10-13 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-10-13 Incorporation by reference

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-4-1
Affected: IC 13-11-2; IC 13-13-5-1; IC 13-18-2

Sec. 13. (a) The following materials, including titles and names and addresses of where they may be located for inspection and copying, are incorporated by reference into this rule:

(1) "List of Approved Backflow Prevention Assemblies, ~~August 27, 1997,~~ **May 11, 2010, by the** Foundation for Cross Connection Control and Hydraulic Research, University of Southern California", Foundation for Cross Connection Control and Hydraulic Research, University of Southern California, Kaprielian Hall 200, Los Angeles, California 90089-2531 or from the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana 46204.

(2) Backflow Prevention Assembly Field Test Procedures and Gage Accuracy Verification, ~~Section 9~~ from the "Manual of Cross Connection Control", ~~ninth~~ **Tenth** Edition, ~~1993,~~ **published October 2009, by the** Foundation for Cross Connection Control and Hydraulic Research, University of Southern California, Kaprielian Hall 200, Los Angeles, California 90089-2531 or from the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana 46204.

(b) The technical standards presented in subsection (a) are continuously revised on a twenty-four (24) month cycle. The commissioner shall commence rulemaking efforts to update the documents incorporated by reference in this section.

(Water Pollution Control Board; 327 IAC 8-10-13; filed Mar 31, 1999, 1:50 p.m.: 22 IR 2521; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; errata filed Feb 6, 2006, 11:15 a.m.: 29 IR 1938; readopted filed Nov 21, 2007, 1:16 p.m.: 20071219-IR-327070553BFA)

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